



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

March 26, 2013

Michael McCord  
Designated Agency Ethics Official  
Federal Mine Safety and Health Review Commission  
1331 Pennsylvania Avenue, NW.  
Suite 520 N  
Washington, D.C. 20004

Dear Mr. McCord:

The United States Office of Government Ethics (OGE) has completed a follow-up review of the ethics program at the Federal Mine Safety and Health Review Commission (the Commission) to determine how the recommendations and suggestions from our August 2012 program review report have been addressed. The August 2012 report identified two recommendations requiring agency action and two suggestions to help improve the program further.

OGE recommended that the Commission modify its existing written procedures to ensure full compliance with Section 402(d)(1) of the Ethics in Government Act. Specifically, OGE found that the procedures did not contain instructions for: (1) requesting and granting individual filing extensions, (2) collecting the \$200 late filing fee and requesting waivers of the late filing fee (for public reports only), (3) following-up on delinquent reports, (4) remedying possible violations when they are found, and (5) the deadline for submission of confidential financial disclosure reports. Your October 2012 response to OGE's report included a copy of the revised procedures that included these five items. OGE considers this action to be responsive to the recommendation. Therefore, the recommendation is closed.

OGE also recommended that the Commission improve its process to ensure that public reports are certified within 60 days, unless extensions are granted or additional clarification is required from the filer to determine that a report is complete and in compliance with applicable laws and regulations. In August 2012, the Commission's Deputy Ethics Official stated that the timeliness of the review and certification of the public reports would be improved by allowing the Alternate Designated Agency Ethics Official to also be a certifying official. OGE considers this action to be responsive to the recommendation. Therefore, the recommendation is closed.

OGE suggested that written approvals (or denials) for outside activities be maintained with the filer's financial disclosure report file for use in reviewing the financial disclosure reports. In February 2013, the Deputy Ethics Official confirmed that written approvals or denials for outside activities, samples of which were previously provided, are included with a filer's

Mr. Michael McCord

Page 2

financial disclosure report. OGE considers this action to be responsive to the suggestion. Therefore, the suggestion is closed.

OGE also suggested that the Commission establish a formal relationship with an outside investigative organization for investigatory services to address potential ethics violations. In February 2013, the Deputy Ethics Official stated that the Commission is considering adopting this suggestion, but had not yet decided whether to enter into a formal relationship with an outside investigative organization. OGE considers this to be sufficiently responsive to the suggestion. Therefore, the suggestion is closed.

Based on OGE's follow-up, we have determined that the Commission has adequately addressed the two recommendations and two suggestions from our August 2012 report. Thank you for your assistance during the follow-up process. Please contact me at 202-482-9317 if you require any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Rashmi Bartlett".

Rashmi Bartlett  
Chief, Professional Staff Group 1  
Program Review Branch  
Compliance Division