

## Office of Government Ethics: A Primer

The Ethics in Government Act of 1978 (P.L. 95-521, 92 Stat. 1862) created the Office of Government Ethics (OGE) to provide “overall direction of executive branch policies related to preventing conflicts of interests on the part of officers and employees of any executive [branch] agency” (5 U.S.C. appendix 402(a)). Originally created within the Office of Personnel Management (OPM), today OGE is an independent agency in the executive branch that provides guidance, training, and administrative support to agency and department ethics offices on the wide range of ethics, financial disclosure, and conflict of interest provisions of federal law and executive orders.

“A central office, such as the Office of Government Ethics, would have the overall responsibility for informing employees of their obligations with regard to conflict of interest avoidance and coordinate the enforcement of these laws, rules, and regulations throughout the executive branch...” – Sen. Abraham Ribicoff, *Congressional Record*, June 27, 1977, p. 20957.

### Organization

OGE is run by its Director, who is appointed by the President, with the advice and consent of the Senate, to a five-year term. The current OGE Director, Walter M. Shaub, Jr., was appointed by President Barack Obama on January 8 and was sworn in on January 9, 2013. His term will expire in 2018. In addition to the Director, OGE is organized into four divisions that are designed to carry out the agency’s statutory functions. **Figure 1** shows the current organization chart as presented in OGE’s FY2014-2018 Strategic Plan.

### Functions

OGE provides oversight to more than 4,500 designated agency ethics officials (DAEOs) in over 130 executive branch agencies. As part of this role, OGE works to ensure that conflicts of interest are mitigated and that the integrity of the executive branch and its employees is maintained. To conduct its mission, OGE’s functions can be divided into four broad categories: rules and regulations, advice, education, and public financial disclosure filing. Additionally, the OGE aids the President-elect, President, and Senate in their work on confirming presidential nominations.

### Rules and Regulations

To complete its statutory mission, the OGE periodically issues rules and regulations to guide agency ethics officers.

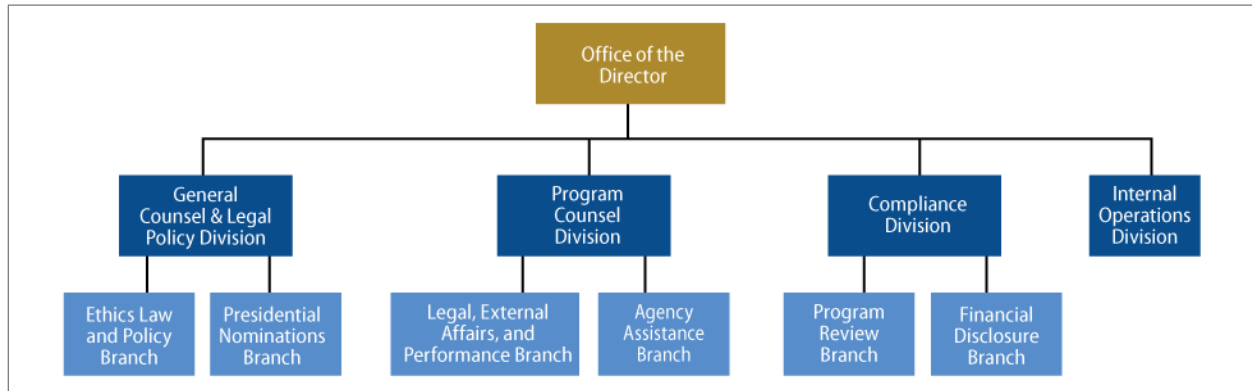
Codified in Title 5 of the Code of Federal Regulations (C.F.R.), these regulations cover both internal OGE administration and general executive branch ethics issues, including the code of conduct for the executive branch, interpretation of ethics-related civil and criminal law, the implementation of financial disclosure requirements, and the implementation of ethics programs in executive agencies. These regulations are:

### OGE Internal Organization and Operation Regulations

- 5 C.F.R. §2600 – Organization and Functions of the Office of Government Ethics;
- 5 C.F.R. §2601 – Implementation of Office of Government Ethics Statutory Gift Acceptance Authority;
- 5 C.F.R. §2606 – Privacy Act Rules;
- 5 C.F.R. §2608 – Testimony by OGE Employees Relating to Official Information and Production of Official Records in Legal Proceedings; and
- 5 C.F.R. §2610 – Implementation of Equal Access to Justice Act.

