



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

Overseas Private Investment Corporation

Report No. 11-015
April 2011

Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Overseas Private Investment Corporation (OPIC) ethics program between November and December 2010. The results of the review found that while OPIC's ethics program has many strong program elements, improvements are needed within certain areas of the program to enable OPIC to more fully comply with ethics regulatory requirements. OGE believes that when these issues are addressed the ethics program will again be in full compliance.

Highlights

- Ethics duties are incorporated into the job descriptions and performance appraisals of OPIC's Designated Agency Ethics Official (DAEO) and Alternate Designated Agency Ethics Official (ADAEO).
- Ethics officials provide training targeted to address the specific concerns of various segments of OPIC employees, including employees not required to receive training.
- The ethics section on OPIC's Intranet page serves as a very useful and comprehensive ethics tool for all OPIC employees.
- Ethics officials ensure that all departing OPIC employees are given a post-employment briefing and written materials.
- OPIC maintains a handbook that provides policy and procedures regarding the administration of all disciplinary and adverse actions for bargaining and non-bargaining unit employees.

Concerns

- OPIC does not have written procedures that document the financial disclosure system.
- New entrant confidential reports filed by two private sector Board members were not filed in 2010.
- OPIC's private sector Board members were not routinely receiving the required written annual ethics training.
- OPIC does not use an ethics training plan to help prepare for upcoming annual training cycles.

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Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. See Title IV of the Ethics in Government Act and 5 CFR part 2638.

To assess OPIC's ethics program, OGE examined a variety of documents provided by ethics officials; other documents that OPIC forwarded to OGE, including the annual questionnaire; prior program review reports, and a sample of OPIC's public and confidential financial disclosure reports and advice and counsel provided to OPIC employees. In addition, members of OGE's Program Review Division met with the DAEO and the ADAEO to obtain additional information about the strengths and weaknesses of OPIC's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

Program Administration

The ethics program at OPIC is located within the Legal Affairs Department, hereafter referred to as the Ethics Office. The Associate General Counsel for Administration serves as the agency's DAEO and has oversight responsibility for the overall ethics program. The day-to-day administration of the ethics program is carried out by the Senior Administrative Counsel who serves as the ADAEO. Both ethics officials administer the ethics program as a collateral duty.

Model Practice Identified

- Ethics duties are incorporated into the job descriptions and performance appraisals of the DAEO and ADAEO.

Supplemental Standards of Conduct Regulation

OPIC's supplement to the standards of conduct regulation at 5 CFR part 4301 requires all employees to obtain approval from the DAEO before engaging in any outside employment. For those employees who wish to engage in any outside employment, requests for approval must be submitted using OPIC's Request for Approval of Outside Activity form. During the on-site fieldwork, OGE identified three employees who had requested prior approval for outside employment in 2010 and all three requests appeared to have been approved appropriately.

Financial Disclosure

The financial disclosure reports examined were generally filed, reviewed, and certified timely. However, several improvements are needed before the program can be considered effective. For example, OPIC does not have written procedures outlining the process for administering its financial disclosure systems as required by the section 402(d)(1) of the Ethics Act. OGE also found a lack of compliance with the ethics program requirements for OPIC's special Government employees (SGEs). (This issue is discussed in more detail in the "Special Government Employees" section below.)

Several technical issues were also identified during OGE's examination of both the public and confidential reports. However, OGE is making no formal recommendation for improvement regarding these matters based on assurances received from ethics officials that these issues would be corrected during future filing cycles. Provided below are the issues that were brought to the attention of ethics officials.

- During the examination of the public system, OGE noticed that none of the public reports that were examined had been date stamped, as required by 5 CFR § 2634.605(a). Therefore, OGE based filing timeliness on the filers' signature dates. Using this method, OGE confirmed that all reports were filed timely. Since compliance with the filing due date had been met, OGE reminds ethics officials that a financial disclosure report is considered filed when the agency receives it. Therefore, the agency date of receipt stamp is critical in determining timeliness with the filing due date and 60-day review requirements. OGE was assured that the practice of date-stamping reports would become routine during future filing cycles.
- During the examination of two public reports (one incumbent and one new entrant) that had received filing extensions, OGE found no evidence that the DAEO had approved the filing extensions in writing, required by 5 CFR § 2634.201. OGE was assured that future

approvals for filing extensions would be documented, and the approval document would be maintained as part of the official report file.

