



Highlights

Issues of Compliance

- The NPS DEC does not conduct a conflict of interest analysis of the confidential financial disclosure reports.
- Certification of some public and confidential financial disclosure reports not requiring significant follow-up was protracted.
- Efforts to collect confidential financial disclosure reports from newly designated SGE members of NPS committees have been protracted.

OGE Recommends

- The NPS DEC conduct thorough conflict of interest analyses of confidential financial disclosure reports.
- The NPS DEC review and certify financial disclosure reports in a timely manner.
- The NPS DEC collect confidential financial disclosure reports from SGE members of NPS committees in a timely manner.

For further information, contact
Dale Christopher at 202-482-9224
or dachrist@oge.gov

Ethics Program Review

National Park Service

Conducted October 2005 Through January 2006

Executive Summary

The Office of Government Ethics' (OGE) review revealed that room for improvement exists in the National Park Service's (NPS) ethics program, especially with regard to the review and certification of financial disclosure reports. Of primary concern is the NPS Deputy Ethics Counselor's (DEC) admission that she does not conduct conflict of interest analyses of the confidential financial disclosure reports, but simply reviews them for completeness and compliance with the technical reporting requirements. We are also concerned that the certification of some public and confidential reports not requiring significant follow-up was protracted, often several months after initial review. Finally, while we commend officials from the Department of the Interior's (Interior) Departmental Ethics Office and the NPS DEC for reevaluating the status of the members of NPS' advisory and operational committees and designating some of the members as special Government employees (SGE), efforts to collect confidential financial disclosure reports from these newly designated SGE members have been protracted.

Despite these deficiencies, the NPS ethics program has several commendable aspects. For example, we were impressed with an ongoing training initiative undertaken by the NPS DEC in which she is tailoring computer-based training modules developed by another agency to focus more on NPS issues and situations. In addition, we found the advice and counseling we examined to comply with all relevant statutory and regulatory provisions. Finally, the Interior Designated Agency Ethics Official's (DAEO) continuing efforts to provide training for field and regional Assistant Ethics Counselors is laudable, especially in light of some of the concerns highlighted in the Departmental Ethics Office's internal review of the NPS program at the field and regional levels.

We ask that Interior's DAEO advise OGE within 60 days of the specific actions NPS has taken or plans to take on our recommendations. OGE will conduct a follow-up review within six months of the date of this report.

This report is being forwarded to Interior's DAEO and Inspector General.



**United States Office
Of Government Ethics**

Report Number 06-008

**Ethics Program Review
National Park Service**

Conducted October 2005 Through January 2006

Introduction

OGE MISSION

The Office of Government Ethics (OGE) provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance.

PURPOSE OF A REVIEW

An ethics program review identifies and reports the strengths and weaknesses of an executive branch agency's ethics program. An ethics program includes both substantive and structural aspects. For example, a review measures agency compliance with ethics requirements found in the relevant laws, regulations, and policies. A review also evaluates ethics-related systems, processes, and procedures in place for administering the program. 5 C.F.R. § 2600.103(e)(1)(iii). A review does not investigate any particular case of employee misconduct.

REVIEW AUTHORITY AND SCOPE

OGE has the authority to evaluate the effectiveness of executive agency programs in preventing conflicts of interest. These programs may include the financial disclosure systems, ethics education and training, ethics agreements, advice and counseling, and the enforcement of ethics laws and regulations. Title IV of the Ethics in Government Act of 1978, as amended; 5 C.F.R. part 2638.

In light of the decentralized structure of the National Park Service (NPS) program, in addition to conducting our standard review of the Washington Office program, we also attempted to measure the efficiency of the program's current structure with respect to the Assistant Ethics Counselors (AEC) in the field and regions. To accomplish this goal, we conducted telephonic interviews with three of the AECs to evaluate the overall quality of their administration of their respective portions of NPS' program and to obtain a sense of their views on the level of accountability they have to the program. The results of these interviews are discussed later in the ASSISTANT ETHICS COUNSELORS section of this report.

