



# Ethics Program Review

U.S. Department of the Interior

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The United States Office of Government Ethics (OGE) conducted a review of the United States Department of the Interior (DOI) ethics program from March through July 2020. The review primarily covered program activities for calendar year 2019. The following summarizes the results of the review.

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## Objectives, Scope and Methodology

**Objectives:** OGE provides overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest. The Ethics in Government Act gives OGE the authority to evaluate the effectiveness of executive agency ethics programs.<sup>1</sup> OGE uses this evaluation authority largely to conduct reviews of agency ethics programs. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

**Scope:** OGE examined the DOI Departmental Ethics Office’s (DEO) administration of the ethics program within the Office of the Secretary (OS) and the Office of the Solicitor (SOL) or OS/SOL, collectively. This administration includes managing the public and confidential financial disclosure systems, providing ethics training and counseling, ensuring required notices are sent to prospective employees and new supervisors, resolving conflicts of interest, and enforcing ethics-related restrictions.

OGE’s review focused primarily on ethics program activities that occurred in 2019. This general scope was expanded when necessary to provide context.

**Methodology:** OGE examined a variety of documents provided by DOI ethics officials, including DOI’s response to OGE’s Annual Agency Ethics Program Questionnaire for 2019, written procedures for administering the ethics program, samples of public and confidential financial disclosure reports filed in 2019, ethics training materials, and a sample of the ethics counseling provided to employees. In addition, OGE interviewed DOI officials including the

<sup>1</sup> See 5 U.S.C. app. § 402 and 5 C.F.R. part 2638.

DEO’s Acting Director, Acting Deputy Director for Ethics Law & Policy, and Deputy Director of Operations to follow up on issues identified during the review and discuss ethics program operations in further detail.

**OGE’s 2016 Ethics Program Review**

OGE last conducted a review of DOI’s ethics program in 2016. As a result of that review, OGE issued 14 recommendations for improvement. OGE conducted its first follow-up review in 2017 and closed eight of these recommendations as a result of that review. OGE conducted its second follow-up review in 2018 and closed three additional recommendations.

When OGE contacted DOI in early 2019 to schedule the third follow-up in order to evaluate the status of the three remaining open recommendations, ethics officials requested a meeting to discuss the status of the ethics program. During this meeting, DOI ethics officials acknowledged that the DOI ethics program had significant deficiencies, but also provided OGE with a detailed briefing on their comprehensive plan to reorganize the program to address the systemic and structural issues that had contributed to many of the deficiencies identified during OGE’s 2016 review. In light of DOI’s planned reorganization, OGE decided to postpone the review of DOI’s ethics program until 2020 to allow time for DOI to implement its plan.

The table below summarizes the recommendations stemming from the 2016 review and the dates on which OGE was able to close the recommendations. (The three recommendations that remained open from OGE’s 2016 review were evaluated and closed during the current review.)

	<b>Recommendation</b>	<b>Date Closed</b>
1	Update DOI’s financial disclosure written procedures to include guidance on the collection, review, evaluation, and public availability of periodic transaction reports.	September 2017
2	Improve filing timeliness of new entrant public financial disclosure reports.	July 2020
3	Improve filing timeliness of termination public financial disclosure reports.	August 2018
4	Improve filing timeliness of new entrant confidential financial disclosure reports.	July 2020
5	Develop and provide evidence of concrete measures taken to improve new entrant filing timeliness as a result of Departmental Ethics Office’s coordination with HR offices.	August 2018
6	If the DOI-specific conflict of interest prohibitions cited in the original request to OGE for a supplement are still a concern, ensure that the supplement to the confidential financial disclosure form, including the instruction on asset reporting thresholds, are provided to confidential report filers.	September 2017
7	Review the hard copy financial disclosure reports and destroy any reports that exceed the retention period that are not needed for an ongoing investigation.	September 2017

8	Include estimates of the number of employees expected to receive verbal and written annual ethics training in future annual ethics training plans.	September 2017
9	Provide annual ethics training to covered employees, as required by 5 C.F.R. §§ 2638.704 and 705.	August 2018
10	Correct the SGE designation process to ensure that all SGEs are properly identified.	September 2017
11	Ensure SGE financial disclosure reports are filed in a timely manner and properly maintained.	July 2020
12	Ensure SGE financial disclosure reports are certified in a timely manner.	September 2017
13	Ensure that ethics training is provided to all SGEs.	September 2017
14	Ensure that ethics training for SGEs meets the content requirements of 5 C.F.R. § 2638.704(b).	September 2017

