

U.S. NCP

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2019)

This questionnaire is designed to help National Contact Points fulfil their reporting obligations as described in the Procedural Guidance of the OECD Guidelines for Multinational Enterprises. The answers to the questions should reflect the nature and results of the activities of the NCP¹.

STRUCTURE

This questionnaire comprises 61 questions and 2 annexes under the following headings:

- A. Contact information
- B. Institutional arrangements
- C. Information and promotion
- D. Specific instances
- E. Peer learning and peer reviews
- F. Policy coherence
- G. Challenges
- Annex 1: NCP PROMOTIONAL ACTIVITIES
- Annex 2: SPECIFIC INSTANCES

TYPES OF QUESTIONS

1. Questions with predefined answers

For most questions, a pre-defined set of answers are provided in a drop-down menu (e.g. Yes-No-N/A). For each of these questions, please select the appropriate answer in the dropdown menu.

Example:

(b) Promotional activities	
19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes/No

2. Open-ended questions

- a) Some questions are open-ended, and in these cases an answer box is provided. Many of these questions are meant to complement a question with predefined answers. Please keep responses precise and short.

Example:

¹ Page 74 of the Procedural Guidance of the OECD Guidelines for Multinational Enterprises: "Reports should contain information on the nature and results of the activities of the NCP, including implementation activities in specific instances".

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(b) Advisory body	
5. Does the NCP have one or several advisory bodies?	Yes/No
If the NCP has several advisory bodies, please specify.	Click here to enter text.

- b) “Additional comments” boxes are situated at the end of each section. Please feel free to enter any additional information you would like to share in these boxes.

Example:

*Additional comments on **Advisory body***

[Click here to enter text](#)

TERMS USED IN THE QUESTIONNAIRE

A number of terms are used throughout the questionnaire. Definitions are provided below. Please note that these definitions are exclusively intended to assist in clarifying the terms used in this questionnaire. These terms will be underlined the first time they are used in this questionnaire.

- **Structure of the NCP:** The organisational set up of the NCP. Four NCP structures have been pre-identified, but other arrangements are possible:
 - Single-agency: The NCP is composed of one individual in a single ministry, or by a group of individuals belonging to the same service in the same ministry.
 - Inter-agency: The NCP is composed of a group of representatives from several ministries or government agencies.
 - Expert-based: The NCP is composed of experts who are external to government.
 - Multipartite: The NCP is composed of a group of government officials and stakeholder representatives.
- **Secretariat:** Government officials or group of government officials acting as the permanent office of an NCP.
- **Advisory body:** Some NCPs have an advisory body which can be consulted by the NCP on a range of activities and issues on which it provides advice. Advisory bodies can include representatives from trade unions, NGOs, business and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances. Some advisory bodies also provide oversight to the NCP (see below).
- **Oversight:** Monitoring of the NCP’s activities performed by an Advisory body, for example on whether the NCP has followed its own rules of procedures.
- **Dedicated budget:** A budget that is allocated to the NCP on a regular basis (e.g. every year) to carry out its functions and activities.

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- **Reporting:** In addition to the present report to the OECD, some NCPs provide a regular account of their activities to their national government or parliament. This reporting can take several forms: ongoing through regular reporting channels, or through the presentation of a periodic report, which may be made public.
- **Stakeholder meeting:** A stakeholder meeting is a meeting organised by the NCP to exchange with stakeholders, including trade unions, NGOs and the business community that are not part of the main body or of the advisory body of the NCP.

REPORTING PERIOD

The reporting period for this questionnaire is from 1 January to 31 December 2019.

SUBMISSION

The questionnaire should be completed by using this word document and sent by email to: RBC@oecd.org copying nicolas.hachez@oecd.org and kathryn.dovey@oecd.org by **24 January 2020**.

Should you have any questions on how to fill this questionnaire, please contact nicolas.hachez@oecd.org.

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NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2019)

A. CONTACT INFORMATION	
<i>Please provide the contact information of the person filling in the questionnaire.</i>	
Name:	Briana Wagner
Job title:	Foreign Affairs Officer
Email:	WagnerBF@state.gov
Telephone number:	+ 1 202-647-4186

