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RE: U.S. Office of Government Ethics 2026-2030 Strategic Plan (Plan), 90 Fed. Reg. 30937.

Democracy Defenders Fund (DDF), respectfully submits this comment in response to the U.S. Office of Government Ethics' (OGE) request for public input on its draft Strategic Plan for Fiscal Years 2026-2030 (Strategic Plan).

DDF is a nonpartisan, nonprofit organization that works alongside national, state, and local allies across the country to uphold the rule of law, fight against autocracy and defend the Constitution. DDF's mission is aligned with that of OGE—to ensure that “public servants make impartial decisions based on the interests of the public when carrying out the governmental responsibilities entrusted to them, serve as good stewards of public resources, and loyally adhere to the Constitution and laws of the United States.”¹ This mission has never been so vital as it will be over the next four years.

OGE's small staff of hard-working, nonpartisan career officials have consistently exemplified what it means to serve in the public interest. The work OGE performs, and continues to perform, is essential to maintaining the integrity of government operations. DDF is strongly supportive of OGE's work, including its review of nominee and White House public financial disclosure reports and its publication of ethics documents.

DDF is, however, concerned that the Strategic Plan does not address steps that must be taken to combat the serious corruption and conflict of interest issues that are arising in the current environment. Over the past six months we have seen that ethics risks are no longer individualized—they are systemic. Yet, OGE's strategic goals do not fully emphasize its responsibility for tackling systemic ethics risks, including committing to independent and consistent ethics advice, advocating for the ethics community, speaking out on issues of national importance, and holding senior officials, including the President, accountable for adhering to heightened ethical service. DDF cannot emphasize enough how important it is for OGE to take a more aggressive stand on these issues. This should be reflected not only in the words of OGE's strategic plan, but also in how OGE prioritizes and executes its work.

¹ 5 C.F.R. § 2638.101(b).

Recommendations

OGE Must Maintain its Independence from Undue Political Influence and Continue to Ensure Consistent Interpretation and Application of the Ethics Laws

Maintaining OGE's independence is central to its mission. When OGE was first established, it was made part of the U.S. Office of Personnel Management.² Congress quickly recognized, however, that to be the "effective ethics advocate and watchdog Congress intended," OGE needed the autonomy to function independently without being unduly influenced by other elements of the executive branch.³ Congress thereafter made OGE a separate agency in 1988⁴ to give it the "statute, visibility, respect, and independence" needed to operate as an ethics advocate, and to avoid the potential for OPM to exercise "undue influence or interfere[] with substantive policy decisions."⁵

What Congress understood in 1988 was that anti-corruption authorities like OGE must have the autonomy and independence necessary to hold government officials accountable and to apply the law in a nonpartisan and evenhanded way. International consensus is in agreement,⁶ and the U.S. has reaffirmed its commitment to ensuring that preventative anti-corruption bodies like OGE have the necessary independence to conduct their work through signing multi-lateral treaties such as the United Nations Convention Against Corruption.⁷

Notwithstanding Congressional intention and international consensus, there are now serious risks to OGE's independence. The current Administration has made it clear that it is seeking to subordinate independent agencies to its own political influence.⁸ And the Administration seems more interested in political expediency than it is in interpreting and applying the law according to its "best" textual meaning or the important purposes motivating the enactment of the law in the first instance.⁹

OGE must take steps necessary to protect its independence and to ensure that it continues to serve as a neutral arbiter of the government ethics laws. DDF therefore calls on OGE to update its Strategic Plan to emphasize that it will operate in an independent, nonpartisan, and objective fashion. This includes updating Strategic Goal II to provide that (1) OGE will provide "expert advice and support to ethics officials and other stakeholders," in an independent, objective, and neutral fashion, (2) OGE is committed to adhering to precedent and interpreting the ethics laws in accordance with their goal of preventing corruption, and (3) OGE will hold agency ethics

² Ethics in Government Act of 1978, Pub. L. 95-521, 401(a), 92 Stat.1862 (Oct. 26, 1978).

