

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: National Capital Planning Commission

Follow-up to OGE Report Number: 21-411

Report No.: 22-39IF

Date: June 30, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

As a result of its review of the National Capital Planning Commission's (NCPC) ethics program, the Office of Government Ethics (OGE) issued four recommendations in its September 2021 review report. OGE conducted a follow-up review to assess whether NCPC has taken sufficient action to resolve the deficiencies underlying these recommendations. The results of the follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Ensure required notices are provided to prospective employees.	<u>Agency Response:</u> NCPC explained that the agency updated its notice template and advised the HR specialist to review their responsibilities pertaining to the issuance of notices. <u>OGE Finding:</u> OGE's review found that NCPC's written procedures were in compliance. However, OGE was unable to confirm that notices are issued as required, because NCPC did not hire any employees in 2021 and 2022.	Open
2	Ensure required notices are provided to new supervisors.	<u>Agency Response:</u> NCPC explained that the agency updated its notice template and advised the HR specialist to review their responsibilities pertaining to the issuance of notices <u>OGE Finding:</u> OGE's review found that NCPC's written procedures were in compliance. However, OGE was unable to confirm that notices are issued as required, because NCPC has not hired or promoted anyone into a supervisory position since the notice template was updated.	Open
3	Provide a robust, interactive annual ethics training presentation for covered employees.	<u>Agency Response:</u> In response to OGE's request for the agency's 2021 annual ethics training materials, NCPC provided four Department of Agriculture videos. In addition, NCPC explained that ethics officials are developing a new annual interactive ethics training presentation for 2022. <u>OGE Finding:</u> OGE's review of NCPC's annual ethics training presentation materials found that the USDA videos did not qualify as interactive training.	Open

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4	Collect the financial disclosure reports from every Ex-officio Commission Member and conduct a conflict of interest analysis prior to members attending a NCPC meeting. (OGE is holding this recommendation in abeyance until issues raised by NCPC regarding OGE's authority to collect certain financial disclosure reports are resolved. NCPC will be apprised of OGE's determinations, which will also be included in OGE's follow-up review report. If action is required, OGE will assess NCPC's compliance during the follow-up review process.)	<p><u>Agency Response:</u></p> <p>NCPC concurred that OGE has the authority to collect and examine financial disclosure reports for ex-officio commission members and their alternates, but only if the alternate attends meetings in place of the ex-officio member who appointed them. However, NCPC stated that the agency would implement policies to address this recommendation only if OGE provided a formal letter specifying the legal authority for them to collect such reports and OGE's "legal reasoning" in determining that the collection of reports was required.</p> <p><u>OGE Finding:</u></p> <p>To assist NCPC, OGE prepared a memorandum clarifying which reports must be collected and the authority for collecting them. The memorandum was discussed with NCPC during a meeting with the OGE review team and attorneys from OGE's Office of General Counsel and Legal Policy. Based on this meeting, NCPC's DAEO concurred with OGE's determinations.</p> <p>However, NCPC later requested a formal letter from OGE's General Counsel that outlines the above mentioned determinations. OGE will determine whether a formal letter is appropriate. However, NCPC has been made aware of the relevant requirements and is expected to comply with OGE's recommendation.</p>	Open

Based on the results of OGE's follow-up review, all recommendation remain open. OGE will conduct an additional follow-up review in approximately 6 months to assess whether NCPC has taken sufficient action to resolve the deficiencies underlying these open recommendations.