2015 Explanatory Notes Office of Ethics

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Purpose Statement

The Ethics in Government Act, 5 U.S.C. App 401 (the Act), established the ethics compliance requirements and infrastructure applicable throughout the Executive Branch. Under regulations implementing the Act, the head of each Executive Branch department or agency must exercise personal leadership in establishing, maintaining, and carrying out the agency's ethics program and make available sufficient resources to ensure the agency's ethics program can be implemented effectively (5 C.F.R. 2638.202). The Office of Ethics (OE) is the centralized and consolidated office implementing USDA's ethics program throughout the Department. As such, OE provides ethics services to the Secretary of Agriculture and employees at all levels of USDA concerning advice, training, and guidance about compliance with conflict of interest and impartiality rules. The mission of OE is to provide ethics services necessary to support all employees of USDA. This includes complying with the requirements of the Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (2012) (The STOCK Act), and Office of Government Ethics regulatory requirements (at 5 C.F.R. Parts 2634 through 2641). In 2012, the Secretary of Agriculture ordered the realignment of OE from the Office of Human Resources Management (OHRM), an office under Departmental Management, to the Office of the General Counsel (Secretary's Memorandum 1076-001, dated June 26, 2012). This realignment supported the Executive Branch's "best practice" of housing the ethics function within each Cabinet-level Department's legal offices.

As of September 30, 2013, OE had 24 full-time employees, of which one is located in the field, and 23 are located in Washington, DC.

OE did not have any Office of Inspector General or Government Accountability Office evaluation reports during the past year.

Item	2012 Ac	tual a/	2013 A	ctual	2014 Est	<u>timate</u>	2015 Est	timate
item	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Salaries and Expenses:								
Discretionary Appropriations	-	-	\$3,405	23	\$3,440	24	\$3,867	27
Sequestration	-	-	-93	-	-	-	-	-
Rescission	-	-	-171	-	-	-	-	-
Total Available	-	-	3,141	23	3,440	24	3,867	27
Lapsing Balances	-	-	-2	-	-	-	-	-
Obligations	-	-	3,139	23	3,440	24	3,867	27
Obligations under other USDA appropria	tions:							
OCIO Reimbursement	-	-	115	1	116	1	116	1
OCFO Reimbursement	-	-	115	1	116	1	116	1
Total, Agriculture Appropriations	-	-	230	2	232	2	232	2
Total OE	-	-	3,369	25	3,672	26	4,099	29

Available Funds and Staff Years (SYs) (Dollars in thousands)

<u>a/</u> Funded within Departmental Administration.

Item	20	12 Actua	<u>ıl a/</u>	2	2013 Actual			14 Estim	<u>ate</u>	20	15 Estim	<u>ate</u>
	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total
SES	-	-	-	1	-	1	1	-	1	1	-	1
GS-15	-	-	-	1	-	1	2	-	2	2	-	2
GS-14	-	-	-	5	1	6	5	1	6	7	1	8
GS-13	-	-	-	7	-	7	6	-	6	6	-	6
GS-12	-	-	-	7	-	7	8	-	8	8	-	8
GS-11	-	-	-	1	-	1	-	-	-	1	-	1
GS-9	-	-	-	1	-	1	1	-	1	1	-	1
Total Perm.												
Positions	-	-	-	23	1	24	23	1	24	26	1	27
Unfilled, EOY	-	-	-	-	-	-	-	-	-	-	-	-
Total, Perm. Full-Time Employment,												
EOY		-	-	23	1	24	23	1	24	26	1	27
Staff Year Est	-	-	-	23	1	24	23	1	24	26	1	27

Permanent Positions by Grade and Staff Year Summary

<u>a/</u> Included within Departmental Administration.

The estimates include appropriation language for this item as follows (new language underscored; deleted matter enclosed in brackets):

Salaries and Expenses:

For necessary expenses of the Office of Ethics, [\$3,440,000] <u>\$3,867,000</u>.

Lead-Off Tabular Statement Current Law

Budget Estimate, 2015	\$3,867,000
2014 Enacted	3,440,000
Change in Appropriation	

Summary of Increases and Decreases (Dollars in thousands)

Program	2012	2013	2014	2015	2015
	Actual	Change	Change	Change	Estimate
Discretionary Appropriations: Office of Ethics	<u>a/</u>	+\$3,141	+\$299	+\$427	\$3,867

a/ Funded within Departmental Administration.