Ethics Program Review: NPS

Findings

PROGRAM STRUCTURE

The Director of Interior's Departmental Ethics Office (DEO) serves as the department's Designated Agency Ethics Official (DAEO). The position of Alternate DAEO is currently vacant but is being filled in an acting capacity by an attorney in DEO. In addition to directly providing ethics services for Interior's Office of the Secretary, DEO provides overall direction for the administration of the ethics program Departmentwide, including the program at NPS.

The Director of NPS serves as the NPS Ethics Counselor. However, the day-to-day administration of the program at the NPS Washington Office is carried out by the full-time Deputy Ethics Counselor (DEC). The NPS DEC has been in this position since March 2004 and is NPS' first full-time DEC. She is also indirectly responsible for overseeing the administration of the program by the approximately 30 Assistant Ethics Counselors (AEC) at NPS' various field and regional locations. The AECs are not full-time ethics counselors and spend only a small portion of their time performing ethics-related duties. While the NPS DEC provides periodic support for the AECs and routinely provides advice in response to their questions, she has no formal oversight responsibility for the AECs.

OGE's LAST REVIEW OF NPS

OGE last conducted a review of NPS' ethics program in July 1997, as part of a larger review of several Interior components. This review resulted in a Notice of Deficiency being issued to the then Acting DAEO. The report on this review identified several NPS-specific program deficiencies involving the administration of the confidential financial disclosure system and the ethics education and training program.

PUBLIC FINANCIAL DISCLOSURE SYSTEM

Until recently, DEO was responsible for the final review and certification of all public financial disclosure reports filed by Interior employees Departmentwide, including those filed by NPS employees. The NPS DEC was responsible for conducting an intermediate review of the public reports filed by non-Presidentially-appointed Senate-confirmed (PAS) NPS employees and then forwarding them to DEO for final review and certification. The one PAS report, that of the NPS Director, was, and continues to be, filed directly with DEO. As further discussed later in this section, beginning with the 2006 filing cycle, Interior bureau DEC's and/or AEC's will be delegated the authority to certify all public reports filed by non-PAS Interior employees at their respective bureau.

To evaluate the administration of NPS' public system for the most recent filing cycle, we examined 19 of the 37 public reports required to be filed by non-PAS employees in 2005. All 19 of the reports were filed in a timely manner. However, only 13 of the reports had been reviewed by the NPS DEC timely and only 12 had been certified by DEO timely. More notably, we did not examine

Ethics Program Review: NPS

18 public reports required to be filed in 2005 because they were still undergoing review by the NPS DEC at the time of our review in late October 2005 (more than 5 months after the annual filing deadline), and thus had not yet been certified by DEO.

While 5 C.F.R. § 2634.605 allows certification of both public and confidential reports to exceed the 60-day review requirement where additional information is being sought, several reports did not require significant follow-up by the NPS DEC, or any required follow-up was not initiated until several months after the initial review.

As we noted in our recent report on Interior's ethics program, while timely review of both public and confidential financial disclosure reports is necessary to promptly identify and remedy potential conflicts, it is especially important to ensure that public reports are reviewed and certified in a timely manner because of the highly visible nature of the positions that public filers can hold. The breadth of these employees' responsibilities and the decision-making authority inherent in their positions also may increase the potential for conflicts. Moreover, as agencies are required to make these reports publicly available within 30 days after receipt, not conducting at least a thorough initial review of the reports within this time frame detracts from the transparency of the program as a whole.