³ H.R. Rep. No. 100-1017, 100th Cong., 2nd Sess., 16 (Sept. 30, 1988).

⁴ P. L. No. 100-598, 102 Stat. 3031 (Nov. 3, 1988).

⁵ H.R. Rep. No 100-1017 at 16.

⁶ U.N. Office on Drugs and Crime, Jakarta Statement on Principles for Anti-Corruption Agencies (Nov. 2012), https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf.

⁷ United Nations Convention Against Corruption, Ch. II, Art. 6(2) (2003).

⁸ See, e.g., *Ensuring Accountability for All Agencies*, Exec. Ord. 14215 (Feb. 18, 2025).

⁹ Steven Benen, *On Trump's Inauguration Day, the rule of law takes a beating*, MSNBC (Jan. 21, 2025) <https://www.msnbc.com/rachel-maddow-show/maddowblog/trumps-inauguration-day-rule-law-takes-beating-rcna188536>.

officials accountable for interpreting and applying the ethics laws with the independence and objectivity that are the hallmarks of the ethics community.

OGE Must Be an Outspoken Advocate for the Ethics Community

On July 11, Attorney General Pam Bondi fired Joe Tirrell, the head of DOJ's ethics office, without cause.¹⁰ In June, the Department of Education attempted to eliminate "nearly the entire Office of General Counsel" with "similar cuts to its ethics division."¹¹ The Supreme Court's recent shadow docket ruling has allowed that reduction-in-force to proceed. And additional widespread reductions-in-force could impact the ability for other agencies to provide ethics program services.

Strategic Objective 2.1 states that OGE will "[r]espond to the changing needs and challenges faced by agency ethics officials." More than ever, ethics officials at their agencies need support from OGE. OGE's ongoing work to provide education on the meaning of the ethics laws, share best practices, and oversee agency compliance with the ethics laws is important. However, it is no longer sufficient to meet the moment. OGE must take on a leadership role and stand up for the increasing attacks on the ethics framework itself. If not, we fear that there will be little left of the ethics program.

To that end, it is crucial that OGE increase its communication with Congress, the media, and other stakeholders about both what is going right in the ethics community and what is not. Only by speaking out on these issues can OGE ensure that it is upholding its ultimate responsibility to the public trust. DDF requests that OGE amend its Strategic Goals to better reflect its important responsibility for standing up for the ethics community at large.

OGE Must Increase Ethics Document Transparency and Ensure Agencies Do as Well

The Ethics in Government Act of 1978, as amended, charged OGE with oversight of the public financial disclosure system as well as the ethics community.¹² In recent years, OGE has been a front runner on government transparency, making public financial disclosure reports, certificates of divestiture, and conflict of interest waiver information easily accessible. OGE's recent introduction of agency compliance dashboards¹³ is a welcome advance as well.

DDF strongly supports OGE's financial disclosure and transparency work. Over the next four years, this work must continue and be strengthened. We are therefore encouraged by OGE Strategic Objective 4.1 that commits OGE to continue to make existing ethics documents available to the public and seek to make additional documents available as well.

¹⁰ Ben Penn, *Bondi Fires Her Personal Ethics Chief as DOJ Purge Continues*, Bloomberg Law (July 13, 2025), <https://news.bloomberglaw.com/us-law-week/bondi-fires-her-personal-ethics-chief-as-doj-purge-continues>.

¹¹ Jory Heckman, Education Dept 'dissolved' entire units in mass layoffs. Employees take stock of what's left, Fed. News Network (Mar. 12, 2025), <https://federalnewsnetwork.com/workforce/2025/03/education-dept-dissolved-entire-units-in-mass-layoffs-employees-take-stock-of-whats-left/>.

¹² 5 U.S.C. §§ 13102(a)(1), 13122(a)-(b).

