

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: U.S. Department of Education

Second Follow-up to OGE Report Number: 19-34

Report No.: 21-46F

Date: September 27, 2021

**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 Education (Education) ethics program, the Office of Government Ethics (OGE) issued twelve recommendations in its July 2019 review report. OGE conducted a follow-up review in 2020 to assess whether Education had taken sufficient action to resolve the deficiencies underlying these recommendations. As a result, in December 2020 OGE closed recommendations 2, 3, 4, 7, and 8. OGE conducted a second follow-up review between July and September 2021. The results of the follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Ensure that Office of Human Resources (OHR) provides the DAEO with prompt notifications of appointments to positions that require incumbents to file new entrant and termination financial disclosure reports, in accordance with 5 C.F.R. § 2638.105.	OGE Finding: OHR notifies the ethics office of new entrant public filers by sharing with them copies of written offer of employment letters. Ethics officials confer with OHR when they believe OHR may have erred in determining filing status/requirements.	Closed
5	Ensure that new entrant public financial disclosure reports are filed timely.	OGE Findings: During its first follow-up, OGE reviewed 62 new entrant public financial disclosure reports filed in 2019. Of the 62 reports, 43 (69%) were filed timely. During its second follow-up OGE reviewed 30 new entrant public financial disclosure reports filed in 2021. OGE found that 22 (73%) of the reports were filed timely.	Closed
6	Ensure that termination public financial disclosure reports are filed timely.	OGE Findings: During its first follow-up OGE reviewed 29 termination public financial disclosure reports filed predominantly in 2019. Of the 29 reports, 17 (59%) were filed timely. During its second follow-up OGE reviewed 25 termination public financial disclosure reports filed in 2021. OGE found that 21 (84%) of the reports were filed timely.	Closed
9	Ensure that confidential financial disclosure reports are filed timely.	OGE Finding: During its first follow-up, OGE reviewed a sample of confidential reports filed in 2020 and found that only 55% were filed timely. During its second follow-up, OGE reviewed a sample of confidential reports filed in 2021 and found that, again only 55% the reports were filed timely. All annual reports in the sample were filed timely. However, only 14% of the new entrant reports in the sample were filed timely.	Open

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10	Establish written procedures for supervisory ethics notices, as required by 5 C.F.R. § 2638.306(d).	<u>OGE Finding:</u> Education established written procedures for supervisory ethics notices and provided a copy to OGE.	Closed
11	Establish a process to provide reasonable assurance that the DAEO reviews the written procedures annually, as required by 5 C.F.R. §§ 2638.303(c) and 306(d).	<u>Agency Response:</u> Education officials indicated that there is a process to provide reasonable assurance that the DAEO reviews the written procedures annually, as required by 5 C.F.R. §§ 2638.303(c) and 306(d). The process is captured in an Office of Human Resources (OHR) Standard Operating Procedure (SOP).	Closed
12	Ensure that all SGEs file their confidential financial disclosure reports by the agency established deadline, or in no event later than the first committee meeting, as required by 5 C.F.R. § 2634.903(b)(3).	<u>OGE Finding:</u> OGE reviewed the confidential financial disclosure reports filed by the NACIQI members who attended the first meeting of the year in March 2021. OGE found that all the reports were filed before the meeting.	Closed

Based on the results of OGE's follow-up review, recommendations 1, 5, 6, 10, 11 and 12 are closed. OGE will conduct an additional follow-up review in approximately 6 months to assess whether Education has taken sufficient action to resolve the deficiencies underlying recommendation 9, which remains open.