## Program Administration

DOI's Designated Agency Ethics Official (DAEO) also serves as the Director of the DEO, which is located within the Office of the Solicitor. The DAEO is assisted by a Deputy Director of Ethics Law & Policy (DDELP), as well as a Deputy Director of Operations (DDOP). The DDELP also serves as the Alternate DAEO (ADAEO) and is responsible for the Policy & Compliance Branch, Financial Disclosure Branch, and Advice and Counseling Branch. The Deputy Director of Operations is responsible for the National Office & Bureau Program Branch, the Training, Education, and Communication Branch, and the Program Support Unit.

Subordinate to the Deputy Directors are two types of ethics officials: ethics specialists and attorney advisors. These ethics officials provide ethics services to OS/SOL employees. These services include providing advice and counseling, conducting training, reviewing and certifying financial disclosure reports, maintaining ethics-related records, and assisting in enforcement of ethics laws and regulations.

### Ethics Program Consolidation

Historically, the DEO provided direct ethics services to OS/SOL employees and all of DOI's political appointees, including Presidentially appointed, Senate-confirmed (PAS) officials. The DEO also managed the ethics program agency-wide through Bureau and Office officials who were appointed as Deputy Ethics Counselors (DEC). DECs were historically appointed as employees of the Bureau and Offices they served and some performed ethics responsibilities as a collateral duty in addition to the officials' primary non-ethics duties and responsibilities. DECs received direction from the DAEO, but as employees of the Bureaus and Offices they served, the DAEO was not part of their supervisory chain. According to DEO officials, this structure made it difficult to ensure that DECs were able to provide effective and accountable ethics program services within their respective Bureaus and Offices.

On August 14, 2019, the Secretary of the Interior issued Secretarial Order 3375, *Improving the Department of the Interior's Ethics Programs Through Consolidation*, which

consolidated 12 Bureau/Office ethics programs into the DEO under the supervision of the DAEO.<sup>2</sup> As a result of the consolidation, DOI immediately increased the number of full-time ethics officials from 21 in April 2018 to 55. As of July 2020, the DOI had 65 ethics officials within the newly consolidated DEO.<sup>3</sup> Moreover, as of July 2020, the DEO had 18 ethics officials dedicated solely to administering the ethics program for OS/SOL.

## Financial Disclosure

Title I of the Ethics in Government Act requires that agencies administer public and confidential financial disclosure systems. Financial disclosure serves to prevent, identify, and resolve conflicts of interest by providing for a systematic review of the financial interests of officers and employees. The financial disclosure process also offers an opportunity for ethics officials to provide ethics-related counseling to report filers.

### Financial Disclosure Written Procedures

Each executive branch agency must establish written procedures for collecting, reviewing, evaluating, and where applicable, making available to the public financial disclosure reports filed by the agency's officers and employees.<sup>4</sup> OGE examined DOI's written procedures and determined that they meet applicable requirements.

### Notices to the DAEO

Agency human resources offices play a vital role in ensuring the effective administration of the ethics program. Without necessary information about agency employees, ethics officials cannot successfully carry out their important work. Among other things, the lead human resources official is required to notify the DAEO of all appointments to positions that require incumbents to file public or confidential financial disclosure reports no later than 15 days after the appointment. The lead human resources official must also notify the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports no later than 15 days after termination.<sup>5</sup>

According to DOI, the DEO receives a biweekly report of appointments to and terminations from positions whose incumbents are required to file public financial disclosure reports from the Human Resource Team (HRT). In addition, each pay period, an automated report from the Chief Human Capital Officer (CHCO) provides the DEO with a report of all

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<sup>2</sup> These Bureaus/Offices consist of the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Bureau of Reclamation, U.S. Geological Survey, Bureau of Indian Affairs, Bureau of Indian Education, Office of the Special Trustee, Office of Natural Resources Revenue, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining, Reclamation and Enforcement. The ethics programs for National Indian Gaming Commission and the Office of the Inspector General operate under the general leadership of the DEO but were not part of the formal consolidation implemented by Secretarial Order 3375.

<sup>3</sup> In addition, the National Indian Gaming Commission and the Office of the Inspector General each have one ethics official who acts independently, but in coordination with the DEO.

<sup>4</sup> See 5 U.S.C. app. § 402(d)(1).