¹³ U.S. Office of Government Ethics, Compliance Dashboards (Last Visited July 18, 2025), https://www.oge.gov/Web/oge.nsf/publicresources_compliance.

Unfortunately, not all agencies adhere to the same level of transparency as OGE. Some agencies have attempted to shield communications between ethics officials and employees from disclosure under a theory that they are subject to attorney-client privilege¹⁴ even though OGE regulations make clear that no attorney-client relationship exists between employees and ethics staff.¹⁵ Other agencies have created unnecessary blockades to requesting documents—including excessive delays in responding to requests—that Congress has statutorily provided must be given to the public.¹⁶ These actions are not only inconsistent with the law but are antithetical to the goals of the ethics program.

DDF therefore calls on OGE to amend its Strategic Goals to make clear that it will not only seek to look for opportunities to release additional data sets that are in OGE’s custody but also that OGE will (1) instruct agencies to promptly make ethics documents available on request, including ethics documents requested under the Freedom of Information Act, (2) assess agency responsiveness to public records requests as part of its ethics program oversight responsibilities, and (3) utilize OGE’s plenary statutory authority¹⁷ to require agencies to provide OGE with documents to establish a centralized database of ethics documentation, consistent with applicable records and privacy laws.

DDF further calls on OGE to reinstate a recently removed regulatory requirement that the ethics agreements of high-level White House officials, including Assistants and Deputy Assistants to the President and Vice President, be filed with OGE. In 1992, OGE promulgated a rulemaking that required that:

[E]ach employee of the Executive Office of the President or the Office of the Vice President who is [appointed under 3 U.S.C. 105(a)(2)(A) or (B) or 3 U.S.C. 107(a)(1)(A) or (b)(1)(A)(i) [or] under 3 U.S.C. 106(a)(1)(A) or (B)], shall include with his initial financial disclosure report submitted to the Office of Government Ethics any ethics agreement undertaken by such official or employee. He shall also apprise the Office of Government Ethics promptly of any subsequent ethics agreement.¹⁸

¹⁴ See, e.g., *Citizens for Resp. & Ethics in Washington v. United States Postal Serv.*, 557 F. Supp. 3d 145, 154 (D.D.C. 2021).

¹⁵ 5 C.F.R. § 2635.107(b) (“Disclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege”); 5 C.F.R. § 2641.105(e).

¹⁶ Liz Essley Whyte, *A Senator Couldn’t find Fauci’s Financial Info. But We Did*, Center for Public Integrity (Jan. 12, 2022), <https://publicintegrity.org/health/coronavirus-and-inequality/senator-couldnt-find-fauci-financial-disclosure/> (describing two and a half month delay in receiving a financial disclosure report which was then replete with redactions).

¹⁷ 5 U.S.C. 13123(a).

¹⁸ *Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees*, 57 F.R. 11800, 11826 (Apr. 7, 1992) (Interim Rule) (codified at 5 C.F.R. 2638.803(c) (1992)).

This requirement was removed by OGE in 2018.¹⁹ It is imperative that this requirement be reinstated and that OGE make such commitments available to the public as it does with the ethics agreements of nominees to Presidentially appointed positions.

OGE Must Commit to Enacting Additional Ethics Rules that Effectively Prevent Conflicts of Interest

DDF welcomes OGE Strategic Objective 2.3, in particular OGE’s proposal to publish ethics rules and advice that address new requirements and changes to the way in which the government accomplishes its mission. OGE must be committed to staying on the cutting edge of ethics risks, and this commitment is a necessary step in that direction.

While OGE has made several modest changes to the ethics laws in the last decade,²⁰ more must be done to counter new and systemic forms of unethical conduct. This includes establishing (1) stronger rules on the so-called “reverse” revolving door for incoming political appointees, (2) imposing stronger limits on the abuse of power, and (3) directing agencies to establish supplemental regulations that update prohibit holding rules to include new asset classes, like cryptocurrency, that pose direct conflicts with the work of that agency.

