



Office of Inspector General

May 3, 2022

Report Number 22-10

Federal Co-Chair Manchin:

While performing work of the Office of Inspector General, we reviewed the process Federal ARC staff use to report potential conflicts of interest and identified some concerns that we would like to bring to your attention.

Federal employees must follow Federal laws and regulations to identify and resolve potential conflicts. The Commission provides a general set of rules related to conflicts of interest. Federal staff self-identify potential conflicts and then bring them to the attention of the Designated Agency Ethics Official (DAEO). The DAEO reviews the information, makes a determination on whether a conflict of interest exists, and informs the staff of the final decision.

We found the Commission does not have a documented procedure for how the DAEO should review potential conflict of interest issues. In addition, the Commission does not require the DAEO to maintain documentation of the evaluation, factors considered, or the final outcome of their determination.

The lack of a written procedure for the DAEO to assess and document conflicts of interest may lead to incomplete reviews of potential conflict of interest issues. Having documented procedures would provide a higher level of assurance to you and the public that the Commission has taken steps to maintain impartiality in matters before it.

Recommendations:

1. The ARC Federal Office develop a written procedure for the DAEO to assess potential conflicts of interest.
2. The ARC Federal Office develop a system for the DAEO to document instances in which potential conflicts are identified, discussed, and evaluated.

In the next 30 days, please provide me with your management decisions describing the specific actions that you will take to implement each recommendation.

Sincerely,

A handwritten signature in blue ink that reads 'Philip M. Heneghan'.

Philip M. Heneghan
Inspector General