

## ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: U.S. Department of Homeland Security HQ (DHS)

Follow-up to OGE Report Number: Report No. 18-46

Report No.: 20-05F

Date: March 4, 2020

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**

  
Preventing Conflicts of Interest  
in the Executive Branch

As a result of its review of the U.S. Department of Homeland Security HQ ethics program, the Office of Government Ethics (OGE) issued six recommendations in its September 2018 review report. OGE conducted a follow-up review to assess whether the DHS has taken sufficient action to resolve the deficiencies underlying these recommendations. The results of the follow-up review are summarized below.

	<b>Recommendation</b>	<b>Agency Action and OGE Finding</b>	<b>Status</b>
1	Ensure that new entrant public financial disclosure reports are filed timely.	<p>The Ethics Law Division (ELD) worked closely with the Office of the Chief Human Capital Officer (OCHCO) to update existing practice and implement updated policy to ensure ethics officials are timely notified when someone enters a covered position. ELD also met with OCHCO and Human Resources liaisons, as well as ethics program points of contact, in 2018 and 2019 to reinforce how important notification requirements are. ELD also provides feedback to OCHCO when notification is not received to help identify and resolve systemic weaknesses.</p> <p>OGE reviewed a sample of new entrant public reports filed in 2019 and found that 83% of the reports examined were filed timely.</p>	Closed
2	Ensure that public financial disclosure reports are certified within 60 days of receipt, unless further information is being sought from a filer.	<p>ELD implemented mandatory internal financial disclosure requirements to record and track completion of initial reviews and appropriate follow up for any delay in response, as well as the quality of the reviews. ELD believes that while this may not increase the number of reports certified within 60 days of receipt, this will improve the substantive quality of the reviews, and ensure compliance with 5 C.F.R. §2634.605.</p> <p>OGE reviewed a sample of public reports filed in 2019 and found that only 34% of the reports examined were certified within 60 days.</p>	Open

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3	<p>Ensure that confidential financial disclosure reports are certified within 60 days of receipt, unless further information is being sought from a filer.</p>	<p>ELD implemented mandatory internal financial disclosure requirements to record and track completion of initial reviews and appropriate follow-up for any delay in response, as well as the quality of the reviews. ELD believes that, while this may not increase the number of reports certified within 60 days of receipt, it will improve the substantive quality of the reviews, and ensure compliance with 5 C.F.R. §2634.605.</p> <p>OGE reviewed a sample of confidential reports filed in 2019 and found that 69% of the reports were certified within 60 days of receipt.</p>	Open
4	<p>Ensure that live or interactive training is provided to all confidential filers.</p>	<p>Except for the acquisition workforce interactive training module, ELD provided live training to both public and confidential financial disclosure filers in 2018.</p> <p>Additionally, ELD is working on developing appropriate interactive training as an alternative for confidential financial disclosure filers.</p> <p>OGE reviewed the training records of the employees in its sample of confidential annual reports and found that all required employees received interactive training in 2018. Furthermore, 60% of these filers received live training.</p>	Closed
5	<p>Provide written materials to all confidential filers.</p>	<p>ELD ensures that confidential filers/attendees at ethics training sessions receive written materials – minimally in the form of a summary of the relevant rules, in addition to any training slides or other relevant materials.</p> <p>OGE reviewed a sample of the written materials given to employees in 2018 as part of annual ethics training and found that the materials met applicable requirements.</p>	Closed

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6	Ensure that confidential financial disclosure reports required from all SGE advisory committee members are filed.	<p>ELD participated in Designated Federal Officer (DFO) meetings and correspondence to reinforce the requirement that Federal Advisory Committee Act (FACA) members may not participate in deliberations or other FACA activities, except matters open to the public, unless or until they have a current OGE Form 450 that has been certified. All attorneys responsible for ethics guidance for FACAs were instructed to ensure reports were on file and to verify DFO compliance. ELD is also institutionalizing this requirement by coordinating with the Committee Management Office to include appropriate materials and standard language appointment packages and committee charters.</p> <p>OGE reviewed the confidential financial disclosure reports for the 19 Homeland Security Advisory Council members who attended the first committee meeting in 2019. OGE found that all but one member filed their confidential reports timely.</p>	Closed
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Based on the results of OGE’s follow-up review, recommendations 1 and 4-6 are closed. OGE will conduct an additional follow-up review in approximately one year to assess whether DHS has taken sufficient action to resolve the deficiencies underlying the recommendations which remain open.