ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Trade and Development Agency
Report No.: 18-03I Date: October 12, 2017

1.0 AGENCY DATA

**EMPLOYEES** (as reported in the most recent Annual Ethics Program Questionnaire)

| Number of full-time agency employees | 58 |
| Number of agency special Government employees | 0 |
| Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed | 1 |
| Number of non-PAS public financial disclosure reports required to be filed | 10 |
| Number of confidential financial disclosure reports required to be filed | 43 |

**ETHICS PROGRAM**

| Title of Designated Agency Ethics Official (DAEO) | Acting General Counsel |
| Grade level of DAEO | SES |
| Title of Alternate DAEO (ADAEO) | Assistant General Counsel |
| Grade level of ADAEO | GS-14 |
| Title of the primary, day-to-day ethics program administrator | Assistant General Counsel |
| Grade level of the primary, day-to-day ethics program administrator | GS-14 |
| Current number of full-time ethics officials | 0 |
| Current number of part-time ethics officials | 2 |
| Average full-time equivalent (FTE) value of a part-time ethics official(s) (For example, if part-time ethics officials at the agency generally devote 10 hours per week to ethics work, the average FTE value is 25%). | 25% |
| Number of reporting levels between the DAEO and the agency head | 1 |

**COMMENTS**

None

2.0 LEADERSHIP

**COMPLIANCE REQUIREMENT**

| Yes | No | N/A |
| OGE has received an up-to-date designation from the agency head naming the DAEO. See 5 C.F.R. § 2638.202(c). | ☒ | ☐ | ☐ |
| OGE has received an up-to-date designation from the agency head naming the ADAEO. See 5 C.F.R. § 2638.202(c). | ☒ | ☐ | ☐ |

**COMMENTS**

None

3.0 ETHICS AGREEMENTS

**COMPLIANCE REQUIREMENT**

| Yes | No | N/A |
| During the period under review, all PAS officials complied with their ethics agreements. See 5 C.F.R. § 2634.804. | ☒ | ☐ | ☐ |
| During the period under review, all PAS officials complied with their ethics agreements in a timely fashion. See 5 C.F.R. § 2634.804. | ☒ | ☐ | ☐ |
| During the period under review, the agency notified OGE of ethics agreement compliance in a timely fashion. See DO-09-015. | ☒ | ☐ | ☐ |
### ETHICS PROGRAM INSPECTION REPORT

<table>
<thead>
<tr>
<th>Agency: U.S. Trade and Development Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report No.: 18-03I</td>
</tr>
<tr>
<td>Date: October 12, 2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.4</th>
<th>For all officials currently in PAS positions, the agency maintains documentation of actions taken to comply with ethics agreements. See 5 C.F.R. § 2634.804.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5</td>
<td>For all officials currently in PAS positions, ethics agreements are maintained with their financial disclosure reports. See 5 C.F.R. § 2634.805.</td>
</tr>
</tbody>
</table>

**COMMENTS**

(3.1 – 3.3) During the period covered by the inspection, the U.S. Trade and Development Agency (USTDA) did not have any PAS officials required to comply with ethics agreements or any PAS officials required to notify OGE of their ethics agreement compliance. (3.4) At the time of the onsite visit, USTDA could not locate documentation of actions taken to comply with the ethics agreement for the official serving in a PAS position during the period covered by the inspection. During the course of the inspection, the ADAEO found the documentation in an executive file and transferred these documents to the ethics file for the official serving in a PAS position. Therefore, OGE is not issuing a recommendation for improvement. (3.5) At the time of the onsite visit, USTDA could not locate the ethics agreement for the official that served in a PAS position during the period covered by the inspection. During the course of the inspection, the ADAEO found the ethics agreement in an executive file and transferred the ethics agreement to the file with the financial disclosure reports for the official serving in the PAS position. Therefore, OGE is not issuing a recommendation for improvement.

### 4.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278, OGE Form 278-T)

<table>
<thead>
<tr>
<th>COMPLIANCE REQUIREMENT</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 The agency has written policies and procedures in place governing: See 5 U.S.C. app. IV, § 402(d)(1).</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4.1.1 Collection of public financial disclosure reports</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4.1.2 Review/evaluation of public financial disclosure reports</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4.1.3 Public availability of public financial disclosure reports</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4.2 The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4.3 Public financial disclosure reports are securely maintained. See OGE/GOVT-1.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4.4 Public financial disclosure reports are retained in accordance with the retention requirements. See 5 C.F.R. § 2634.603(g)(1).</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATA ANALYSIS</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5 Percentage of sampled non-PAS new entrant reports filed timely. See 5 C.F.R. § 2634.201(b).</td>
<td>100%</td>
</tr>
<tr>
<td>4.6 Percentage of sampled non-PAS annual reports filed timely. See 5 C.F.R. § 2634.201(a).</td>
<td>100%</td>
</tr>
<tr>
<td>4.7 Percentage of sampled non-PAS termination reports filed timely. See 5 C.F.R. § 2634.201(e).</td>
<td>100%</td>
</tr>
<tr>
<td>4.8 Percentage of sampled non-PAS public financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). See PA-11-04.</td>
<td>100%</td>
</tr>
<tr>
<td>4.9 Percentage of sampled PAS annual reports filed timely. See 5 C.F.R. § 2634.201(a).</td>
<td>100%</td>
</tr>
<tr>
<td>4.10 Percentage of sampled PAS termination reports filed timely. See 5 C.F.R. § 2634.201(e).</td>
<td>N/A</td>
</tr>
<tr>
<td>4.11 Percentage of sampled PAS annual and termination reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). See 5 C.F.R. § 2634.605(a).</td>
<td>100%</td>
</tr>
</tbody>
</table>