Project Statement Appropriations Detail and Staff Years (SYs) (Dollars in thousands)

Program	2012 Act	2012 Actual a/		2013 Actual		2014 Estimate		Dec.	2015 Estimate	
Tiogram	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Discretionary Appropriations:										
Ethics Services		-	\$3,405	23	\$3,440	24	+\$427	+3	\$3,867	27
Total Appropriation	-	-	3,405	23	3,440	24	+427	+3	3,867	27
Rescission	-	-	-93	-	-	-	-	-	-	-
Sequestration		-	-171	-	_	-	_	-	_	_
Total Available	-	-	3,141	23	3,440	24	+427	+3	3,867	27
Lapsing Balances	_	-	-2	-	-	-	-	-	-	_
Total Obligations	-	-	3,139	23	3,440	24	+427	+3	3,867	27

<u>a/</u> Included within Departmental Administration.

Project Statement Obligations Detail and Staff Years (SYs) (Dollars in thousands)

Program	2012 Act	2012 Actual a/		2013 Actual		2014 Estimate		Inc. or Dec.		imate
	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Discretionary Obligations:										
Ethics Services	-	-	\$3,139	23	\$3,440	24	+\$427	+3	\$3,867	27
Total Obligations	-	-	3,139	23	3,440	24	+427	+3	3,867	27
Lapsing Balance			2							
Total Available	-	-	3,141	23	3,440	24	+427	+3	3,867	27
Rescission	-	-	93	-	-	-	-	-	-	-
Sequestration		-	171	-	-	-	-	-	-	-
Total Appropriation	-	-	3,405	23	3,440	24	+427	+3	3,867	27

a/ Included within Departmental Administration.

Justification

Base funds will allow the Office of Ethics (OE) to continue to provide basic ethics program oversight, execution, and information to the Secretary and other senior policy officials to support the Department's compliance with ethics laws and regulations. Additionally, base funds are necessary to allow the Office of Ethics to serve the key functions of conducting financial disclosure reviews, ethics training, and providing guidance to all employees of the Department. The funding change is requested for the following item:

(1) <u>A net increase of \$427,000 for the Office of Ethics (\$3,440,000 and 24 staff years available in 2014)</u>:

a. <u>An increase of \$416,000 and 3 staff years to provide essential ethics support.</u>

The USDA ethics program has been able to maintain the basic ethics program of USDA. However, over the years, incremental funding cuts have led to one of the smallest ethics programs for large Agencies in the Federal Government. The three employees who can be hired using these funds will greatly augment the program and its ability to train and advise USDA employees, in order to avoid inadvertent ethics lapses.

b. <u>An increase of \$39,000 for pay costs (\$10,000 for annualization of the 2014 pay increase and \$29,000 for the 2015 pay increase</u>).

This proposed funding level is needed to cover pay and benefit cost increases for existing staff. This will ensure adequate resources are available to continue providing advice to Department officials and other employees on ethics issues, to review financial disclosure reports, and provide required ethics training.

c. <u>A decrease of \$28,000 for savings and increased efficiency.</u>

Savings and increased efficiency will include continuing strict controls on travel; increased use of distance learning through the USDA e-learning system (AgLearn), and the USDA Office of Ethics web site; and continued use of electronic filing for USDA personnel, which saves OE supplies, delivery costs, physical filing locations, and equipment. Finally, replacement of computer work stations with laptops in 2013 will avoid the necessity of replacing OE's shared training laptops.

<u>Geographic Breakdown of Obligations and Staff Years</u> (Dollars in thousands and Staff Years (SYs))

State/Territory	2012 Act	2012 Actual a/		2013 Actual		2014 Estimate		imate
State/Ternfory	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
District of Columbia	-	-	\$3,139	23	\$3,267	23	\$3,674	26
Oregon	-	-	-	-	173	1	193	1
Obligations	-	-	3,139	23	3,440	24	3,867	27
Total, Available	-	-	3,141	23	3,440	24	3,867	27

a/ Included within Departmental Administration.