OGE Must Remove Rules that Permit Limitless Gift Giving to the President and Vice President

DDF is calling on OGE to include within its Strategic Goal I, “Help Top Executive Officials Resolve Conflicts of Interest and Meet their Ethics Responsibilities” a commitment to further institute safeguards against Presidential and Vice Presidential conflicts of interest. OGE should start by submitting a rulemaking that would revise the current regulatory exceptions to the statutory gift rules, 5 U.S.C. §§ 7351 and 7353, that permit nearly limitless gift giving to the President and Vice President. OGE’s current regulatory exceptions are inconsistent with the statutory framework and with the treatment of elected and appointed officials in all three branches of the government. They must be changed.

5 U.S.C. 7351 prohibits any employee of the government from giving any gift to an “official superior.”²¹ The Department of Justice long ago determined that the President is the official superior for the entire executive branch for purposes of the statute.²² As a result, executive branch employees should not be able to provide gifts to the President, unless permitted under a legally authorized exception.

¹⁹ *Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture*, 83 FR 33980 (July 18, 2018).

²⁰ See, e.g., *Modernization Updates to Standards of Ethical Conduct for Employees of the Executive Branch*, 89 FR 43686 (May 17, 2024); *Standards of Ethical Conduct for Employees of the Executive Branch; Amendment to the Standards Governing Solicitation and Acceptance of Gifts from Outside Sources*, 81 FR 81641 (Nov. 18, 2016); *Standards of Ethical Conduct for Employees of the Executive Branch; Amendments to the Seeking Other Employment Rules*, 81 FR 8008 (Feb. 17, 2016).

²¹ 5 U.S.C. § 7351(a)(2).

²² *President-Acceptance of Presents.*, 25 U.S. Op. Atty. Gen. 46 (1903) (“The President is, of course, the ‘official superior’ of all persons in the Executive service of the Government”) (referring to statute as previously enacted at section 1784 of the Revised Statutes).

Congress provided OGE with limited authority to create regulations “exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other circumstances in which gifts are traditionally given or exchanged.”²³ OGE could have provided a narrow exception for the President and Vice President, consistent with that statutory instruction. Instead, OGE’s regulations simply read the President and Vice President out of the statute.²⁴ But OGE has no legal authority to rewrite the statute. Doing so goes beyond the statutory jurisdiction afforded OGE by 5 U.S.C. § 7351. DDF therefore calls on OGE to amend its implementing regulations to make clear that the President and Vice President are covered by the law.

5 U.S.C. 7353 prohibits any “individual holding an appointive or elective position in the executive . . . branch of Government” from accepting gifts from outside sources.²⁵ The President and Vice President neatly fall within that definition. The law also applies to Members of Congress and Supreme Court Justices.²⁶ Again, OGE is authorized to provide “reasonable exceptions as may be appropriate” for employees of the executive branch.²⁷

Instead of instituting “reasonable exceptions” to the gift rule for the President and Vice President, however, OGE has effectively nullified the rule by providing that the President and Vice President can accept “any gift on their own behalf or on behalf of any family member” so long as it doesn’t violate another law *or* is not accepted “in return for being influenced in the performance of an official act” or is not given because the President and Vice President used their “position, or any authority associated with public office, to solicit or coerce the offering of a gift.”²⁸ As written, the default is that the President and Vice President can accept any gift, unless somehow it can be proven that there is effectively a quid-pro-quo or abuse of authority. But the very reason why a separate gift statute was needed beyond the existing bribery and illegal gratuities statutes was that those laws are too narrow to sufficiently protect against the appearance of corruption. Perhaps that is why Congress has consistently prohibited Members from accepting a wide variety of gifts.²⁹ DDF calls on OGE to close this Presidential gift loophole.

OGE Must Hold Agencies and Individuals Accountable for Adhering to the Ethics Laws

DDF is calling on OGE to maximize its efforts to hold agencies and individuals accountable. OGE has been authorized since its inception to order any “corrective action on the part of agencies and employees which the Director deems necessary.”³⁰ In 1988, Congress provided

²³ 5 U.S.C. § 7351(c).