- During the examination of the confidential system, OGE identified 23 confidential reports that had not been certified by the DAEO even though the initial review had occurred. When this issue was brought to the DAEO's attention, OGE was assured that all reports had in fact been reviewed and certified. The DAEO indicated that there might have been a technical error within the e-filing system which resulted in the DAEO's e-signature not appearing when reports are printed out. The DAEO indicated that he would contact the private contractor to have this issue resolved.

Recommendation

- Develop written procedures for administering both the public and confidential financial disclosure systems in accordance with the requirements of section 402(d)(1) of the Ethics Act.

Suggestion

- In view of the importance of having a succession plan to help maintain the consistent administration of an ethics program, OGE encourages the DAEO to develop written procedures that reflect the current practices for administering other elements of OPIC's ethics program as well. OGE considers this to be a model agency practice and a valuable resource to both employees and ethics officials.

Special Government Employees

OPIC's Board of Directors consists of 15 members--8 from the private sector and 7 from the Federal Government--all of whom are appointed by the President and confirmed by the Senate (PAS appointee).¹ All private sector members on the Board are considered special Government employees; they file public reports upon nomination and subsequently file confidential reports each year thereafter. The public sector members are not employed by OPIC; therefore they file public reports with their employing agency. The Board meets four times per year, provides policy guidance to OPIC, and approves all major insurance, project finance and investment funds projects.

¹OPIC's President and Chief Executive Officer, who is also a PAS appointee, is one of the Federal Government Board members. OPIC's other full-time PAS appointee, the Executive Vice-President, is not a Board member.

To assess the collection and review of financial disclosure reports filed by private sector Board members, OGE examined seven of the eight confidential reports that were required to be filed in 2010.² During the examination of these reports, OGE found the following:

- Two of the seven board members had not filed their annual confidential reports by the time of our onsite fieldwork. According to ethics officials, one Board member assumed that she would be replaced on the Board since her term had expired and as a result; did not file. OGE discussed with ethics officials that although the filer's term on the Board may have expired, the Board member is still required to file a financial disclosure report if she wishes to continue to serve on the Board until her replacement is named. In such cases, an annual filing is not merely a procedural requirement. Rather, it will ensure that OPIC has up-to-date financial disclosure information to consider when there is a project coming before the board. Therefore, OGE recommends that the DAEO collect the "new entrant" confidential reports filed annually from the two private sector Board members in accordance with 5 CFR § 2634.903(b).
- None of the Board members indicated their reporting status on the first page of the confidential report as "New Entrant" in accordance with 5 CFR § 2634.903(b). Beyond this being important for technical compliance, filing a new entrant report changes the information that has to be reported. Specifically a new entrant filer, unlike an annual filer, does not have to report gifts and travel reimbursements. OGE was assured that during future filing cycles SGE reports will be categorized correctly.
- While we found ethics officials providing initial ethics orientations to SGE Board members on the conflict-of-interest laws and ethics regulations that apply to them when they first come on board, we noticed that Board members were not consistently being provided annual ethics training. As a result, OGE recommends that the DAEO ensure that all SGE Board members receive annual ethics training in accordance with the exception at 5 CFR § 2638.705(d)(2).

Recommendations

- Collect the new entrant confidential reports from the two private sector Board members.
- Ensure that all SGE Board members receive annual ethics training.

Suggestion

- During the course of the examination, ethics officials expressed concern that the financial disclosure reports filed by private sector board members were inadequate for their needs

² OGE did not examine the reports required to be filed by public sector board members because OPIC does not specifically request copies of these reports from their employing agencies. Instead, OPIC transmits a list of the entities that will be involved in upcoming board projects to board members' agencies, and they in turn notify OPIC of any conflicts of interest prior to OPIC's distribution of board papers to its board members. OGE was advised that both OPIC and the employing agency ethics officials provide adequate advice to these board members concerning any potential conflicts.

since most of the information reportable on the OGE Form 450 may not address fully any potential conflict of interest concerns that may arise. As result of this concern, OGE suggests that ethics officials assess the merits of whether an alternative confidential disclosure system would be more appropriate to help screen SGEs for potential conflicts, in lieu of having them file new entrant OGE Form 450s. Should OPIC decide that an alternative system would be more appropriate to detect possible conflicts of interest, OGE's permission to do so must be requested prior to its implementation, in accordance with 5 CFR § 2634.905(a).

