

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: Department of Commerce

Follow-up to OGE Report Number: 23-20

Report No.: 25-09F

Date: November 8, 2024

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

As a result of the review of the Department of Commerce's (Commerce) ethics program, the Office of Government Ethics (OGE) issued five recommendations in its March 2023 review report. OGE conducted a follow-up review intermittently in April and May 2024 to assess whether Commerce's Ethics Law and Programs Office (ELPO) had taken sufficient action to close the five recommendations. The results of our follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Continue coordination efforts with Commerce human resource officials (HROs) and finalize the human resources policy document to help ensure all OGE regulatory ethics program related requirements are met.	<p>During the follow-up review, OGE was informed that ELPO has taken steps to address this recommendation:</p> <p>-- ELPO collaborated with the Department's Chief Human Capital Officer (CHCO) to issue Human Resources (HR) Bulletin 267, FY23. The bulletin outlines ethics related HRO responsibilities including procedures for notifying new supervisors and prospective employees of their ethics obligations.</p> <p>--ELPO staff meet quarterly with staff from the Department's Office of Human Resources Management (OHRM). Periodic programmatic meetings are also held to evaluate the implementation of HR Bulletin 267 and discuss specific topics or areas of identified vulnerabilities.</p> <p>--ELPO staff present at various Commerce HR conferences and meetings, including the Department's annual Principal Human Capital Manager meetings.</p>	Closed

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		<p>ELPO established ethics program liaison roles within each operating unit. These liaisons are the Chiefs of Staff (COS) or subordinates of respective COS. Liaisons are responsible for providing support for the enforcement of ethics program requirements. ELPO assists with coordination at the bureau and office level. Liaisons have prompted HROs to reassess practices, provide more timely ethics program notices, and update procedures.</p> <p>OGE was advised that this has included ELPO emails on topics including:</p> <p>--Timely identification of new employees for Initial Ethics Training compliance tracking.</p> <p>--Appropriate notice of special appointments, such as experts/consultants, IPA, and fellows, who are each "employees" for ethics purposes but do not go through regular onboarding. and</p> <p>--Notice to seek compliance for financial disclosure and training timely compliance (and enforcement, as needed).</p>	
2	Establish written procedures for issuing notices to prospective employees, as required by 5 C.F.R. § 2638.303.	Written procedures for issuing notices to prospective employees were established through the issuance of the Department's HR Bulletin 267, FY23.	Closed
3	Establish written procedures for issuing notices to new supervisors, as required by 5 C.F.R. § 2638.306.	Written procedures for issuing notices to new supervisors were established through the issuance of the Department's HR Bulletin 267, FY23.	Closed
4	Establish written procedures for initial ethics training, as required by 5 C.F.R. § 2638.304.	Written procedures for initial ethics training were established as required.	Closed

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5	Ensure that advisory committee SGE confidential reports are certified within 60 days of receipt unless additional information is being sought or remedial action is being taken, in accordance with 5 C.F.R. § 2634.605(a).	<p>To evaluate the ethics-related services provided to the SGEs, OGE inspected two Commerce FACA committees comprised of SGEs during the follow-up review: the National Science Advisory Board (NSAB) and the Advisory Committee on Earthquake Hazards Reduction (ACEHR).</p> <p>OGE examined all confidential financial disclosure reports filed by SGEs on these committee in 2024. All reports were certified within 60 days of receipt.¹</p>	Closed
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Based on the results of OGE's follow-up review, all recommendations have been closed.

¹ A total of 27 new entrant reports were reviewed. 15 reports were filed by SGEs serving on the NSAB and 12 reports were filed by SGEs serving on the ACEHR.