²⁴ 5 C.F.R. § 2635.303(d) (defining “official superior” to mean “any other employee, *other than the President and the Vice President . . .*”).

²⁵ 5 U.S.C. § 7353(a), (d)(2).

²⁶ *Id.* at § 7353(a), (d)(2).

²⁷ *Id.* at § 7353(b)(1).

²⁸ 5 C.F.R. §§ 2635.204(j), 205(a)-(b).

²⁹ Standing Rules of the Senate, Rule XXXV, 113th Cong. (Jan 24, 2013); Rules of the House of Representatives, Rule XXV, 119th Cong. (Jan 16, 2025).

³⁰ Pub. L. 95-521, Tit. IV, § 402(b)(9), 92 Stat. 1863 (1978); 5. U.S.C. § 13122(b)(9).

OGE with express, detailed authority to conduct hearings into allegations of individual misconduct.³¹ OGE has not yet made full use of these authorities.

The Ethics in Government Act, as amended, provides that OGE can (1) “conduct investigations and make findings concerning possible violations of any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct applicable to officers and employees of the executive branch”; (2) direct any executive agency to “furnish to the Director all information and records in its possession which the Director may determine to be necessary for the performance of the Director’s duties”; (3) hold hearings on the record; and (4) order employees to take action to come into compliance with the law.³² OGE’s organic authority also provides it the ability to “request assistance from the inspector general of an agency in conducting investigations.”³³ OGE therefore has a variety of potential investigative and oversight tools at its disposal, including all of the traditional forms of investigative and adjudicative tools—from show cause orders to evidentiary fact-finding—permitted by the Administrative Procedures Act.³⁴ In giving OGE these authorities, Congress recognized the important role that OGE must play not only in preventing conflicts of interest but also in bringing corrective action when the law is violated. This responsibility has only become all the more necessary given the Administration’s recent removal of several prominent Inspector Generals,³⁵ and reports that OIG staff may not be bringing investigations due to fear of retaliation.³⁶ As such, DDF calls on OGE to exercise its statutory authority to investigate potential violations of the ethics laws.

OGE also has the authority to establish ethics program requirements and to audit agency ethics programs, identify deficiencies, and order corrective action related to the “establishment or modification” of any element of the agency’s ethics program.³⁷ OGE exercises this authority under its Program Review function. Currently, OGE’s program review team evaluates agencies on objective metrics, such as the number of financial disclosure files required to be filed, and whether those metrics are met. While this compliance review is important, DDF encourages OGE to consider expanding the process of evaluating ethics programs to focus on ethics program effectiveness. In doing so, OGE should adopt a similar framework as the Ethics Compliance Initiatives principles for *High-Quality Ethics & Compliance Programs*.³⁸

In addition, OGE must commit to conducting a program review of the entire Executive Office of the President, including the White House Office and the Office of the Vice President. The last time that OGE conducted a program review of the White House office was in 2003—22 years

³¹ Pub. L. 101-598, § 7, 102 Stat. 3031, 3033-3035 (1988) (codified at 5 U.S.C. § 13122(f)).

³² 5 U.S.C. §§ 13122(b)(9), (f), 13123(a).

³³ *Id.* at § 13123(a).

³⁴ 5 U.S.C. § 556(c).

³⁵ Zeke Miller, et al., *Trump Uses Mass Firing to Remove Independent Inspectors General at a Series of Agencies*, AP News (Jan. 25, 2025), <https://apnews.com/article/trump-inspectors-general-fired-congress-unlawful-4e8bc57e132c3f9a7f1c2a3754359993>.

³⁶ Luke Broadwater, *In the Trump Administration, Watchdogs Are Watching Their Backs*, The New York Times (July 17, 2025), <https://www.nytimes.com/2025/07/17/us/politics/inspectors-general-trump.html>.

