

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: American Battle Monuments Commission

Follow-up to OGE Report Number: 22-18I

Report No.: 22-46IF

Date: August 1, 2022

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

As a result of its inspection of the American Battle Monuments Commission's (ABMC) ethics program, the Office of Government Ethics (OGE) issued seven recommendations in its February 2022 inspection report. OGE conducted a follow-up review in June 2022. The results of our follow-up review are summarized below.

	Recommendations	Agency Action and OGE Finding	Status
1	<p>Update ABMC's written procedures for administering the public financial disclosure system to address who is responsible for the review and certification of public reports and the process for making these reports publically available.</p> <p>Additionally, OGE recommends these procedures specifically indicate that the ADAEO is responsible for reviewing and certifying the DAEO's report prior to it being forwarded to OGE for final review and certification.</p>	During the follow-up review, OGE examined ABMC's written procedures for administering the public financial disclosure system and found them to address who is responsible for the review and certification of public reports, including the DAEO's report. The procedures also address the process for making public reports publically available.	Closed
2	<p>Update ABMC's written procedures for administering the confidential financial disclosure system to address who is responsible for the review and certification of confidential reports.</p> <p>Additionally, OGE recommends that these procedures be updated to reflect the following: "New Entrant reports are to be filed not later than 30 days after assuming the position, and thereafter annually by February 15 of each year, unless the filer receives an extension from the DAEO not to exceed 90 days, in accordance with 5 CFR § 2634.903."</p>	During the follow-up review, OGE examined ABMC's written procedures for administering the confidential financial disclosure system and found them to address who is responsible for the review and certification of confidential reports. The procedures also address the timeframe in which new entrant and annual confidential reports are filed.	Closed
3	<p>Cease using the agency's Conflict of Interest Certification form until OGE grants written approval for administering such a system. This also means removing this requirement from the agency's written procedures should OGE not approve the request. OGE stands ready to assist ABMC should the agency want to pursue approval of an alternative financial disclosure system.</p>	The DAEO removed all references to the use of a Conflict of Interest Certification form within its written procedures governing the confidential financial disclosure system, as required.	Closed

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4	Ensure that all confidential financial disclosure report filers who will be required to file reports in 2022 do so and that all reports are reviewed and certified timely. Also, ensure that the 2020 confidential report filed by the Director of Contracting is certified.	<p>During the follow-up review, OGE examined five confidential reports filed by ABMC employees in 2022. Of the five reports examined, one was a new entrant report and four were annual reports. All five reports examined by OGE were reviewed and certified timely.</p> <p>OGE examined the report filed by the Director of Contracting and found that it had been certified.</p>	Closed
5	Establish written procedures for issuing notices to prospective employees and ensure that the DAEO reviews these written procedures each year as required by 5 C.F.R. § 2638.303(c).	Written procedures for issuing notices to prospective employees were established by the DAEO. OGE confirmed that these procedures indicate that the DAEO will review these procedures each year.	Closed
6	Establish written procedures and the appropriate notice for issuing notices to new supervisors and ensure that new supervisors receive the required information as required by 5 C.F.R. § 2638.306.	Written procedures for issuing notices to new supervisors were established by the DAEO. At the time of inspection, no ABMC employee had an initial appointment to a supervisory position. Therefore, no written notices could be provided for OGE's examination.	Closed

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7	Document in writing the DAEO's determination that Commissioner's should not be required to file financial disclosure reports.	<p>The DAEO documented within the agency's written procedures for financial disclosure that Commissioners are excluded from the confidential reporting requirements by a determination under 5 C.F.R. § 2634.904(b) that the duties of the Commissioner position made remote the possibility a Commissioner would be involved in a real or apparent conflict of interest.</p> <p>According to the DAEO, Commissioners are part-time, unpaid special government employees. Their principal functions are representing the agency before the U.S. and foreign governments, representing the agency at memorial and other ceremonial events, and setting general policy direction for the agency. They have no role in procurement or policy-making. ABMC does not regulate the general public or industry sectors, and does not adjudicate matters involving third-parties.</p>	Closed
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Based on the results of OGE's follow-up review, all recommendations are closed.