In the DAEO's 60-day response letter to OGE's recent report on Interior's ethics program addressing the issue of timely review and certification of public reports, she stated that beginning with the 2006 filing cycle, Interior DEC's and/or AEC's will be delegated the authority to certify public reports filed by non-PAS Interior employees at their respective bureau. To ensure that the public reports are being certified in a timely manner and in compliance with the law, the response letter further stated that DEO will periodically spot-check the reports filed with the DEC's and AEC's. While delegating the certification authority will eliminate the bottle neck that existed when DEO was responsible for certifying all of the public reports, it does not directly address the apparent protracted review of the NPS public reports by the NPS DEC. Therefore, in addition to recommending that all outstanding public reports filed in 2005 be reviewed and certified as soon as possible, we suggest that any spot-checking conducted by DEO, especially during the upcoming 2006 annual filing cycle, include NPS.

We also examined the one PAS report required to be filed by the NPS Director in 2005. This report was filed, reviewed, certified, and forwarded to OGE in a timely manner.

CONFIDENTIAL FINANCIAL DISCLOSURE SYSTEM

The NPS DEC is responsible for the collection, review, and certification of all confidential reports filed by employees in the NPS Washington Office, as well as those filed by SGE members of NPS' advisory and operating committees. To evaluate the NPS DEC's administration of the Washington Office and committee confidential systems, we examined all of the confidential reports filed by regular (non-SGE) Washington Office employees in 2004 and NPS committee SGEs in 2005. Although the reports filed by regular employees were generally filed and reviewed in a timely

Ethics Program Review: NPS

manner, many were not certified by the NPS DEC in a timely manner. Moreover, the majority of reports required to be filed by SGE committee members had not been filed at the time of our review.

Regular Employees

To evaluate the confidential system for regular employees within the Washington Office, we examined all 101 of the confidential reports required to be filed by Washington Office employees in 2004. Ninety of these reports were filed timely and 98 were reviewed timely. However, only 56 had been certified by the NPS DEC in a timely manner.

Of greater concern than the late certification of confidential reports is the NPS DEC's admission that she generally does not conduct a conflict of interest analysis of the reports, but essentially reviews them for completeness and compliance with the technical filing requirements. She explained that one reason she does not conduct a conflict of interest analysis is that NPS does not have a contractor list or prohibited source list for her to use during her review of the reports. Without such a list, and with limited knowledge of filers' day-to-day responsibilities and duties, conducting such an analysis would be very difficult.

Ethics officials who are reviewing officials have a responsibility with regard to the certification of confidential reports, as provided by 5 C.F.R. §§ 2634.605 and 2634.909(a):

...[A] report which is signed by a reviewing official certifies that the filer's agency has reviewed the report, and that the reviewing official has concluded that each required item has been completed and that on the basis of information contained in such report the filer is in compliance with [the criminal conflict of interest statutes, the Ethics in Government Act, Executive Order 12731, the Standards of Ethical Conduct for Employees of the Executive Branch, and any other agency-specific statute or regulation governing the filer].

During our exit conference, we suggested that some sort of prohibited source list be developed for use by the NPS DEC during her review of the reports. However, an attorney from DEO explained that because of the nature of NPS' mission (i.e., it is a non-regulatory organization with little contracting responsibility) there are probably very few, if any, entities that would clearly meet the definition of a "prohibited source." We countered that if developing a satisfactory prohibited source list is not feasible, the NPS DEC should work with filers' supervisors to gain a better understanding of filers' duties and the types of interests and activities that may pose the potential for conflict. Moreover, while NPS policy is not to have filers' supervisors conduct an initial review of the confidential reports, filers' supervisors can at least be consulted during the review process when the NPS DEC identifies any interests about which she has concerns regarding their potential for posing conflicts with the filers' duties. Finally, we suggested, and the DAEO

Ethics Program Review: NPS

concurrent, that the topic of conflicting financial interests should be stressed during initial ethics orientation and annual ethics training. A recommendation is being made to address this issue.

Committee SGEs

NPS has 30 Federal advisory committees, 29 members of which are considered to be SGEs. NPS also has 10 operating committees, 151 members of which are considered to be SGEs. These SGE determinations have been made only recently as a result of a collaborative effort between DEO and the NPS DEC.