Ethics Agreement

OGE examined the screening arrangement for the President and CEO, which described the steps that she intended to take to avoid any actual or apparent conflicts, and determined that it had been properly updated.

Education & Training

OGE's ethics education and training requirements at subpart G of 5 CFR part 2638 are generally being met at OPIC. However, OGE believes certain improvements can be made to strengthen this program element further in view of the importance of ethics education and training in making employees aware of their personal ethical responsibilities.

Annual Training Plan

At the time of fieldwork, OPIC was not utilizing a written training plan as required by 5 CFR § 2638.706. When this issue was discussed with ethics officials OGE was advised that rather than documenting OPIC's training goals in writing, the DAEO and ADAEO informally discuss (at various times during year) how they plan to accomplish training. While OGE finds merit in this informal approach given the agency's size, to more fully meet the prescribed requirement and the overall intent of using the plan to prepare for each training cycle a written plan must be developed. Once developed this plan must incorporate a brief description of the agency's annual ethics training; estimates of the number of employees who will receive verbal and written training, broken out between public filers and non-public filers; and estimates of the number of employees who will receive written training instead of verbal training, broken out according to the various exceptions to the verbal training requirements for public filers and non-public filers.

In addition, the training regulation provides that a training plan "may contain any other information that that [DAEO] believes will assist [OGE] in reviewing the agency's training program." Many agencies have used this suggestion to their advantage by adding more information to their training plans since a comprehensive training plan can be integral in focusing an agency's training needs as far as deciding who to train and how to train them, what to cover and how to deliver the training, and what facilities and resources will be needed to implement the training.

Recommendation

- Develop an agency ethics training plan and specify how OPIC will provide verbal training to those who are required to receive it, especially OPIC's most senior employees.

Initial Ethics Orientation and Annual Ethics Training for Regular Employees

OPIC exceeds OGE's initial ethics orientation requirements in that all new employees receive in-person training by the ADAEO when they first come on board. In addition to this in-person briefing, new employees are also given a handbook entitled, OPIC's "Ethics for New OPIC Employees," which covers the 14 Principles of Ethical Conduct for Government Officers and Employees (Principles) and summaries of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct). Based on our review of OPIC's internal tracking system, during the period from January to November 2010, initial orientation training was timely provided to 23 new OPIC employees.

To meet the annual training requirement in 2010 for regular employees, four one-hour training sessions were scheduled to be conducted by the Ethics Office. OGE was unable to evaluate this program element completely, particularly with regard to training completion for covered employees, since the bulk of the annual training was still being conducted during the time of OGE's fieldwork. OGE did, however, examine the various power point presentations that would be used and found them to comply with the requirements of subpart G of 5 CFR part 2638.

Initial Ethics Orientation and Annual Ethics Training for SGEs

As previously discussed in the "Special Government Employees" section, while we found ethics officials providing IEO to SGE Board members on the conflict-of-interest laws and ethics regulations that apply to them when they first come on board, Board members were not consistently being provided with annual ethics training. OGE recommends that the DAEO ensure that all SGE Board members receive written annual ethics training in accordance with the exception at 5 CFR § 2638.705(d)(2).

Model Practices Identified

- Ethics officials provide targeted training to address the specific concerns of various segments of OPIC employees, including employees not required by regulation to receive training.
- OGE found the ethics section on OPIC's Intranet page to serve as a very useful and comprehensive ethics tool for all OPIC employees. This resource features separate modules for financial disclosure filing, links to ethics briefings for new employees and out-briefings for exiting employees, ethics training and internal agency documents, the post-employment restrictions, and helpful ethics resource links. Immediate access to

both OGE regulations and agency specific regulations, along with points of contact information for OPIC ethics officials, are also provided.