³⁷ 5 U.S.C. § 13122(f)(1)(A)(ii).

³⁸ Ethics and Compliance Initiative, Blue Ribbon Panel: Principles and Practices of High-Quality Ethics & Compliance Programs - Ethics & Compliance Initiative (2016), [2016-ECI-WP-Principles-Practices-High-Quality-E-Crograms_Updated-Logo2024.pdf](https://www.ethicsandcompliance.org/wp-content/uploads/2016/06/2016-ECI-WP-Principles-Practices-High-Quality-E-Crograms_Updated-Logo2024.pdf).

ago—during the administration of George W. Bush.³⁹ OGE last reviewed the Office of the Vice President in 2015.⁴⁰ In its *Congressional Budget Justification and Annual Performance Plan for Fiscal Year 2025*, OGE advised Congress that it would review agencies “on a three-year or four-year risk based review cycle.”⁴¹ Review of the White House Office and Office of the Vice President is long overdue. OGE must commit to reviewing both entities as soon as possible to ensure that their ethics programs are operating consistent with the ethics program regulations.

Conclusion

OGE is “a small agency with a big mission.”⁴² DDF is aware that this Administration has put immense pressure on OGE and the ethics community in ways that Congress could not have anticipated when it created OGE. Yet, it is imperative that OGE meet the challenges of the moment. The current draft strategic plan presents OGE with an opportunity to reflect on the risks of corruption presented by the current circumstances, and to commit to the actions necessary to ensure that OGE is working to preserve public trust in government. DDF thanks you for the opportunity to comment on the draft Strategic Plan and looks forward to working with you throughout this process.

³⁹ U.S. Office of Government Ethics, White House Office Program Review Report (Jan. 29, 2003), [https://www.oge.gov/Web/oge.nsf/Ethics%20Docs/F4F0C17891734212852585B9006C09A6/\\$FILE/6-2003.pdf?open](https://www.oge.gov/Web/oge.nsf/Ethics%20Docs/F4F0C17891734212852585B9006C09A6/$FILE/6-2003.pdf?open).

⁴⁰ U.S. Office of Government Ethics, Office of the Vice President Program Review Report (Mar. 4, 2015), [https://www.oge.gov/Web/oge.nsf/Ethics%20Docs/FCE8CB0890EE3746852585B9006C0868/\\$FILE/f2faa4f761de488da9e0b5907887d23c1.pdf?open](https://www.oge.gov/Web/oge.nsf/Ethics%20Docs/FCE8CB0890EE3746852585B9006C0868/$FILE/f2faa4f761de488da9e0b5907887d23c1.pdf?open).

⁴¹ U.S. Office of Government Ethics, Congressional Budget Justification and Annual Performance Plan for Fiscal Year 2025 at 22 (2024), [https://www.oge.gov/web/OGE.nsf/Resources/\(FY+2025\)+\(Congressional+Budget+Justification\)+and+Annual+Performance+Plan](https://www.oge.gov/web/OGE.nsf/Resources/(FY+2025)+(Congressional+Budget+Justification)+and+Annual+Performance+Plan)

⁴² U.S. Office of Government Ethics, Agency Profile 1 (2020), <https://www.bing.com/ck/a?!&p=8ed2e8bb073357f46db043469c0171b5816a095694121de1b6d3ab5f457acfa9JmltdHM9MTc1Mjc5MDQwMA&ptn=3&ver=2&hsh=4&fclid=3da18251-9d16-67ac-0640-94489c116663&psq=oges+small+staff+has+a+big+mission&u=a1aHR0cHM6Ly93d3cub2dLmdvdi9XZWlvdT0dFLm5zZi8wLzc1OUZGRElXNTVDNzhCNzA4NTI1ODVCNjAwNUExODIDLyRGSUxFL09HRSUyMEFnZW5jeSUyMFByb2ZpbGU1MjBCb29rJTlwU3ByZWFKJTlwVmllZy5wZGY&ntb=1>.