To evaluate NPS' administration of the confidential financial disclosure system for NPS committees, we examined all 16 of the available reports required to be filed in 2005 by SGE members of 5 NPS committees. While members of an additional nine committees have been recently designated as SGEs, NPS has not yet notified them of this change in status and thus has not yet begun collecting reports from them. During our exit conference, it became apparent that there has been a misunderstanding between the NPS DEC and DEO as to when this notification and collection of reports was to have taken place. An attorney from DEO and the NPS DEC agreed to resolve this matter immediately.

During the course of our review, the NPS DEC, in coordination with the DAEO, decided that an alternative confidential financial disclosure procedure, as allowed by 5 C.F.R. § 2634.905(c), may best enable NPS to prevent conflicts of interest. According to the NPS DEC, the vast majority of the information required by the OGE Form 450 is not relevant to the work that SGEs are performing as committee members. Therefore, under the contemplated alternative procedure, SGE members would be asked to certify that they have no financial interest in or other association with the business before the committee which could raise a real or apparent conflict of interest.

If the DAEO decides to pursue the use of an alternative confidential financial disclosure procedure, she must submit to OGE a written request to implement such a procedure, including a determination that the procedure would be adequate to prevent possible conflicts of interest, as required by § 2634.905(c).

In any event, we recommend efforts be undertaken to notify newly-designated committee members of their SGE status and to then begin collecting confidential reports (either an OGE Form 450 or an OGE-approved alternative form) from them.

OUTSIDE ACTIVITIES

In accordance with 5 C.F.R. § 3501.105(b)(1) of Interior's supplemental standards of conduct regulation (supplemental regulation), an Interior employee (including an NPS employee) must obtain

Ethics Program Review: NPS

written approval from his ethics counselor or other agency designee before engaging in certain types of outside employment with a prohibited source.

In an attempt to evaluate NPS' compliance with the supplemental regulation, we noted any outside employment activities reported on the public and confidential financial disclosure reports we examined. We identified a total of 15 reported activities. According to the NPS DEC, 13 of these activities did not involve the type of employment that would require prior written approval. The remaining two reported activities were for service as an officer or director on outside boards in the filers' official capacities and thus should not have been reported on their financial disclosure reports. Both filers were granted 18 U.S.C. § 208(b)(1) waivers to serve on these boards.

ETHICS EDUCATION AND TRAINING

The NPS DEC and AECs, often using materials and presentations prepared by DEO and other executive branch ethics officials, provide initial ethics orientation and annual ethics training to Washington Office and field/regional office employees respectively. The orientation and annual training generally meet requirements; however, we suggest NPS consider implementing some additional practices to maximize the effectiveness of its training program.

Initial Ethics Orientation

To meet the initial ethics orientation requirement, NPS provides new employees with written materials during their larger new employee orientation. These materials consist of one of two booklets prepared by DEO: "Ethics Guide: Helping with Your Everyday Decisions" or "Making Ethics a Part of the Workplace," which summarize the ethics laws and regulations, including Interior's supplemental regulation, and the 14 Principles of Ethical Conduct. The latter booklet is the most recent and, as such, updates the older publication. In addition to one of the booklets, NPS also provides new employees with the names, titles, and phone numbers of their ethics officials.

Employees are given one hour to read the materials and must complete a certification form upon completion. NPS Washington Office employees return the form to the NPS DEC while employees in the field/regional offices return the form to their AECs. (The AECs in turn are to notify the NPS DEC of the number of new regional employees who received the orientation).

We found that NPS meets the regulatory requirements for initial ethics orientation as specified in 5 C.F.R. § 2638.703. However, experience has shown that the more successful ethics training programs move beyond simply meeting requirements. We suggested that NPS consider implementing the following techniques, to the extent feasible, to improve the initial ethics orientation provided to new employees:

- initiating face-to-face contact with new employees,
- compiling and distributing examples of NPS common ethics issues and recent ethics violations, and

Ethics Program Review: NPS

- testing new employees' knowledge after reading initial ethics orientation materials.

