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Office of Government Ethics: A Primer

The Ethics in Government Act of 1978, as amended (5 U.S.C. §§13121-13126), created the Office of Government Ethics (OGE) to provide “overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive [branch] agency” (5 U.S.C. §13122(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. President Joe Biden nominated the current OGE Director, David Huitema, on September 5, 2023. He was confirmed by the Senate on November 14, 2024, and sworn in on December 16, 2024. His term will expire in 2029. 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 FY2022-FY2026 strategic plan.

Functions

OGE provides oversight to designated agency ethics officials (DAEOs) in over 130 executive branch agencies. As part of this role, OGE ensures that conflicts of interest are mitigated and that the integrity of the executive branch and its employees is maintained. To conduct its mission, OGE divides its functions into four broad categories: rules and regulations, advice, education, and public financial disclosure filing. Additionally, the OGE aids the President-elect and the President with nominations, and the Senate with evaluating potential conflicts of interest for 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*

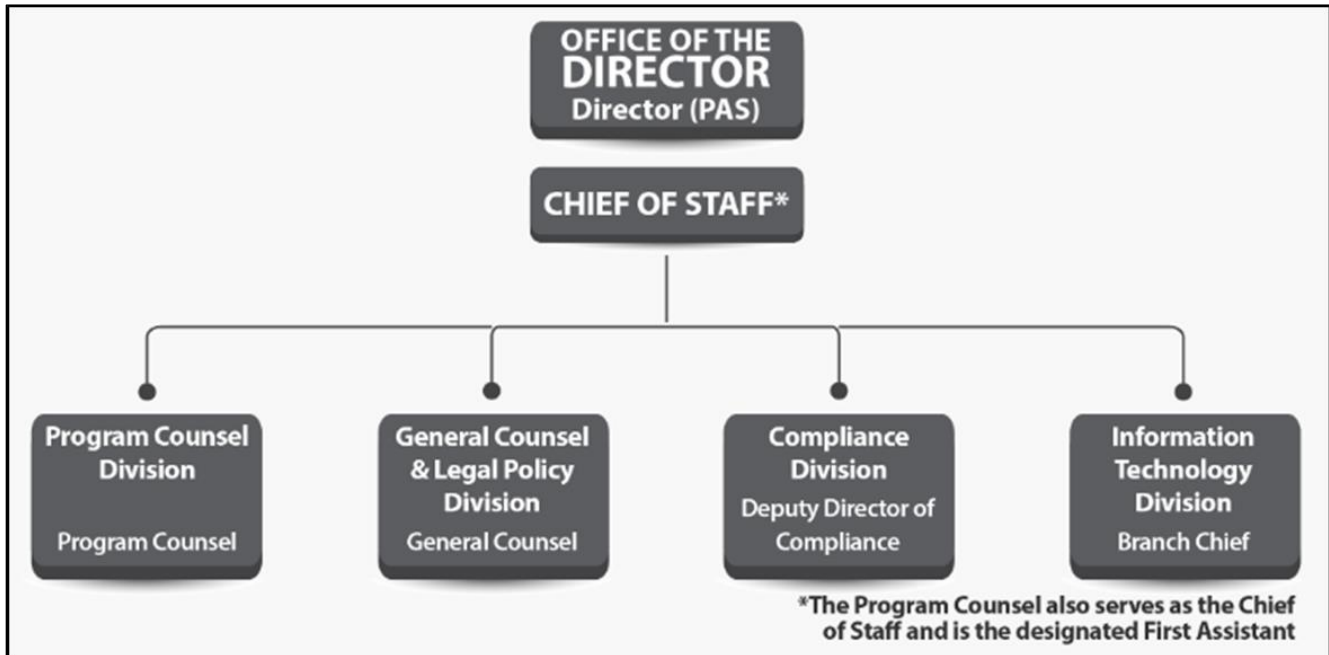
(C.F.R.), these regulations cover both internal OGE administration and general executive branch ethics issues, including the code of conduct for the executive branch, interpretation of ethics-related civil and criminal law, the implementation of financial disclosure requirements, and the implementation of executive agency ethics programs. 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. §2605—Freedom of Information Act Rules and Schedule of Fees for the Production of Public Financial Disclosure Reports;
- 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 Years 2022-2026*, p. 2.

Advice

OGE provides advisories to DAEOs in three main categories: legal, education, and program management. Legal advisories guide DAEOs on substantive ethics issues. Education advisories focus on training and other education-related matters. Program management advisories provide information for DAEOs on managing agency ethics programs. Advisories are available on OGE's website in the "Legal Research Search Collection."

Education

OGE provides ongoing training and education opportunities to DAEOs. These include job aids, quick reference guides, and posters for DAEOs to use within their agencies. OGE maintains an "Education through Advice & Training" website with training tools and document templates. Additionally, OGE holds periodic ethics training to provide DAEOs with educational and networking opportunities.

Financial Disclosure

OGE creates the public and confidential financial disclosure forms for executive branch personnel. Financial disclosure forms are used by DAEOs to identify and prevent potential conflicts of interest for current and potential employees. Two financial disclosure forms exist: OGE Form 278, for public disclosure by presidential appointees and certain executive branch employees; and OGE Form 450, for confidential disclosure by other executive branch employees. Agencies keep confidential filings on file and they are not available for public inspection. OGE maintains a database of public filings on its website.

Presidential Nominations

In addition to assisting DAEOs with financial disclosure, OGE also assists 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 filings 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 in the financial disclosure database on the OGE website.

Funding

In FY2024, OGE received \$23 million in appropriations in the Financial Services and General Government (FSGG) appropriations bill (Division B, Title V of the Further Consolidated Appropriations Act, 2024 [P.L. 118-47]). For FY2025, OGE has requested \$22.4 million in appropriations. Oversight of OGE is conducted by the House Oversight and Reform Committee; the House Judiciary Committee, Subcommittee on the Constitution; and the Senate Homeland Security and Government Affairs Committee.

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