

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

June 26, 2012

SECRETARY'S MEMORANDUM 1076-001

REALIGNMENT OF THE OFFICE OF ETHICS

1. INTRODUCTION

The purpose of this Memorandum is to implement the realignment of reporting lines for the Office of Ethics (OE). Effective immediately, supervision of OE is transferred from the Office of Human Resources Management (OHRM) under Departmental Management to the General Counsel. This realignment supports the Executive Branch "best practice" of housing the ethics function within each Cabinet-level Department's legal office.

2. BACKGROUND

The Ethics in Government Act, 5 U.S.C. App. 4 (Act), establishes the ethics compliance requirements and infrastructure applicable throughout the Executive Branch. General oversight authority over Executive Branch ethics matters, including supervision of departmental and agency ethics programs, is vested in the Office of Government Ethics (OGE). 5 U.S.C. App. 4 § 401.

Under the 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 assure the agency's ethics program can be implemented effectively. 5 CFR § 2638.202.

A parallel exists between the ethics function, specifically its counseling, compliance and risk management aspects and the role of departmental legal advisors. USDA's General Counsel has a broad, statutorily-mandated legal counseling role that encompasses the entire range of departmental programs and activities. The General Counsel, through the Office of the General Counsel (OGC), provides legal counseling to the Secretary, to other senior USDA officials, and to agencies and offices in their institutional capacities to help ensure that all departmental efforts comply with applicable laws and regulations. The OE provides advice on conflicts of interest, political activities, post-employment requirements, and other ethics-related issues, and their efforts support USDA officials and employees in both their institutional and personal capacities. In this way, the ethics function also promotes compliance and helps to manage legal risks to assure the integrity of USDA programs and activities.

This realignment places USDA's ethics function under the supervision of the General Counsel, consistent with other Executive departments and agencies. In addition, the realignment promotes efficiency by enhancing the Department's ability to coordinate USDA's ethics functions with the

performance of other legal advisory services already provided by the General Counsel, through OGC, in the ethics arena.

3. ACTIONS ORDERED

- a. Realign the existing Director and Deputy Director, OE, and current ethics staff intact from OHRM as a stand-alone office reporting directly to the General Counsel. The current Director and Deputy Director will continue to provide overall leadership, coordination, and direction for USDA's ethics program. The major functional components of OE will remain unchanged and will be staffed by the current OE personnel. These components include: Office of the Director; Farm, Conservation, and Rural Programs Ethics Branch; Forestry Ethics Branch; Marketing, Regulatory, and Nutrition Ethics Branch; and Science Ethics Branch. OE shall be a distinct organization separate from the Office of the General Counsel.
- b. All currently assigned functions and delegations of authority pertaining to OE will be transferred from OHRM to the General Counsel.
- c. The suite of administrative services to include budget, fiscal, human resources, procurement, and information technology will be provided to OE by either the Office of the General Counsel or Departmental Management, as appropriate, pursuant to reimbursable agreements.

4. INCIDENTAL TRANSFERS

This realignment moves the current subordinate structure of OE intact from OHRM and places it under the supervision of the General Counsel as a distinct organizational unit. The Assistant Secretary for Administration and the Chief Financial Officer are authorized to approve such transfers of funds, employment authority, space, records, property, and incidentals as may be necessary to implement the provisions of this Memorandum.

5. EXISTING DIRECTIVES

This Memorandum supersedes Secretarial Memorandum No. 1076-001, dated April 15, 2012. Other prior delegations of authority, administrative regulations, and other directives not inconsistent with the provisions of this Memorandum shall remain in full force and effect.

6. EFFECTIVE DATE

The provisions of this Memorandum are effective immediately.

7. TERMINATION

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

THOMAS J. VILSACK
SECRETARY