B. INSTITUTIONAL ARRANGEMENTS	
(a) Structure, location and composition of the NCP	
1. What is the <u>structure</u> of the NCP?	Single-agency
2. Who are the members of the NCP? <i>Please describe the functions of the members of the NCP and the ministry/organisation they represent. No names are required.</i>	The U.S. NCP is a position held by a senior U.S. government official. The Office of the U.S. NCP includes two additional full-time officers.
3. If the NCP is not a <u>single-agency</u> NCP, does it have a <u>secretariat</u> ?	Choose an item.
If yes, in which ministry or government body?	U.S. Department of State
If yes, in which department of the ministry or government body?	Bureau of Economic and Business Affairs
4. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial resolution)?	No
If yes, please provide the name and dated of this instrument, and a link if available	Click here to enter text.
<i>Additional comments on Structure, location and composition of the NCP</i> Click to enter text.	
(b) Advisory body	
5. Does the NCP have one or several <u>advisory bodies</u> ?	Yes
If the NCP has several advisory bodies, please specify.	1) Stakeholder Advisory Board (SAB) and 2) Interagency Working Group (IWG)
If yes, please describe the advisory body(ies)' functions (e.g. advising on promotion, on specific instance handling in general, on individual cases, providing <u>oversight</u> , etc.)	The primary objectives of the Stakeholder Advisory Board (SAB) are to promote and facilitate the implementation of the OECD Guidelines, and encourage the use of the NCP Specific Instance process as a means to resolve disputes and promote responsible business conduct.

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<p>If yes, please list the names of organisations that are represented on the advisory body(ies) and the type of organisation. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</p>	<p>Commerce, Labor, Environmental Protection Agency, Export Import Bank, General Services Administration, Millenium Challenge Corporation, Overseas Private Investment Corporation, Treasury, U.S. Agency for International Development, Agriculture, U.S. Trade Representative, and additional State Department bureaus, including the Bureau of Democracy, Human Rights, and Labor, Legal Advisor, Energy and Natural Resources, and Oceans, Environment, and Science</p>		
<p>If yes, please indicate how often the advisory body(ies) meets</p>	<p>Twice a year</p>		
<p>6. If an advisory body provides <u>oversight</u>, please describe the oversight procedure</p>	<p>N/A</p>		
<p><i>Additional comments on Advisory body:</i> Click here to enter text.</p>			
<p>(c) Human and financial resources</p>			
<p>7. Does the NCP have dedicated full-time staff? <i>If yes, please indicate the number.</i></p>	<p>Yes</p>	<p>3</p>	
<p>8. Does the NCP have dedicated part-time staff? <i>If yes, please indicate in the second box the number of part-time staff members and in the third box the percentage of time spent on NCP matters for each part-time staff member.</i></p>	<p>Yes</p>	<p>12</p>	<p>5</p>
<p>9. Have any full-time or part-time staff members joined the secretariat/support office during the year? <i>If yes, please indicate how many.</i></p>	<p>Yes, full-time staff member(s)</p>		<p>2</p>
<p>10. Have any full-time or part-time staff members left the NCP during the year? <i>If yes, please indicate how many.</i></p>	<p>Yes, full-time staff member(s)</p>		<p>1</p>
<p>11. Did the NCP have a <u>dedicated budget</u> this year?</p>	<p>No</p>		
<p>If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?</p>	<p>Yes</p>		
<p>If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?</p>	<p>Yes</p>		
<p>12. During the year, did the human and financial resources available to the NCP allow it to:</p>			
<p>Handle specific instances in an efficient and timely manner</p>	<p>Yes</p>		
<p>Organise promotional events</p>	<p>Yes</p>		
<p>Attend NCP meetings at the OECD</p>	<p>Yes</p>		
<p>Attend events organised by other NCPs</p>	<p>Yes</p>		
<p>Attend events organised by stakeholders</p>	<p>Yes</p>		
<p>Cover professional mediator fees or in-house mediator fees</p>	<p>Yes</p>		

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Conduct fact-finding research into specific instances	N/A: The NCP did not need to conduct fact finding research this year
If you answered no to any of the above, please specify	The USNCP does not fact find
<p><i>Additional comments on Human and financial resources:</i> Click here to enter text.</p>	
(d) Reporting	
13. Does the NCP <u>report</u> to the government on its activities?	Yes
If yes, how often?	On an ongoing basis
14. Does the NCP report to parliament on its activities?	No
If yes, how often?	N/A
15. Please indicate any other relevant transparency requirement applicable to the NCP in your country	Freedom of Information Act requests
<p><i>Additional comments on Reporting:</i> Click here to enter text.</p>	

C. INFORMATION AND PROMOTION		
(a) NCP website²		
16. Does the NCP have a website? If yes, please provide the link in the second box.	Yes	https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/
If yes, was the website created/renovated this year?	Yes	
17. Are the following items available on the NCP website?		
Information about the Guidelines and the role of the NCP		
The text of the Guidelines	Yes	
A description of the Guidelines	Yes	
The OECD Due Diligence Guidance Documents	Yes	
Explanatory text about due diligence	Yes	
Information on the NCP and its mandate	Yes	

²

This includes dedicated NCP webpages as part of the Ministry's website.