Classification by Objects (Dollars in thousands)

		2012	2013	2014	2015
		Actual a/	Actual	<u>Estimate</u>	Estimate
Personn	el Compensation:				
Wash	ington D.C	-	\$2,234	\$2,218	\$2,538
Field.	·····	-	-	97	98
11	Total personnel compensation	-	2,234	2,315	2,636
12	Personal benefits	-	609	772	896
13.0	Benefits for former personnel	-	14	63	35
	Total, personnel comp. and benefits.	-	2,857	3,150	3,567
Other O	bjects:				
23.3	Communications and misc. charges	-	13	14	16
24.0	Printing and reproduction	-	26	27	29
25.3	Other purchases of goods and services				
	from Federal sources	-	200	225	227
26.0	Supplies and materials	-	16	19	21
31.0	Equipment	-	29	5	7
	Total, Other Objects	-	284	290	300
99.9	Total, new obligations		3,141	3,440	3,867
	_				
Position					
	ge Salary (dollars), ES Position	-	\$175,120	\$176,433	\$176,871
	ge Salary (dollars), GS Position	-	\$98,000	\$98,735	\$98,980
Avera	ge Grade, GS Position	-	13.4	13.4	13.5

a/ Included within Departmental Administration.

STATUS OF PROGRAM

Current Activities

The USDA Office of Ethics (OE) completed its realignment from the Office of Human Resources Management to the General Counsel in 2012. During 2013, the Office of Ethics continued implementation of the new statutory notification, disclosure, transparency, and reporting requirements mandated by the Stop Trading on Congressional Knowledge Act (the "STOCK Act"). Although the STOCK Act's requirement to post public financial disclosure reports on the Internet was repealed, considerable work remained to notify USDA's senior employees of changing rules and continue implementing the new reporting systems, requiring senior officials to provide for OE review: (1) new periodic reports of employees' securities transactions and (2) additional notifications to the Ethics Office for officials commencing negotiations for post-government employment. For the first time, 99% of USDA employees who were required take annual ethics training timely completed that requirement.

Additionally, OE completed its third successful year of electronic filing for USDA's nearly 700 public financial disclosure statements (OGE-278) and successfully launched, USDA-wide, electronic filing of the Department's 15,000 confidential financial disclosure reports (OGE-450). OE was also heavily involved in the Department's Scientific Integrity initiatives. OE advised the Scientific Integrity Working Group and also worked to implement a new Government Ethics Regulatory Exemption, which allows Federal employees to serve on non-profit boards in an official capacity, when approved by their agency.

The Office of Ethics serves the entire Department and all component agencies. OE is organized into an Office of the Director and four branches: the Farm, Conservation, and Rural Programs Branch; the Science Ethics Branch; the Marketing, Regulatory, and Nutrition Branch; and the Forestry Ethics Branch.

Selected Examples of Recent Progress:

OFFICE OF THE DIRECTOR

The Office of the Director coordinates ethics services throughout the Department of Agriculture and manages the ethics programs for the Office of the Secretary, Staff Offices, Departmental Management, Foreign Agricultural Service, and Risk Management Agency.

Both scientific integrity and service by government officials on outside non-profit boards were in the spotlight for 2013. The Office of Ethics provided a representative to the USDA Scientific Integrity Committee and worked to implement new procedures to obtain approval for outside service in an official capacity.

For operational support, the Office of the Director reviewed more than 650 new entrant, annual, and termination public financial disclosure reports and prepared for placing the forms online, as required by the STOCK Act. The OE Office of the Director also reviewed more than 1,000 confidential financial disclosure reports for its assigned Agencies. The Office of the Director also provided more than 100 training sessions to USDA political appointees and senior officials on ethics, including STOCK Act and post-Government employment) and the political activity rules (the "Hatch Act"). The Office of the Director also distributed more than 100 different one-page "Ethics in Brief" (short synopses of topical ethics rules). OE's Senior Ethics Specialists provided advice and guidance to USDA's senior leadership and agency heads and responded to a daily stream of ethics questions to ensure officials knew and understood their ethics obligations. Additionally, the Office of the Director provides guidance on the ethics rules to investigators within USDA's Office of Inspector General.

The Office of Ethics worked closely with the U.S. Office of Government Ethics in co-hosting the first-ever Ethics in Government Symposium on August 21, 2013 at the USDA Jefferson Auditorium, in which more than 250 ethics officials from 59 Federal Agencies participated. This was OGE's first training on the ethics implications of the Supreme Court decision on the Defense of Marriage Act (<u>United States v. Windsor</u>). In addition to planning and

organizing logistics, USDA's Designated Agency Ethics Official spoke to the audience about using communication strategies to promote a strong culture of ethical compliance.

The Office of the Director also coordinated and provided timely advice on USDA's charitable programs with Departmental-wide scope, such as the Combined Federal Campaign and the Feds Feed Families Campaign.