<sup>5</sup> See 5 C.F.R. § 2638.105(a)(1) and (2).

accessions, terminations, and transfers that occurred in the previous pay period, irrespective of filing status. The report from CHCO serves as a backup source of information.

A December 2019 letter from the CHCO to the DOI Human Resource Team and the DEO reminded human resources officials of the requirement to notify ethics officials of all appointments and terminations that would require the filing of a financial disclosure report within 15 days of the appointment or termination. The letter encourages human resources officials to support the ethics program by meeting these requirements as well as providing required notices to prospective employees and new supervisors. The DEO provided the OGE review team with samples of biweekly reports of accessions and separations. Based on OGE’s review of these reports, OGE determined that relevant requirements were being met.

### Public Financial Disclosure

Within 30 days of assuming a covered public filing position, an individual must file a public financial disclosure report.<sup>6</sup> The individual must subsequently file an annual report by May 15 each year and a termination report within 30 days of departing the public filing position.<sup>7</sup> The reports are required to be reviewed for potential conflicts of interest and certified within 60 days of receipt by the ethics office, unless additional information is being sought from the filer or remedial action is being taken.<sup>8</sup>

To evaluate the administration of the public financial disclosure system within OS/SOL, OGE examined a sample of 75 of the 196 public reports that were required to be filed in 2019. This sample included 25 new entrant, 25 annual, and 25 termination reports filed by non-PAS employees. Table 1 below presents the results of OGE’s examination.

**Table 1. OGE’s Examination of DOI OS/SOL Public Financial Disclosure Reports**

	New Entrant		Annual		Termination		Total	
<b>Reports Examined</b>	25		25		25		75	
<b>Filed Timely</b>	23	(92%)	25	(100%)	25	(100%)	73	(97%)
<b>Reviewed Timely</b>	25	(100%)	25	(100%)	25	(100%)	75	(100%)
<b>Certified Timely</b>	25	(100%)	23	(92%)	25	(100%)	73	(97%)

As indicated in Table 1 above, OGE found that almost all reports examined had been filed, reviewed, and certified timely.

<sup>6</sup> See 5 C.F.R. § 2634.201(b).

<sup>7</sup> See 5 C.F.R. § 2634.201(a) and (e).

<sup>8</sup> See 5 C.F.R. § 2634.605.

## Confidential Financial Disclosure

Within 30 days of assuming a covered confidential filing position, an individual must file a confidential financial disclosure report.<sup>9</sup> The individual must also subsequently file an annual report by February 15 each year.<sup>10</sup> The reports are required to be reviewed for potential conflicts of interest and certified within 60 days of receipt by the ethics office, unless additional information is being sought from the filer or remedial action is being taken.<sup>11</sup>

To evaluate the administration of DOI's confidential financial disclosure system within OS/SOL, OGE examined a sample of 25 new entrant and 25 annual confidential reports that were required to be filed in 2019. Table 2 below presents the results of OGE's examination.

**Table 2. OGE's Examination of DOI Confidential Financial Disclosure Reports**

	New Entrant		Annual		Total	
<b>Reports Examined</b>	25		25		50	
<b>Filed Timely</b>	25	(100%)	25	(100%)	50	(100%)
<b>Reviewed Timely</b>	25	(100%)	25	(100%)	50	(100%)
<b>Certified Timely</b>	25	(100%)	25	(100%)	50	(100%)

As indicated in Table 2 above, OGE found that all reports examined had been filed, reviewed, and certified timely.

## Education and Training

Each executive branch agency must carry out a government ethics education program to teach employees how to identify government ethics issues and obtain assistance in complying with government ethics laws and regulations. The training program is to include: briefings for certain PAS employees; notices for prospective employees and newly appointed supervisors regarding their ethics-related obligations; initial ethics training for new employees; and annual ethics training for public and confidential financial disclosure report filers and certain other employees.<sup>12</sup> An ethics education program is essential to raising awareness among employees about the ethics laws and rules that apply to them and the availability of agency ethics officials to provide ethics counseling.

### Ethics Briefing for Certain Agency Leaders

Certain PAS officials must complete an ethics briefing to discuss their immediate ethics obligations no later than 15 days after their appointment, unless the DAEO grants an extension.

<sup>9</sup> See 5 C.F.R. § 2634.903(b).

<sup>10</sup> See 5 C.F.R. § 2634.903(a).

<sup>11</sup> See 5 C.F.R. § 2634.605.