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The NCP Annual Report submitted to the OECD	Yes
The NCP's Report to government and/or parliament (if applicable)	Yes
The NCP's peer review report (if applicable)	Yes
Information about specific instances	
Information on how to submit a specific instance	Yes
An online form to submit a specific instance	Yes
The NCP's rules of procedures	Yes
All final statements since 2011	Yes
Information on promotional activities	
The NCP's promotional plan	Yes
Information on upcoming events promoting the Guidelines	Yes
Information on past events promoting the Guidelines	Yes
Contact information	
Information on how to make an enquiry to the NCP	Yes
A phone number to reach the NCP directly	Yes
An email address to reach the NCP directly	Yes
<p><i>Additional comments on NCP website:</i> Click here to enter text.</p>	
(b) Promotional activities³	
18. Does the NCP have a promotional plan for the coming year(s)?	Yes
19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes
20. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i>	Yes
21. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	Yes
22. Did the NCP hold a <u>stakeholder meeting</u> during the year?	Yes
23. Did the NCP promote the Guidelines among the business community during the year?	Yes

³ Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

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24. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	Yes
25. Did the NCP promote the Guidelines among NGOs during the year?	Yes
26. Did the NCP promote the Guidelines among trade unions during the year?	Yes
27. Did the NCP promote the Guidelines among government agencies during the year?	Yes
28. Did the NCP promote the Guidelines among embassies abroad during the year?	Yes
29. Did the NCP promote the Guidelines to investment promotion agencies during the year?	Yes
30. Did the NCP focus on any of the following during promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Business Conduct	Yes
OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector	Yes
Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors	Yes
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	Yes
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	Yes
OECD-FAO Guidance for Responsible Agricultural Supply Chains	Yes
<p><i>Additional comments on the section Promotional activities:</i> Click here to enter text.</p>	

D. SPECIFIC INSTANCES		
(a) NCP rules of procedure for handling specific instances		
31. Does the NCP have rules of procedure describing the handling of specific instances?	Yes	
32. Are the rules of procedure available online? <i>If yes, please provide a link in the second box. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes	https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/specific-instance-process/

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33. Were the NCP's rules of procedure modified this year?	No
<p><i>Additional comments on the section Rules of procedure:</i> Click here to enter text.</p>	
(b) Specific instance practicalities	
34. Does the NCP confirm receipt of a specific instance submission?	Yes
35. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	Yes
36. Has the NCP staff undergone training in dispute resolution or problem solving (e.g. mediation)?	Yes
37. Did the NCP engage professional mediators during the year?	Yes
38. Did the NCP staff or members conduct mediation this year?	Yes
<p><i>Additional comments on the section Specific instance practicalities:</i> Click here to enter text.</p>	
(c) Reporting specific instances	
<p>39. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i></p>	Yes
<p>40. Did the NCP close specific instances during the year? <i>If yes, please also provide details in Annex 2</i></p>	No
<p>41. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the calendar year? <i>If yes, please also provide details in Annex 2</i></p>	Yes
<p>42. Did the NCP follow up on a case during the year? <i>If yes, please also provide details in Annex 2</i></p>	Yes

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43. Is the OECD case database accurate and up to date with regard to cases handled by the NCP?	Yes
<p><i>Additional comments on the section Reporting specific instances:</i></p> <p>Click here to enter text.</p>	

E. PEER LEARNING AND PEER REVIEWS	
44. Did the NCP take part in the following activities with other NCPs during the year:	
Host a peer learning activity	Yes
Participate in peer learning activities hosted by other NCPs	Yes
Co-operate with other NCPs in handling specific instances	Yes
Provide mentoring/capacity building to another NCP	Yes
45. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2020?	Yes
46. Which topic would the NCP consider to be a priority to cover in a peer learning event?	Mediation; confidentiality; using social media
47. Is the NCP interested in participating in developing tools for use by NCPs?	Yes
48. Is the NCP interested in acting as a peer reviewer in the future?	Yes
If yes, please specify the semester and the year	Fall 2020
<p><i>Additional comments on the section Peer-learning and peer reviews:</i></p> <p>Click here to enter text.</p>	

F. POLICY COHERENCE⁴

⁴ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency's policies and programmes [...]."