FARM, CONSERVATION, AND RURAL PROGRAMS BRANCH

The Farm, Conservation and Rural Program Branch (OE-Farm) provides ethics services to USDA's three field organizations: Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS), and Rural Development (RD). The branch handles about half of USDA's Confidential Financial Disclosure Reports (OGE-450). In 2013, the branch reviewed and certified 6,594 of these reports. OE-Farm also reviewed and processed more than 175 outside employment/activity requests and answered requests for ethics advice. The branch presented 42 ethics training sessions to agency personnel.

SCIENCE ETHICS BRANCH

Science is a key component to the overall mission of USDA. The Science Ethics Branch (SEB) provides ethics guidance to approximately 16,000 employees of the Agricultural Research Service (ARS), Economic Research Service (ERS), Forest Service (Research and Development), National Institute of Food and Agriculture (NIFA), and NRCS (Soil Survey and Resource Assessment and Science and Technology). Science is collaborative in nature, routinely presenting complex ethics issues involving relationships with universities, stakeholders and private industry. These partnerships are designed to augment research programs, expedite research results to the private sector, exchange knowledge and new technology, and stimulate business and economic development. Often, in this environment, the lines between public and private interests become blurred.

The SEB received 3,291 outside/official duty requests for review and in-depth analysis. The Branch researched and prepared more than 2,900 written and oral advisories to resolve critical, sensitive ethics issues in a timely manner. During the 2013 financial disclosure campaign, the SEB assisted in conducting reviews of all Forest Service, Research and Development, positions designated for financial disclosure. A total of 1,500 financial disclosure reports were requested, all were received, and 80% were certified within OGE guidelines. In addition, the Branch received 4,503 SEB-102's, Conflict of Interest Certifications, 90% were received within 30 days of designation. Finally, the SEB reviewed all Cooperative Research and Development Agreements (CRADAs) for the Agricultural Research Service to ensure no conflicts of interest.

MARKETING, REGULATORY, AND NUTRITION BRANCH

The Marketing, Regulatory, and Nutrition Branch (MRNB) serves almost 20,000 USDA employees. The branch responds to hundreds of written and verbal requests for conflict of interest determinations on various ethics topics such as: gifts from outside sources; gifts between employees, seeking outside employment and/or outside activities, misuse of position, post employment, Hatch Act, nepotism, letters of recommendation, widely attended gatherings, and foreign gifts, among other ethics subjects. During 2013, the MRNB completed the review of 3,526 confidential financial disclosure reports, 1605 alternative reports (AD-1202), and 119 New Entrant financial disclosure reports for a total of 5,250 financial disclosure reports. The Branch also presented 10 ethics training sessions. The Branch worked closely with the USDA Committee Management Officer on the Marketing Branch advisory committee charters and with the Designated Federal Official to assist in determining the status of the advisory committee members as, representatives or Special Government Employees. The branch also provided basic ethics training to advisory committee members who are designated as representatives and ensured the special government employees completed required ethics training.

FORESTRY ETHICS BRANCH

The Forestry Ethics Branch (FEB) focuses on the provision of ethics services to USDA's largest Agency, the U.S. Forest Service, which covers 35,000 employees, 155 National Forests, 20 national grasslands. Forest Service Research and Development employees are provided ethics services by the Science Ethics Branch.

FEB continues to spearhead the use of digital signature electronic-form-submission through the use of custom PDF forms. This has resulted in a dramatic reduction in resource consumption and time-burden for employees to complete and submit documents. FEB is also in the process of ensuring all of its documents are in a format that provides maximum employee accessibility.

The FEB has spent significant time working with agency regional human resource offices to ensure that the appropriate Forest Service employees file financial disclosure forms and receive ethics training. As a result of these efforts, for the first time in many years, the Forest Service has attained 100% compliance from its more than 1600 filers in filing.

Federal Advisory Committees have received intense scrutiny over the past few years. The FEB ensures that all of the more than 140 Forest Service Advisory Committee charters are reviewed and that they include the necessary ethics language before being approved and published. The FEB also provides special government employees, representatives, and Designated Federal Officials (Federal employees who lead these committees) with relevant ethics training.

Summary of Budget and Performance Statement of Agency Goals and Objectives

USDA has a centralized Ethics Program, the Office of Ethics, which fulfills the statutory requirements of the Ethics in Government Act of 1979 as amended by the Stop Trading in Congressional Knowledge Act of 2012 (STOCK Act) and the regulatory requirements of the Office of Government Ethics at 5 CFR § 2634 and following. Until 2012, OE was located either in the Office of Human Resources Development under Departmental Administration or directly under Departmental Administration. In June of 2012, the Secretary ordered the realignment of OE to report directly to the General Counsel.