<sup>12</sup> See 5 C.F.R. Part 2638 Subpart C.

Any extension of more than 15 days requires the DAEO to make a written determination that extraordinary circumstances make it necessary to provide the briefing at a later date.<sup>13</sup>

In order to meet the ethics briefing requirements in 2019, the DEO provided individual live training to all new PAS employees. OGE found that all PAS employees required to receive the briefing received it within one day of their appointment date. OGE also reviewed the material covered in the briefings and determined that it met the applicable content requirements.

### **Notices to Prospective Employees**

Written offers of employment for positions covered by the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) must include: a statement regarding the agency's commitment to government ethics; notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes; information on how to obtain additional information on applicable ethics requirements; and, where applicable, notice of the time frame for completing initial ethics training and information regarding the filing of new entrant financial disclosure reports.<sup>14</sup>

Based on OGE's review of the procedures established by DOI to provide notices to prospective employees and a review of a sample of notices that were sent in 2019, OGE determined there was reasonable assurance that prospective DOI prospective employees consistently received the required information along with their written offers of employment during the period under review.

### **Notices to New Supervisors**

An agency must provide each employee upon initial appointment to a supervisory position with certain written materials within one year of appointment. The written materials must include: contact information for the agency's ethics office and the text of the regulation specifying the government ethics responsibilities of supervisors;<sup>15</sup> a copy of, a hyperlink to, or the address of a web site containing the Principles of Ethical Conduct; and such other information as the DAEO deems necessary for new supervisors.<sup>16</sup>

Based on OGE's review of the procedures established by DOI to provide notices to new supervisors and a review of a sample of notices that were sent in 2019, OGE determined there was reasonable assurance that new supervisors received the required information during the period under review.

### **Initial Ethics Training**

Each new employee subject to the Standards of Conduct must complete initial ethics training that meets the requirements of 5 C.F.R. § 2638.304 within three months of appointment,

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<sup>13</sup> See 5 C.F.R. § 2638.305.

<sup>14</sup> See 5 C.F.R. § 2638.303.

<sup>15</sup> See 5 C.F.R. § 2638.103.

<sup>16</sup> See 5 C.F.R. § 2638.306.

unless excluded by the DAEO. The training must be interactive and focus on government ethics laws and regulations that the DAEO deems appropriate. The training must address: financial conflicts of interest, impartiality, misuse of position, and gifts. In addition to the training presentation, the agency must provide the employee with either written copies of or written instructions for accessing: the summary of the Standards of Conduct distributed by OGE or an equivalent summary prepared by the agency; provisions of the agency's supplemental regulations or a summary thereof, as determined appropriate by the DAEO; and, instructions for contacting the agency's ethics office.<sup>17</sup>

The DEO provides initial ethics training for OS/SOL employees in both live and interactive formats. According to DOI officials, live in-person training presentations are conducted on the third Thursday of each month. Employees who cannot attend the live in-person training have access to interactive training via *DOI Talent*, the agency's training management and tracking system.

According to information provided by DOI, the Training, Education, and Communications Branch (TEC) within the DEO is responsible for ensuring new employees receive the required initial ethics training. The TEC receives an accessions report each pay period listing all employees who were appointed in the prior pay period. Using this report, the TEC notifies new employees of their IET training requirement and enters them into the IET tracker. The TEC uses the IET tracker to schedule classes for new employees, send reminders of the scheduled IET, and ensure all new employees receive IET within three months of their appointment.

OGE reviewed the materials the DEO used to provide initial ethics training both through live training and interactive training in 2019 and determined that the materials met applicable content requirements. OGE also reviewed training records and determined that the DEO provided training to over 99% of new employees within OS/SOL. However, only 74% received the training within three months of appointment. OGE also examined the IET tracking data for new employees who were appointed during the first six months of 2020 and found that all 125 new employees appointed during that period received IET within three months of their appointment. The DAEO noted that from 2019 to 2020, the DEO had improved its process for tracking the completion of IET.