Face-to-Face Contact Would Highlight NPS' Commitment to Ethics

The NPS DEC should consider initiating some type of face-to-face contact with new employees within the Washington Office and encourage AECs in the field/regional offices to do the same.

New Government employees are typically inundated with information and material upon entering-on-duty. As a result, ethics may get lost amid the variety of topics covered. Lending a face to ethics makes more of an impression than simply providing written materials, especially since the initial ethics orientation may be the only exposure some employees have to the ethics laws and regulations during their entire Government careers. Face-to-face contact also elevates the visibility of the ethics program and sends a clear message that ethical conduct is valued at NPS. In addition, the rule of thumb is that the higher the position of the person making the face-to-face contact, the more effective it is. Therefore, while the NPS DEC could provide face-to-face contact with new Washington Office employees, the Director of NPS, as NPS Ethics Counselor, may make even more of an impact.

Examples of face-to-face contact may include a simple welcome visit to each new employee, an invitation to each employee or a group of new employees to visit with the NPS Ethics Counselor, DEC, or AEC, or a verbal ethics presentation to a group of new employees. The type of contact and who should make the contact may depend on, among other things, the number of new employees NPS hires each year and the availability of the NPS Ethics Counselor, DEC, and AECs.

Should a verbal initial ethics orientation presentation to a group of new employees be feasible, the NPS DEC and AECs might consider conducting a one-hour presentation so that it would also qualify as verbal annual ethics training for covered employees. A one-hour verbal presentation for new Washington Office employees would also provide an opportunity for the NPS Ethics Counselor to make at least a brief appearance to encourage employees to make ethics a priority.

NPS-Specific Materials Might Enhance New Employee Comprehension of Ethics Issues

The NPS DEC might also consider supplementing the initial ethics orientation booklets with a handout describing some of the more common ethics issues that may arise, or have recently arisen, within NPS. The handout might include:

- examples that use the wording of NPS' mission or types of duties typically performed by its employees, and/or

Ethics Program Review: NPS

- a list of recent situations which have resulted in ethics violations at NPS.

Examples are more meaningful because new employees might otherwise not be able to readily relate the ethics concepts to duties they have not yet performed; examples show how to apply the ethics concepts on the job. Adding examples will also be helpful because the updated orientation booklet no longer contains examples (although some of them are retained in the Q&A section of Interior's ethics Web site).

Testing Employees Would Ensure a More Effective IEO

Lastly, the NPS DEC should consider testing new employees' knowledge after they read the written orientation materials. Testing is one way to give employees a chance to apply what they have learned. It also provides the NPS DEC an opportunity to provide employees with feedback. It is during application and feedback that real learning takes place. Application and feedback also bolster employees' retention rates. According to research, adults on average retain only 10 percent of what they read compared to 90 percent of what they do or apply.

Based on a discussion with the NPS DEC at the close of our fieldwork, efforts to implement this suggestion, at least with regard to annual ethics training, are already underway. As noted in the Training Initiative subsection below, annual training for covered employees will soon include a testing requirement.

Annual Ethics Training

Annual ethics training for covered NPS employees is provided through a variety of methods including live or satellite broadcast presentations or videotapes of these presentations, computer-based training modules, and written materials.

Public Filers

To meet the annual ethics training requirement in 2005, public financial disclosure filers were given the option of attending live briefings presented by DEO or completing computer-based training modules developed by the United States Department of Agriculture or DEO. To track completion of the annual training, public filers were required to sign-in at the live briefings or return a certification statement to the NPS DEC upon completion of the computer-based modules.

According to the NPS DEC, all but three public filers received annual ethics training in 2005. One of these filers only entered on duty in December 2005 and simply did not have a chance to complete the training. The other two public filers have not provided reasons for failing to complete the training. The DAEO stated that public filers who did not complete annual ethics training in 2005 will be targeted to receive training during the first training sessions of 2006. Continued failure by these employees to complete the annual training will be brought to the attention of their supervisors for appropriate action.