The mission of the Office of Ethics (OGC) is to provide ethics services necessary to support all activities of USDA. That includes setting ethics policy, and providing ethics advice, counseling, training, review of disclosure reports, and conflict of interest analysis for all employees within the Department

Agency Strategic Goals	Agency Objectives	Programs that Contribute	Key Outcome
To provide effective ethics services in support of all programs and activities of USDA, consistent with the strategic goals of USDA and the priorities of the Secretary of Agriculture.	Ensure USDA has a model ethics program that complies with the requirements of the ethics program for the executive branch, as required by OGE regulations. Ensure that employees are trained in ethics, receive prompt and accurate advice, and fully disclose financial information and transactions and outside relationship information on required financial disclosure forms.	Ethics Services Program	Provide effective ethics services in a timely and responsive manner to support USDA activities, consistent with the priorities established by the Secretary of Agriculture.

USDA Strategic Goal: OE supports all Departmental strategic goals.

Summary of Budget and Performance Key Performance Outcomes and Measures

Agency Strategic Goal: To provide effective ethics services in support of all programs and activities of USDA, consistent with the strategic goals of USDA and the priorities of the Secretary of Agriculture.

Key Performance Measure and Targets:

Provide effective ethics services in a responsive manner to support USDA activities, consistent with the priorities established by the Secretary of Agriculture.

	FY 2012	FY 2013	FY 2014	FY 2015
Measure	Actual	Actual	Estimate	Estimate
Provide timely ethics training to USDA employees required to receive training.	95%	99%	99%	100%
Complete financial disclosure reviews within 60 days of filing.	75%	95%	95%	100%
Financial disclosure reports filed within regulatory time limits.	New	99%	99%	100%
Dollars (in thousands)	<u>a/</u>	\$3,141	\$3,440	\$3,867

<u>a/</u> In 2012, Departmental Administration funded the Office of Ethics.

Selected Past Accomplishments toward Achievement of the Key Outcome:

- Provided a representative to the USDA Scientific Integrity Committee and worked to implement new procedures to obtain approval for outside service in an official capacity.
- Reviewed and certified more than 650 new entrant, annual, and termination public financial disclosure reports and prepared for placing the forms online, as previously required by the STOCK Act.
- Reviewed and certified more than 16,000 confidential financial disclosure reports for USDA employees.
- Provided more than 100 training sessions to USDA political appointees and senior officials on ethics topics, including STOCK Act and post-Government employment) and the political activity rules (the "Hatch Act"). OE also distributed more than 100 different one-page "Ethics in Brief," which are short synopses of topical ethics rules.
- Provided advice and guidance to USDA's employees on thousands of occasions and responded to a daily stream of ethics questions to ensure officials knew and understood their ethics obligations.
- Co-hosted, with the Office of Government Ethics, the first-ever Ethics in Government Symposium on August 21, 2013 at the USDA Jefferson Auditorium, in which more than 250 ethics officials from 59 Federal Agencies participated.

<u>Selected Accomplishments Expected at the 2015 Proposed Resource Level:</u> OE will provide effective ethics services in a responsive manner in order to ensure that agency officials can implement their programs with integrity.

<u>Strategic Goal Funding Matrix</u> (Dollars in thousands)

Program/Program Item	2012	2013	2014	Increase or	2015				
	Actual <u>a/</u>	Actual	Estimate	Decrease	Estimate				
Agency Strategic Goal: To provide effective ethics services in support of all programs and activities of USDA, consistent with the strategic goals of USDA and the priorities of the Secretary of Agriculture.									
Ethics Services Staff Years	-	\$3,405 23	\$3,440 24	+\$427 +3	\$3,867 27				

a/ In 2012, Departmental Administration funded the Office of Ethics.

<u>Full Cost by Agency Strategic Goal</u> (Dollars in thousands)

Agency Strategic Goal: To provide effective ethics services in support of all programs and activities of USDA consistent with the strategic goals of USDA and the priorities of the Secretary of Agriculture.

Program /Program Items	2012	2013	2014	2015
	Actual <u>a/</u>	Actual	Estimate	Estimate
Administrative Costs (Direct)	-	\$2,855	\$3,149	\$3,567
Indirect Costs	-	284	291	300
Total Costs	-	3,139	3,440	3,867
FTEs	-	23	24	27

a/ In 2012, Departmental Administration funded the Office of Ethics.