### **Annual Ethics Training for Public Filers**

Generally, live training must be provided each calendar year to each employee whose pay is set at Level I or Level II of the Executive Schedule. Live training must also be provided to other employees who are required to file public financial disclosure reports pursuant to 5 C.F.R. § 2634.201(a) every other year, with interactive training provided in the intervening years. The training presentation, whether live or interactive, must focus on government ethics laws and regulations that the DAEO deems appropriate and must address financial conflicts of interest, impartiality, misuse of position, and gifts. In addition to the training presentation, the agency must provide the employee with either written copies of or written instructions for accessing: the summary of the Standards of Conduct distributed by OGE or an equivalent summary prepared by

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<sup>17</sup> See 5 C.F.R. § 2638.304.

the agency; provisions of the agency's supplemental regulations or a summary thereof, as determined appropriate by the DAEO; and, instructions for contacting the agency's ethics office.<sup>18</sup>

In 2019, DOI provided live or computer-based interactive annual training for DOI public filers. OGE determined that materials used in providing both versions of the training met applicable content requirements. Additionally, as noted in Table 3 below, all but one of the 162 public financial disclosure report filers within OS/SOL and all PAS officials throughout DOI received the required annual ethics training.

### **Annual Ethics Training for Confidential Filers**

Generally, interactive training is required to be provided each calendar year to employees who are required to file a confidential financial disclosure report pursuant to 5 C.F.R. § 2634.904; employees appointed by the President and employees of the Executive Office of the President; contracting officers described in 41 U.S.C. § 2101; and, other employees designated by the head of the agency. The training presentation must focus on government ethics laws and regulations that the DAEO deems appropriate and must address financial conflicts of interest, impartiality, misuse of position, and gifts. In addition to the training presentation, the agency must provide the employee with either written copies of or written instructions for accessing: the summary of the Standards of Conduct distributed by OGE or an equivalent summary prepared by the agency; provisions of the agency's supplemental regulations or a summary thereof, as determined appropriate by the DAEO; and, instructions for contacting the agency's ethics office.<sup>19</sup>

In 2019, according to DOI officials, confidential filers were required to receive annual training through an online interactive training module, a webinar class, or a live session. OGE reviewed the course material for each type of training and determined that, in all cases, it met applicable content requirements. As also noted in Table 3 below, all but one of the 697 confidential financial disclosure report filers for whom the DEO is responsible received the required annual ethics training.

Table 3 below reflects the number and percentage of public and confidential filers who completed annual ethics training in 2019 and the type of training completed.

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<sup>18</sup> See 5 C.F.R. § 2638.308.

<sup>19</sup> See 5 C.F.R. § 2638.307.

**Table 3. OGE’s Examination of Annual Ethics Training for Financial Disclosure Report Filers**

DATA ANALYSIS	Training Format		Total
	Live	Interactive	
Percentage of <b>public filers</b> who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.308(a).			
<ul style="list-style-type: none"> <li>Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).</li> </ul>	1 (100%)	-0-	1 (100%)
<ul style="list-style-type: none"> <li>Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).</li> </ul>	7(100%)	-0-	7(100%)
<ul style="list-style-type: none"> <li>SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).</li> </ul>	139 (90%)	14 (9%)	153 (99%)
<b>Total</b>			<b>161 (99%)</b>
Percentage of <b>confidential filers</b> and certain other employees who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.307(a)(d).			
<ul style="list-style-type: none"> <li>Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).</li> </ul>	558 (80%)	138 (20%)	<b>696 (100%)</b>

### Ethics Counseling

The DAEO, acting directly or through other officials, is responsible for providing advice and counseling to prospective and current employees regarding government ethics laws and regulations, and providing former employees with advice and counseling regarding post-employment restrictions applicable to them.<sup>20</sup> A robust ethics counseling program is necessary to ensure that employees receive the guidance they need to comply with the ethics rules.

OGE reviewed a sample of the ethics-related counseling that the DEO ethics officials provided to OS/SOL employees in 2019. The counseling addressed seeking employment, gifts, post-employment restrictions, conflicts of interests, and outside activities. OGE found the counseling to be consistent with applicable laws and regulations.

### Conflict Remedies

The primary criminal conflict of interest law prohibits an employee from participating in an official capacity in a particular matter in which he or she has a financial interest.<sup>21</sup> Congress included two provisions that permit an agency to issue a waiver of this prohibition in individual cases. Agencies must consult with OGE, where practicable, prior to issuing such a waiver. DOI did not grant any 18 U.S.C 208 waivers in 2019.

Additionally, the Ethics in Government Act expressly recognizes the need for PAS nominees to address actual or apparent conflicts of interest by requiring written notice of the

<sup>20</sup> *See* 5 C.F.R. § 2638.104 (c)(4).