Advice & Counsel

OGE found OPIC's ethics counseling and advice services to meet the requirements of 5 CFR § 2638.203(b)(7) and found that records are kept, where appropriate, on advice rendered as required by 5 CFR § 2638.203(b)(8). Employees are encouraged to contact the Ethics Office via all forms of communication, including e-mail, telephone, and in-person. However, most inquiries are made and advice rendered via e-mail correspondence. The DAEO and ADAEO are primarily responsible for rendering ethics advice to OPIC employees.

Model Practice Identified

- OPIC ensures that all departing OPIC employees are given a post-employment briefing and written materials.

Enforcement

OPIC does not have an in-house Office of Inspector General (OIG). Instead, the IG at the Agency for International Development has statutory authority to help ensure that certain program elements are carried out. No referrals of alleged violations of the conflict of interest laws were made to the Department of Justice in 2009 or 2010. According to the Ethics Office, in the event a referral had been made, the Ethics Office would be responsible for concurrently notifying OGE. In addition, there were also no reported disciplinary actions taken for violations of the standards of conduct in 2010.

Model Practice Identified

- OPIC maintains a handbook entitled, Discipline & Adverse Actions Handbook, which provides policy and procedures regarding the administration of all disciplinary and adverse actions for non-bargaining unit employees. The Director, Human Resources Management is responsible for updating and maintaining this handbook subject to the approval of the agency's Vice President and CFO. OPIC also maintains policy and procedures concerning employee relations applicable to bargaining unit employees. Both documents include a Table of Offenses and Penalties for offenses that could constitute violations of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) and criminal conflict of interest statutes.

1353 Travel Acceptances

Although OPIC allows its employees to accept payments on behalf of the agency from non-Federal sources for travel, subsistence, and related expenses incurred on official travel under 31 U.S.C. § 1353, gifts of travel to OPIC employees are rarely offered. In fact, OPIC has not reported accepting any travel payments greater than \$250 per event from non-Federal sources on their last three semiannual reports forwarded to OGE covering the period from April 1, 2009 through September 30, 2010. OGE confirmed that the Ethics Office forwarded to OGE their negative reports using the required GSA standard form (SF) 326 in a timely manner.

Agency Comments

On March 9, 2011, OGE provided a draft report to OPIC for review and comment. OPIC's written response to our draft was received on March 31, 2011. Here, we provide a summary of OPIC's response to the draft report; their full comments are attached.

- In response to our first recommendation, OPIC indicated that while they do not have written procedures for administering its program, continuity [within the program] has been maintained by having current ethics advisors mentor new ones, and by review and active maintenance of financial disclosure filings by newer ethics advisors. Communication amongst ethics officials is informal and sufficient enough to operate the program mainly due to the agency's small size. However, OPIC is in the process of drafting procedures acceptable to OGE.
- In response to our second recommendation, OPIC indicated that one of the two private sector board members has already completed and filed their confidential report. However, despite several attempts to contact the other board member to remind him that the report needs to be filed, the report has not yet been filed.
- In response to our third recommendation, OPIC indicated that they will provide written training materials to board members on at least an annual basis in years subsequent to their appointment.
- In response to our fourth recommendation, OPIC concurred that the regulation requires that a written plan be filed annually and will initiate filing as soon as possible.

In addition to the above, OPIC provided responses to the suggestions made throughout the review and summarized within this report to help improve the overall effectiveness of OPIC's ethics program.

OPIC Response to Office of Government Ethics Initial Ethics Program Review

March 31, 2011

Financial Disclosure

OGE:

The financial disclosure reports examined were generally filed, reviewed, and certified timely. However, several improvements are needed before the program can be considered effective. For example, OPIC does not have written procedures outlining the process for administering its financial disclosure systems as required by the section 402(d)(1) of the Ethics Act. OGE also found a lack of compliance with the ethics program requirements for OPIC's special Government employees (SGEs). (This issue is discussed in more detail in the "Special Government Employees" section below).

OPIC's Response:

- While OPIC does not have written procedures for administering its program, the program is managed by one attorney in Legal Affairs with assistance of one support staffer. Communications between the attorney and the DAEO are informal and sufficient enough to operate the program, mainly due to its small size. (The total number of filers in any given year is around 120.)
- Continuity has been maintained by having current ethics advisors mentor new ones, and by review and active maintenance of financial disclosure filings by newer ethics advisors.
- OPIC is in the process of drafting procedures acceptable to OGE.