Ethics Program Review: NPS

Confidential Filers

To meet the annual ethics training requirement in 2005, confidential financial disclosure filers were also given the option of attending live briefings, viewing satellite broadcasts of these briefings, completing computer-based training modules, or reading written training materials prepared by DEO. As with the public filers, training was tracked via the use of sign-in sheets and certification statements, as appropriate. According to the NPS DEC, 74 of the 101 confidential filers had completed the 2005 annual ethics training by the time of our last meeting in early January 2006. As with the public filers, confidential filers who did not complete annual ethics training in 2005 will be among the first to be required to complete it in 2006. Also, supervisors of those who still fail to complete the training will be contacted for appropriate action.

Training Initiative

We commend NPS on the computer-based annual ethics training initiative it is undertaking. This initiative, expected to be completed in April 2006, involves the development of 16 computer-based training modules. These modules will include a test to ensure employees understand how to apply the ethics rules covered in the modules and a certification process that issues a training certificate verifying completion only when employees correctly answer a certain number of the test questions. The initiative will also include a method of ensuring that employees do not select the same modules every year.

We are especially pleased to note that the testing portion of the modules will serve to further enhance the idea of measurability in the training program, as employees will not only need to complete the modules, but will also be measured in how well they can apply what they have learned. Moreover, the tests will hold employees accountable for not just rushing through the modules to receive credit for completing annual ethics training.

SGE Committee Members

Members of NPS committees who were newly-appointed or re-designated as SGEs were provided a written summary of the ethics rules applicable to them. This summary, entitled "Ethics Rules for Members of DOI Commissions and Advisory Committees Who Are Appointed as Special Government Employees," was prepared by DEO in 2003. Since committee members have only recently been designated as SGEs, the NPS DEC is only now considering how to meet the annual ethics training requirement for them. She stated that one possibility under consideration is that she and an attorney from DEO would provide live presentations prior to committee meetings.

Training for AECs

In addition to providing annual training to covered employees, the DAEO and the NPS DEC recently conducted a satellite broadcast presentation for AECs. This presentation was videotaped for ongoing use by AECs as a training tool. We viewed the videotape and found that the presentation contained some noteworthy training design techniques, such as:

Ethics Program Review: NPS

- Surveying AECs prior to the presentation for training topics and then concentrating on the most frequently raised issues or concerns.
- The DAEO co-presenting the session with the NPS DEC. This gave both the DAEO and the NPS DEC the visibility with the AECs they may rarely see, thus enhancing the transparency of the ethics program as a whole.
- Addressing only the most common provisions of the post-employment restrictions. Effective training focuses on the situations the AECs are most likely to encounter.

In addition, the DAEO plans to provide a two-day course for AECs in both Denver and Phoenix in early 2006. The first day of this course will focus on the basics of running an ethics program and the second day will focus on properly reviewing the OGE Form 450. We were particularly impressed with the reference manual titled "How to Run an Ethics Program," which the DAEO has prepared for this course. It will be a valuable asset to the AECs.

We commend both of these outreach efforts as positive steps toward ensuring that the NPS ethics program in the field and regions is efficiently and consistently administered. We also commend the DAEO, as she is ultimately accountable for maintaining proper oversight of the ethics program Departmentwide, including the program at the field/regional level.

ETHICS ADVICE AND COUNSELING

Ethics-related advice and counseling are provided to NPS employees by DEO, the NPS DEC, and the AECs. To evaluate the advice and counseling provided, we examined a sample of 65 written determinations rendered from 2004 to the time of our review. These determinations covered such topics as gift acceptance, outside activities, misuse of Government position, and 18 U.S.C. §§ 205, 207, and 208. Based on our evaluation of these determinations, we conclude that the advice and counseling provided was consistent with the relevant ethics laws and regulations.

ENFORCEMENT

According to documentation provided to us by the NPS DEC, there were two recent allegations of NPS employees violating the Standards of Ethical Conduct for Employees of the Executive Branch.