**COMMENTS**

(4.1.1) At the beginning of the inspection, USTDA’s written procedures did not fully address the collection of public financial disclosure reports. During the course of the inspection, USTDA updated its procedures fully addressing the collection of public reports. Therefore, OGE is not issuing a recommendation for improvement. (4.2) USTDA did not have any filers subject to the late filing fee during the period covered by the inspection. (4.10) USTDA did not have any PAS termination reports during the period covered by the inspection.
## 5.0 CONFIDENTIAL FINANCIAL DISCLOSURE

<table>
<thead>
<tr>
<th>COMPLIANCE REQUIREMENT</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 The agency has written policies and procedures in place governing: See 5 U.S.C app. IV, § 402(d)(1).</td>
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<tr>
<td>5.1.1 Collection of confidential financial disclosure reports</td>
<td></td>
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<tr>
<td>5.1.2 Review/evaluation of confidential financial disclosure reports</td>
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<tr>
<td>5.2 Confidential financial disclosure reports are securely maintained. See OGE/GOVT-2.</td>
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<tr>
<td>5.3 The agency’s OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. See 5 C.F.R. § 2634.905(a).</td>
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<tr>
<td>5.4 Confidential financial disclosure reports are retained in accordance with the retention requirements. See 5 C.F.R. § 2634.604.</td>
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</table>

### DATA ANALYSIS

| Percentage of sampled confidential new entrant reports filed timely. See 5 C.F.R. § 2634.903(b). | 92% |
| Percentage of sampled confidential annual reports filed timely. See 5 C.F.R. § 2634.903(a).    | 91% |
| Percentage of sampled confidential financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). See 5 C.F.R. §§ 2634.605(a), 2634.909(a). | 100% |

### COMMENTS

(5.3) USTDA does not have an alternative confidential financial disclosure system.
(5.4) During the onsite visit, OGE found confidential reports retained beyond the six-year retention requirement. The ADAEO immediately purged the confidential reports and developed a retention schedule in accordance with the requirements. Therefore, OGE is not issuing a recommendation for improvement.

## 6.0 INITIAL ETHICS ORIENTATION

<table>
<thead>
<tr>
<th>COMPLIANCE REQUIREMENT</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 All initial ethics orientation material contains: See 5 C.F.R. § 2638.703(a) and (b).</td>
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<td></td>
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<tr>
<td>6.1.1 Current contact information of relevant ethics official(s)</td>
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<td></td>
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<tr>
<td>6.1.2 Copy of the Standards of Ethical Conduct and any agency supplemental standards to keep or review, or Summaries of the Standards, any agency supplemental standards, and 14 Principles for employees to keep</td>
<td></td>
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<tr>
<td>6.2 The agency can demonstrate that it has an effective process to ensure that new employees receive initial ethics orientations. See 5 C.F.R. § 2638.703(c).</td>
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### DATA ANALYSIS

| Percentage of new agency employees who received initial ethics orientation within 90 days. See 5 C.F.R. § 2638.703. | 93% |

### COMMENTS

## 7.0 ANNUAL ETHICS TRAINING

<table>
<thead>
<tr>
<th>COMPLIANCE REQUIREMENT</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1 All annual ethics training material contains: See 5 C.F.R. § 2638.704(b).</td>
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</tbody>
</table>
## ETHICS PROGRAM INSPECTION REPORT

**Agency:** U.S. Trade and Development Agency  
**Report No.:** 18-03I  
**Date:** October 12, 2017  
**Period Covered by Review:** January 1, 2016 – December 31, 2016

### 7.1.1 Current contact information of relevant ethics official(s)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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### 7.1.2 Review of the criminal conflict of interest statutes

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<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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<tbody>
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### 7.1.3 Review of the Standards of Ethical Conduct

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<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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<tbody>
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### 7.1.4 Review of the 14 Principles

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<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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### 7.1.5 Review of any agency supplemental standards

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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### 7.2 The agency can demonstrate that it has an effective process to ensure that covered employees receive annual ethics training. See 5 C.F.R. § 2638.704(c) and 705(c).

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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### DATA ANALYSIS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.3 Public financial disclosure filers who completed annual ethics training. See 5 C.F.R. § 2638.704(a).</td>
<td>100 %</td>
</tr>
<tr>
<td>7.4 Confidential financial disclosure filers who completed annual ethics training. See 5 C.F.R. § 2638.705(a)(3).</td>
<td>100 %</td>
</tr>
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</table>

### COMMENTS

- (7.1.5) USTDA does not have any agency supplemental standards.

### 8.0 ETHICS ADVICE AND COUNSELING

#### COMPLIANCE REQUIREMENT

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1 Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations.</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

#### COMMENTS

None