### Executive Branch Ethics Program Regulations

- 5 C.F.R. §2634 – Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Investiture;
- 5 C.F.R. §2635 – Standards of Ethical Conduct for Employees of the Executive Branch;
- 5 C.F.R. §2636 – Limitations on Outside Earned Income, Employment and Affiliations for Certain Noncareer Employees;
- 5 C.F.R. §2638 – Executive Branch Ethics Program;
- 5 C.F.R. §2640 – Interpretation, Exemptions, Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest); and
- 5 C.F.R. §2641 – Post-Employment Conflict of Interest Restrictions.

**Figure 1. Office of Government Ethics Organization Chart**

Source: Depicted in U.S. Office of Government Ethics, *Strategic Plan Fiscal Year 2014 – Fiscal Year 2018*, December 1, 2014.

### Advice

OGE provides advice to designated agency ethics officers in at least three main categories: legal advisories, education advisories, and program management advisories. Legal advisories are guidance to DAEOs on substantive ethics issues. Education advisories contain guidance on training and other education-related matters. Program management advisories provide information for DAEOs on managing ethics programs within executive branch agencies. Advisories are available on the OGE website at <https://www.oge.gov/web/oge.nsf/All%20Advisories>. **Figure 2** shows the general relationship between the OGE, agency ethics officials, and executive branch employees.

**Figure 2. OGE and the Executive Branch Ethics Community**

Source: U.S. Office of Government Ethics, *Strategic Plan Fiscal Year 2014 – Fiscal Year 2018*, December 1, 2014.

### Education

OGE provides training and education opportunities to DAEOs on an ongoing basis. These programs and documents include job aids, quick reference guides, and posters for DAEOs to use within their agencies. Additionally, OGE has created training tools and templates for use by DAEOs (<https://www.oge.gov/web/oge.nsf/Resources/Ethics+Training+Tools+and+Templates>) and holds periodic ethics training and conferences to provide educational and networking opportunities to DAEOs.

### Financial Disclosure

OGE is responsible for implementing the public and confidential financial disclosure forms for executive branch

personnel. Financial disclosure is designed to identify and prevent potential conflicts of interest by reviewing finances for both current and potential employees. Two financial disclosure forms exist: OGE Form 278, for public disclosure by presidential appointees and certain executive branch employees as determined by salary; and OGE Form 450, for confidential disclosure by other executive branch employees. The confidential filings are kept on file by each agency. More information about financial disclosure, including copies of the forms, can be found on OGE's website at <https://www.oge.gov/web/oge.nsf/Financial+Disclosure/>.

### Presidential Nominations

In addition to public and confidential financial disclosure forms, OGE also provides assistance to the President-elect, the President, and the Senate during the nomination and confirmation process for advice and consent positions. OGE works with the President-elect's transition team or the White House to review nominee financial disclosure statements, identify possible conflicts of interest, and propose remedies to resolve those conflicts, when appropriate. Ethics agreements and public financial disclosure filing for certain individual positions listed in 5 U.S.C. §5312 (Level I of the Executive Schedule (ES)) and 5 U.S.C. §5313 (Level II of the ES) may be found on the OGE website at <https://www.oge.gov/Web/OGE.nsf/Presidential+Appointee+&+Nominee+Records>.

### Funding

In FY2016, OGE received \$16 million in appropriations in the Financial Services and General Government (FSGG) appropriations bill, which was included in Division E of the Consolidated Appropriations Act, 2016 (P.L. 114-113). For FY2017, OGE has requested \$16 million in appropriations. Oversight of OGE is conducted by the House Oversight and Government Reform Committee; the House Judiciary Committee, Subcommittee on the Constitution; and the Senate Homeland Security and Government Affairs Committee.

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