

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

February 1, 2008

SECRETARY'S MEMORANDUM 1030-065

**REORGANIZATION OF THE DEPARTMENTAL ADMINISTRATION
OFFICE OF ETHICS**

1. INTRODUCTION

The purpose of this memorandum is to announce the reorganization of the Departmental Administration (DA) Office of Ethics (OE). The reorganization

- a. combines and centralizes the multiple agency and mission area ethics programs within the U.S. Department of Agriculture (USDA) into one unified USDA Ethics Program under OE, and
- b. restructures OE by creating a headquarters office (OE-HQ) with four divisions, including a Science Division; Farm, Conservation and Rural Programs Division; Marketing, Regulatory and Nutrition Division; and a Forestry Services Division. The particular service areas for each division are described below.

The decision to engage in this effort is based in large part upon discussions between former Agriculture Secretary Mike Johanns and Robert Cusick, Director, U.S. Office of Government Ethics (OGE) in November 2006. The decision to reorganize the USDA Ethics Program under OE was based upon identified weaknesses in the long-established, agency/mission area-based structure of the USDA Ethics Program per two separate OGE audits in 1997 and 2002. In a Decision Memorandum for the Secretary dated December 22, 2006, it was agreed to move forward in combining and centralizing the USDA Ethics Program.

Centralization of the USDA Ethics Program is needed in order to provide program accountability and greater uniformity in and availability of ethics services across USDA. Centralization of the USDA Ethics Program will result in:

- a. direct program accountability to the Designated Agency Ethics Official (DAEO), who will be directly responsible for all aspects of the USDA Ethics Program, including the selection, training, and supervision of all USDA ethics personnel;
- b. greater continuity of services and uniformity of advice; and, most importantly,
- c. a higher standard of ethics advice available to USDA employees. The Divisions will bring together advisors whose agencies face similar issues, as well as providing greater coverage and continuity of services.

Specifically, USDA will move all ethics advisory functions currently provided by human resources divisions (HRDs) and employee relations branches (ERBs) within its component agencies and staff offices and place these functions under OE. The reorganization of ethics functions will affect employees of eleven agencies and offices within the seven USDA mission areas, as well as the Office of the Chief Financial Officer. In all, this effort will involve the reassignment of 27 full time equivalents (FTEs). At present, this reorganization will involve a transfer of approximately \$3.4 million.

2. ACTIONS ORDERED

- a. Reorganization of the USDA Ethics Program Under the Departmental Administration Office of Ethics. With the reorganization, the USDA Ethics Program will be constituted as follows:
 - (1) **Headquarters Office:** Serving the political staffs, Departmental staff offices, the Risk Management Agency, the National Finance Center, and Foreign Agricultural Service;
 - (2) **Science Ethics Division:** Serving all career personnel within the Research, Education and Economics mission area, as well as designated science-related organizations within the U.S. Forest Service (FS), and the Natural Resources Conservation Service (NRCS);
 - (3) **Farm, Conservation and Rural Programs Division:** Serving all career personnel in the Farm Service Agency, NRCS (other than those serviced by the Science Ethics Division), and the Rural Development mission area;

- (4) **Marketing, Regulatory and Nutrition Division:** Serving all career personnel in the Marketing and Regulatory Programs, Food Safety, and Food, Nutrition and Consumer Services mission areas; and
- (5) **Forestry Services Division:** Serving all career FS employees, other than those served by the Science Ethics Division.

3. INCIDENTAL TRANSFERS

The Assistant Secretary for Administration and the Director, Office of Budget and Program Analysis, are authorized to approve such transfers of funds, personnel, employment authority, space, records, property, and incidentals as may be necessary to implement the provisions of this Memorandum. Currently, the Assistant Secretary for Administration has entered into five (5) Incidental Transfer Agreements (ITAs), which are summarized below. These ITAs represent only partial year funding for the positions as they are occurring during fiscal year (FY) 2008. In the FY 2009 President's Budget, the Office of Ethics will reflect all 27 FTEs positions and funding of \$3.4 million associated with the staff in its budget submission. The FY 2009 OE increase is based upon decreases in the budgets for the transferring agencies. The ITAs which will be finalized in FY 2008 to complete the transfer include:

- a. **Natural Resources Conservation Service (NRCS).** Effective November 11, 2007. NRCS transferred, specifically for use in the Farm, Conservation and Rural Programs Division, three NRCS employees at GS levels 14/10, 13/4, and 9/6; \$325,725 to cover salaries and benefits for the transferred employees; and \$28,400 to cover additional supporting costs [*i.e.*, travel, training, awards, blackberry, supplies, equipment, transit, and telephones].
- b. **Rural Development Mission Area (RD).** Effective November 11, 2007. RD transferred, specifically for use in the Farm, Conservation and Rural Programs Division, one current RD employee at the GS 13/7 level; one FTE at GS 9/5; \$189,909 to cover salaries and benefits for the transferred employee and FTE; and \$11,892 to cover additional supporting costs.
- c. **Farm Service Agency (FSA).** Effective November 11, 2007. FSA transferred, specifically for use in the Farm, Conservation and Rural Programs Division, one current FSA employee at the GS 13/5 level; two FTEs at GS 12/5; \$304,968 to cover salaries and benefits for the transferred employee and FTEs; and \$21,348 to cover additional supporting costs.
- d. **Research, Education and Economics Mission Area (REE).** Effective November 25, 2007. REE transferred, specifically for use in the Science Ethics Division, four current REE employee at GS levels 13/9, 9/10, 7/7, and

6/10 [the latter being funded at .4 FTE]; one FTE at GS 12/2; \$377,773 to cover salaries and benefits for the transferred employees and FTE; and \$15,500 to cover additional supporting costs.

- e. **Marketing and Regulatory Programs Mission Area (MRP).** To become effective on or about February 15, 2008. MRP has agreed to transfer, specifically for use in the Marketing, Regulatory and Nutrition Division, one current MRP employee at GS level 13/5; one FTE at GS 14/5; \$252,833 to cover salaries and benefits for the transferred employee and FTE; and \$12,901 to cover additional supporting costs.

4. EXISTING DIRECTIVES

Prior delegations of authority, administrative regulations, and other directives not inconsistent with the provisions of this Memorandum shall remain in force and effect.

5. EFFECTIVE DATE

The provisions of this Memorandum are effective immediately. All actions previously undertaken, and all agreements effected in furtherance of this reorganization are hereby ratified as effective as of the dates of those agreements.

6. TERMINATION

This Memorandum shall remain in effect for one year or until such earlier time as published delegations have been revised to incorporate its provisions.

EDWARD T. SCHAFER
SECRETARY