OGE:

During the examination of the public system, OGE noticed that none of the public reports that were examined had been date stamped, as required by 5 CFR § 2634.605(a). Therefore, OGE based filing timeliness on the filers' signature dates. Using this method, OGE confirmed that all reports were filed timely. Since compliance with the filing due date had been met, OGE reminds ethics officials that a financial disclosure report is considered filed when the agency receives it. Therefore, the agency date of receipt stamp is critical in determining timeliness with the filing due date and 60-day review requirements. OGE was assured that the practice of date-stamping reports would become routine during future filing cycles.

OPIC's Response:

- The regulation requires that the date of receipt be noted on the report. In some cases, while the date of receipt was not reflected on the form, the date was entered in the electronic database in which tracking information is kept.
- OPIC will use a mechanical inked date stamp on all SF 278 forms in the future in addition to making an entry in the database.

OGE:

During the examination of two public reports (one incumbent and one new entrant) that had received filing extensions, OGE found no evidence that the DAEO had approved the filing extensions in writing, required by 5 CFR § 2634.201. OGE was assured that future approvals for filing extensions would be documented, and the approval document would be maintained as part of the official report file.

OPIC's Response:

- OPIC has used email to communicate with filers who request extensions. The emails are maintained in a separate Outlook folder. OGE has stated that it prefers that approvals be noted on the OGE form itself rather than separately maintained. All future requests will be noted on the form.

OGE:

During the examination of the confidential system, OGE identified 23 confidential reports that had not been certified by the DAEO even though the initial review had occurred. When this issue was brought to the DAEO's attention, OGE was assured that all reports had in fact been reviewed and certified. The DAEO indicated that there might have been a technical error within the e-filing system which resulted in the DAEO's e-signature not to appear when reports are printed out. The DAEO indicated that he would contact the private contractor to have this issue resolved.

OPIC's Response:

- This was due to a technical error that resulted in a single batch of electronic filings not displaying the e-signature of final approval. (Intermediate approvals were not affected and were still part of the documents.) The error in the system was not present as late as November 2010. However, at the time the OGE examiners viewed the entries in December 2010, the signatures were missing. All of the filings were retrieved and electronically signed again, and all are correct as of today. Although the vendor has not identified a particular cause for the data loss, we are closely monitoring this year's filing process to ensure that it does not recur. If so, we will notify the vendor immediately.
- A separate tracking system (Access database) notes the date of approval for each filing and serves as a backup method to keep track of dates.

OGE:

Two of the seven board members had not filed their annual confidential reports by the time of our onsite fieldwork. According to ethics officials, one Board member assumed that she would be replaced on the Board since her term had expired and as a result; did not file. OGE discussed with ethics officials that although the filer's term on the Board may have expired, the Board member is still required to file a financial disclosure report if they wished to continue to serve on the Board until their replacement is named. In such cases, an annual filing is not merely a procedural requirement. Rather, it will ensure that the OPIC has up-to-date financial disclosure information to consider when there is a project coming before the board. OGE notes that prior to the conclusion of this review, one board member filed the report. Therefore, OGE recommends that the DAEO collect the "new entrant" confidential report filed annually from the one private sector Board member in accordance with 5 CFR § 2634.903(b).

OPIC's Response:

- All board members are notified concerning the annual reporting requirements. In addition, prior to every meeting of the board each member is provided a list of the entities and individuals who are interested parties in all matters on the agenda for the next meeting. Members are asked to notify the DAEO if they believe they have any interest that may be in conflict with OPIC's. Therefore, even though a member may not have filed a financial disclosure report in accordance with regulatory deadlines, they nevertheless are informed about potential conflicts prior to each meeting, and given an opportunity to inform the OPIC ethics officials. This method actually increases ethics oversight because members are asked to review and report interests prior to each meeting, as opposed to only once a year. OPIC's conflicts check is more timely and targeted than reliance on an annual income form filing.
- The board member referenced in OGE's report who did not file because she anticipated being replaced had disclosure reports on file for prior years. Following OGE's site review, the member completed and filed a report.
- OPIC has communicated on several occasions with the board member who has not filed a confidential disclosure report in order to remind him that the report needs to be filed. To date, he has not filed the report.