<sup>21</sup> *See* 18 U.S.C. § 208.

specific actions to be taken in order to alleviate the conflict of interest.<sup>22</sup> This written notice is commonly known as an “ethics agreement.” All seven DOI PAS officials confirmed in 2019 provided timely certification to OGE that they had complied or will comply with all terms of their respective ethics agreements.<sup>23</sup>

**Enforcement**

Executive branch offices are required to notify OGE when they refer a potential violation of a conflict of interest law to the Department of Justice (DOJ).<sup>24</sup> DOI’s Office of the Inspector General (DOI OIG) sent eight such referrals to DOJ in 2019. DOI OIG notified OGE of all eight referrals and provided the required disposition updates. However, OGE did not receive notification of three of the eight referrals until 2020, several months after the referrals were sent to DOJ. OGE reminded DOI OIG to concurrently notify OGE when making a referral to DOJ involving a potential violation of the criminal conflict of interest statutes.

**Special Government Employees**

A special government employee (SGE) is an officer or employee of the executive or legislative branch retained, designated, appointed, or employed to perform official duties, full-time or intermittently, for not more than 130 days in any 365-day period. SGEs are required to file financial disclosure reports and receive ethics training.<sup>25</sup>

Three active boards/commissions with SGEs were managed by OS/SOL in 2019. A total of eight SGEs served on these boards/commissions and all were serving multi-year appointments. OGE examined confidential financial disclosure reports and training data for all eight of these SGEs serving on the Federal Subsistence Board (FSB), the Indian Arts and Crafts Board (IACB), and the Kansas-Oklahoma Arkansas River Commission (KOARC).

**Financial Disclosure**

Table 4 presents the results of OGE’s examination of SGE financial disclosure reports.

**Table 4. OGE Examination of SGE Financial Disclosure Reports**

	<b>FSB</b>	<b>IACB</b>	<b>KOARC</b>	<b>Total</b>
<b>Reports Examined</b>	3	3	2	8
<b>Filed Timely</b>	3 (100%)	3 (100%)	2 (100%)	8 (100%)
<b>Reviewed Timely</b>	3 (100%)	3 (100%)	2 (100%)	8 (100%)
<b>Certified Within 60 Days</b>	3 (100%)	3 (100%)	2 (100%)	8 (100%)

<sup>22</sup> See 5 U.S.C. app. § 110.

<sup>23</sup> One PAS official’s ethics agreement includes a provision acknowledging an arrangement for future payment that will not occur until June 2021. The official complied with all other terms of the ethics agreement timely.

<sup>24</sup> See 5 C.F.R. § 2638.206.

<sup>25</sup> See 18 U.S.C. § 202(a).

As indicated in Table 4 above, all confidential financial disclosure reports submitted by the eight SGEs were filed, reviewed, and certified timely.

### **Ethics Training**

There were no new SGE appointments in 2019 and two SGE members of the IACB ended their respective terms in September, 2019, and were not reappointed. Of the six remaining SGEs who were required to receive annual training in 2019, only four (66%) received it. However, the remaining two SGEs received annual training in 2020.

The DEO planned to improve the procedures to ensure SGEs receive required training timely and provided OGE a draft of proposed changes to procedures and workflow. However, there is currently not enough data available for OGE to assess the results of these changes. The DEO agreed to provide OGE data regarding the results of these improved procedures as soon as it becomes available.

### **Agency Comments**

The U.S. Department of the Interior (Department) appreciates the time and effort that OGE expended to review its ethics program and welcomed the opportunity to work with OGE and to provide information about the improvements to all areas of the Department's ethics program. In particular, we greatly appreciated OGE's willingness to meet in 2019 to discuss the in-process improvements to our ethics program, as well as the technical assistance OGE provided to support the Department's work to achieve an efficient, consistent, and accountable ethics program.

The ethics program improvements documented in this program review would not have been possible without the Department's unprecedented commitment of resources to improve the quality and consistency of ethics services provided to the Department's employees. Specifically, Secretary David Bernhardt supported the ethics program by increasing the total number of dedicated ethics officials over 250% since 2018 and by signing a Secretarial Order to realign the reporting structure for ethics personnel under the DAEO, which improved the professionalism and accountability of the ethics program.

Moving forward, we will remain committed to working to improve and maintain our ethics program services in order to effectively promote the highest ethical standards for our employees and ensure that the public has the utmost confidence in the integrity of the work of the Department. We look forward to continuing a productive and collaborative relationship with OGE.