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49. Have the Guidelines been referred to in relevant national legislation/regulations/policies adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)	Yes	
If yes, please provide a short summary and a link to the legislation. If a link is not available, please attach a copy of the legislation to this questionnaire.	Non-public e-training available to 15,000 officers globally	
50. Did your country adopt a National Action Plan (NAP) this year? If yes, please indicate which type of NAP	No	N/A
If yes, please provide a link	https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/u-s-national-action-plan-on-responsible-business-conduct/	
If yes, does the NAP make reference to the Guidelines?	Choose an item.	
If yes, does the NAP make reference to the NCP?	Choose an item.	
51. Was a NAP in development this year? If yes, please indicate which NAP.	No	N/A
If yes, did the NCP participate in the development of the National Action Plan?	Choose an item.	
52. Did the NCP communicate public statements on specific instances to officials responsible for trade missions?	Yes	
53. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives?	Yes	
54. Did the NCP communicate public statements on specific instances to public procurement officials?	Yes	
55. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments and/or to the NCP process?	Yes	
If yes, please provide a link to the legislation. If a link is not available, please attach a copy of the legislation to this questionnaire.	Click to enter text.	
56. Have public procurement officials/practitioners consulted the NCP on the Guidelines and OECD due diligence instruments or involved the NCP in specific public procurement opportunities?	Yes	
57. Were public procurement officials involved in any of your training/outreach activities?	Yes	
58. What tools or projects does the NCP develop to support public procurement practitioners on RBC and OECD due diligence?	Click to enter text.	
59. Please flag any specific initiatives/good practice involving public procurement and RBC in your country.	Click to enter text.	
60. Please indicate any other examples of policy coherence activities.	Click to enter text.	

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*Additional comments on **Policy Coherence**:*
Click here to enter text.

G. CHALLENGES	
61. Has the NCP faced any particular challenge(s) it would like to highlight this year?	Click here to enter text.
<i>Additional comments on Challenges:</i> Click here to enter text.	

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Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).
Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.
Please add additional lines if needed.

Table 1

NCP-organised and co-organised events to promote the Guidelines and/or the NCP							
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Organised or co-organised?	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i>	Theme <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i>
Commercial Tradecraft Training	Ongoing	Washington, DC	Other	>100	Organised	U.S. Foreign and Commercial Service Officers at Embassies overseas	RBC globally and U.S. NCP
Independent Consultation and Investigation Mechanism (MICI)	9 July 2019	Washington, DC	Meeting	<10	Organised	Financial institution	Accountability Mechanism outreach
Managing Risks to	8 Aug 2019	Washington, DC	Conference	>100	Organised	Civil society, government, private sector, academia, law firms, UN, labor associations	Panel presentation

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Women in Supply Chains							
Interagency Working Group	Three Times in 2019	Washington, DC	Meeting	10-50	Organised	U.S. government interagency participants	NCP briefing on specific instances and RBC policy overall
Labor and Human Rights Officers Course	Fall 2019	Abroad	Conference	10-50	Organised	U.S. government officials	U.S. NCP, OECD Guidelines, RBC
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number=

5

Table 2

Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others								
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i>	Organiser(s)	Type of intervention	Theme of the intervention
Meeting w/ NGOs on DFC Accountability Mechanism	15 Aug 2019	Washington, DC	Meeting	10-50	NGOs	U.S. Department of State	NCP Remarks	U.S. NCP Tool and Resource and Lessons Learned

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Business & Human Rights Conference	12-13 Sept 2019	Atlanta, GA	Conference	>100	Civil society, industry, government	The Coca Cola Company	Meetings re: NCP process	Click here to enter text.
Generating Social and Economic Value through Corporate Diplomacy	16 Dec 2019	Washington, DC	Other	50-100	Government, civil society, academia, and industry	Meridian International Center for Diplomatic Engagement	Panel presentation	Multinational business and government leaders discuss the generation of social value
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Total number=

3

Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).
4. Specific instances for which **follow up** was performed during the year (the NCP monitored whether the agreement reached by the parties or its recommendations to the parties have been implemented)

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Please add additional lines if needed.

We encourage all NCPs to inform the Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the Secretariat, please complete and send this [form](#) to Alison.holm@oecd.org and Kathryn.dovey@oecd.org⁵.

For all specific instances that are currently IN PROGRESS:

Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
IndustriALL, GE	30/10/2018	No	Click here to enter text.	Click here to enter text.
IUF, Cargill	21/08/2018	No	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number= 2

For all specific instances that were CONCLUDED during the year:

Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Does the final statement plan for follow up?	Did the NCP co-operate with other NCPs during the handling
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⁵ According to paragraph 42 of the Commentary on the Implementation Procedures of the OEDC Guidelines for Multinational Enterprises, “[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment”.

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						of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.

Total number= 0

For all specific instances that were NOT ACCEPTED during the year:

Title	Date received (dd/mm/yyyy)	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number= 0

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For all specific instances for which FOLLOW UP was performed during the year:				
Title	Date concluded (dd/mm/yyyy)	Date of follow up (dd/mm/yyyy)	Was a public follow up statement issued?	Link to the follow up statement, if applicable
Click here to enter text.	Click here to enter text.	Click here to enter text.	Specific instance was transferred to another NCP	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number=	0
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END OF QUESTIONNAIRE