OGE:

None of the Board members indicated their reporting status on the first page of the confidential report as "New Entrant" in accordance with 5 CFR § 2634.903(b). Beyond this being important for technical compliance, filing a new entrant report changes the information that has to be reported. Specifically a new entrant filer, unlike an annual filer, does not have to report gifts and

travel reimbursements. OGE was assured that during future filing cycles SGE reports will be categorized correctly.

OPIC's Response:

- OPIC did not consider board members to be “New Entrants” because they have a term appointment and are already serving on OPIC’s board by the time they file their first confidential financial disclosure report. All private sector board members file an SF 278 for the nomination and confirmation process. However, in accordance with the recommendation, OPIC will nevertheless have private sector board members check the “new entrant” box.

OGE:

Although we found the Ethics Office providing initial ethics orientations to SGE Board members on the conflict-of-interest laws and ethics regulations that apply to them when they first come on board, in accordance with 5 CFR § 2638.703, we noticed that Board members were not consistently provided with annual ethics training. As a result, OGE recommends that the DAEO ensure that all SGE Board members receive written annual ethics training in accordance with the exception at 5 CFR § 2638.705(d)(2).

OPIC's Response:

- OPIC’s past practice has been to provide written materials annually to board members in years subsequent to their initial appointment. During the period of the program review several private sector members remained as OPIC board members longer than anticipated because of delays in the confirmation process of their replacement. As a result, several members did not receive their annual packet in their final year of serving on OPIC’s board. OPIC will resume providing written training materials to board members on at least an annual basis in years subsequent to their appointment.

OGE Suggestion

During the course of the examination, ethics officials expressed concern that the financial disclosure reports filed by private sector board members were inadequate for their needs since most of the information reportable on the OGE Form 450 may not address fully any potential conflict of interest concerns that may arise. As result of this concern, OGE suggests that ethics officials assess the merits of whether an alternative confidential disclosure system would be more appropriate to help screen SGEs for potential conflicts, in lieu of having them file new entrant OGE Form 450s. Should OPIC decide that an alternative system would be more appropriate to detect possible conflicts of interest, OGE’s permission to do so must be requested prior to its implementation, in accordance with 5 CFR § 2634.905(a).

OPIC's Response:

OPIC will present a request for an alternative system of ethics reporting that would be more appropriate for use by board members in reviewing and reporting interests as they may relate to matters to be considered by the board.

Education and Training

OGE

At the time of fieldwork, OPIC was not utilizing a written training plan as required by 5 CFR § 2638.706. When this issue was discussed with ethics officials OGE was advised that rather than documenting OPIC's training goals in writing, the DAEO and ADAEO informally discuss (at various times during year) how they plan to accomplish training. While OGE finds merit in this informal approach given the agency's size, to more fully meet the prescribed requirement and the overall intent of using the plan to prepare for each training cycle a written plan must be developed. Once developed this plan must incorporate a brief description of the agency's annual ethics training; estimates of the number of employees who will receive verbal and written training, broken out between public filers and non-public filers; and estimates of the number of employees who will receive written training instead of verbal training, broken out according to the various exceptions to the verbal training requirements for public filers and non-public filers. In addition, the training regulation provides that a training plan "may contain any other information that that [DAEO] believes will assist [OGE] in reviewing the agency's training program." Many agencies have used this suggestion to their advantage by adding more information to their training plans since a comprehensive training plan can be integral in focusing an agency's training needs as far as deciding who to train and how to train them, what to cover and how to deliver the training, and what facilities and resources will be needed to implement the training.

OGE Recommendation

- *Develop an agency ethics training plan and specify how OPIC will provide verbal training to those who are required to receive it, especially OPIC's most senior employees.*

OPIC's Response:

- OPIC concurs that the regulation requires that a written plan be filed annually. However, as mentioned in OGE's remarks, OPIC has a small ethics training staff of two attorneys who collaborate and consult on a daily basis concerning all ethics-related matters, including training. This has allowed for great flexibility in planning and implementing training and other programmatic elements of its ethics responsibilities. Lack of a written

plan has not had a negative impact on OPIC's training. However, OPIC concurs that the regulation calls for a written plan and will initiate filing as soon as possible.