The first allegation involved an employee misusing Government equipment. This allegation was initially referred to Interior's Office of Inspector General (OIG). OIG remanded the allegation back to NPS for "review and any action deemed appropriate." According to the NPS DEC, no action was taken against the employee.

The second allegation involved an employee misusing Government equipment and official time, and violating the restrictions on teaching, speaking, and writing found at 5 C.F.R. § 2635.807.

Ethics Program Review: NPS

This allegation was also referred to Interior's OIG. At the time of our review, the allegation was still under review by OIG.

ASSISTANT ETHICS COUNSELORS

In a written summary prepared in July 2003, DEO expressed concern about the overall effectiveness of NPS' ethics program. According to the summary, the then NPS DEC responsible for the day-to-day administration of the program had experienced an increase in other duties and was spending very little time on ethics matters. Moreover, her role relative to the AECs was weak, as she did not feel that she had the authority to oversee them or hold them accountable for their ethics duties. In addition, counseling by the AECs appeared to be inconsistent.

During our review, the current NPS DEC reiterated some of the same concerns, especially with regard to the accountability of the AECs. She stated that although she provides assistance to the AECs on a routine basis and requests periodic information from them, she ultimately has no authority to compel them to carry out their ethics duties.

To evaluate the administration of the NPS ethics program at the field/regional levels, we conducted telephonic interviews with three AECs located throughout the country. Each of the AECs stated that her ethics duties constitute a very small percentage of her overall responsibilities. However, they stated that they routinely contact the NPS DEC for advice on ethics issues. They also stated that the NPS DEC is extremely responsive and knowledgeable of the ethics rules. Finally, when asked if they were comfortable with the amount of training they have received to enable them to carry out their ethics duties, the AECs stated that having the NPS DEC as a ready resource enabled them to provide accurate and consistent advice to their employees and that having a full-time NPS DEC (the previous NPS DEC only worked part time on ethics) has improved their ability to have their questions answered in a timely manner.

One of the AECs stated that her ethics duties were reflected in her position description and were a ratable element in her performance plan. The other two AECs stated that these duties were probably somehow contained in their position descriptions and performance plans, but generally as part of a larger performance element, such as the requirement to provide periodic training. During our exit conference, we asked if the DAEO would support the idea of requiring ethics duties to be specifically spelled out in AECs position descriptions and be ratable elements of their performance plans/evaluations to increase the measurability and accountability of the AECs with respect to these duties. She stated that she would support such a requirement.

Based on our discussions, the AECs with whom we spoke countered some of the concerns raised by DEO in 2003. They appear to know what is expected of them to properly carry out their ethics duties. The recent placement of a full-time NPS DEC helps to ensure the efficient and consistent administration of the program throughout NPS and provides a central point of contact for AECs to utilize when questions arise. However, the NPS DEC stated she would prefer that the field and regional AECs receive additional training so that they do not have to be so reliant upon her.

Ethics Program Review: NPS

RECOMMENDATIONS

To bring NPS' ethics program into full compliance with applicable laws and regulations, we recommend that the DAEO:

1. Ensure that the NPS DEC conducts thorough conflict of interest analyses of confidential financial disclosure reports. Failing the development and use of a satisfactory prohibited sources list, this can be accomplished through the NPS DEC:
 - working with filers' supervisors to gain a better understanding of filers' duties and the types of interests and activities that may pose the potential for conflict,
 - consulting filers' supervisors during the review process when identifying any interests that pose potential conflicts with the filers' duties, and
 - stressing the topic of conflicting financial interests during any ethics training provided to financial disclosure report filers.
2. Ensure that NPS financial disclosure reports are reviewed and certified in a timely manner.
3. Ensure that confidential financial disclosure reports are collected from SGE members of NPS committees in a timely manner.

We ask that Interior's DAEO advise OGE within 60 days of the specific actions NPS has taken or plans to take on our recommendations. OGE will conduct a follow-up review within six months of the date of this report.