

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

1.0	AGENCY DATA	
	EMPLOYEES	
1.1	Number of full-time agency employees.	25,532
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	2
1.3	Number of non-PAS public financial disclosure reports required to be filed.	Classified Information
1.4	Number of confidential financial disclosure reports required to be filed.	Classified Information
	ETHICS PROGRAM	
1.5	Title of Designated Agency Ethics Official (DAEO).	Principal Deputy General Counsel
1.6	Grade level of DAEO.	DISES (SES Equivalent)
1.7	Title of Alternate DAEO (ADAEO).	Associate General Counsel, Technology, Research & Intellectual Property
1.8	Grade level of ADAEO.	DISL (SES Equivalent)
1.9	Title of the primary, day-to-day ethics program administrator.	Attorney
1.10	Grade level of the primary, day-to-day ethics program administrator.	GG-15
1.11	Current number of full-time ethics officials.	2
1.12	Current number of part-time ethics officials.	2
1.13	Number of reporting levels between the DAEO and the agency head.	1
	COMMENTS	
	<p>The National Security Agency/Central Security Service (NSA/CSS), referred to collectively as NSA, is a U.S. Department of Defense combat support agency and member of the U.S. Intelligence community. NSA leads the U.S. Government in foreign signals intelligence and cybersecurity that prevents and eradicates threats to U.S. national security systems with a focus on the Defense Industrial Base and the improvement of U.S. weapons security. NSA has offices around the world with four cryptologic centers across the United States</p> <p>(1.2) NSA has two PAS positions, the NSA Director and the Inspector General. At the time of OGE's inspection, the NSA Inspector General position was vacant. The NSA Director is dual hatted as Director, NSA/Chief CSS and Commander of the U.S. Cyber Command.</p> <p>(1.3 and 1.4) This information is classified. Exact numbers were obtained by OGE during its onsite review and used to determine compliance with applicable requirements.</p> <p>(1.6, 1.8 and 1.10) All positions at NSA are in the excepted service under the 10 USC § 1601 appointment authority and covered by the DoD Intelligence Community Defense Civilian Intelligence Personnel System, a General Grade pay system divided into grades and steps similar to OPM's General Schedule compensation plan.</p>	

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

2.0 LEADERSHIP							
COMPLIANCE REQUIREMENTS				Yes	No	N/A	
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.107(a).				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.107(a).				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS							
(2.2) While OGE confirmed during its onsite review that NSA had an up-to-date designation letter naming the current ADAEO, OGE was not sent a copy. The current ADAEO was appointed to the position on October 6, 2020. NSA ethics officials indicated, during the review, that they would work to initiate its declassification process and send a copy of the ADAEO designation letter to the OGE Desk Officer assigned to the NSA. While OGE is not making a formal recommendation based on assurances provided by ethics officials to forward the document, as a general reminder, whenever the NSA Director designates a permanent DAEO and/or ADAEO, NSA must notify OGE of the designation within 30 days using either the OGE Form 241A for DAEOs or OGE Form 241B for ADAEOs.							

3.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)							
COMPLIANCE REQUIREMENTS				Yes	No	N/A	
The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).							
3.1	• Collection of public financial disclosure reports.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	• Review/evaluation of public financial disclosure reports.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	• Public availability of public financial disclosure reports.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4	The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6	Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.7	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.8	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after termination) notified the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(2).				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS				%			
3.9	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).				92%		
3.10	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).				100%		
3.11	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).				100%		
3.12	Percentage of sampled non-PAS public financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).				96%		
3.13	Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).				49%		
3.14	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).				See Comment Below		
3.15	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).				See Comment Below		

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

3.16	Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	See Comment Below
3.17	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	See Comment Below
COMMENTS		
<p>(3.1 – 3.3) The NSA public financial disclosure system is administered in accordance with the financial disclosure procedures contained in Chapter 7 of the Department of Defense (DoD) Joint Ethics Regulation (JER). These procedures comply with regulatory requirements mandating that agencies have written procedures governing the administration of financial disclosure systems. In addition to the JER, OGE found ethics officials to have also established additional, more tailored written procedures for administering NSA's public financial disclosure system, which OGE views to be a model agency practice.</p> <p>(3.4) NSA did not have any public financial disclosure filers who were subject to the late filing fee or who required a waiver of the fee during the period covered by this inspection.</p> <p>(3.6) Ethics officials indicated that in preparation for this inspection, there were some public reports that were found to have exceeded the six-year retention period. Ethics officials confirmed during OGE's onsite inspection that they would work to remove these reports from their system.</p> <p>(3.13) OGE determined that 51 percent of the public reports it sampled (reports filed in 2022) were certified more than 60 days after they were filed. Ethics officials acknowledged that delays in certification were due to at least in part to competing responsibilities of the reviewing official requiring the official to prioritize other matters.</p> <p>While OGE did not examine public reports filed in 2023 as part of this inspection, ethics officials indicated that they took steps during the 2023 filing cycle to increase resources to help ensure more timely financial disclosure report certifications. Following the example of other large agencies with a high volume of financial disclosure filers, ethics officials indicated that certain attorneys from all practice groups within the NSA's Office of General Counsel were assigned to help review financial disclosure reports rather than relying exclusively on the small number of attorneys within NSA's Ethics Office. OGE views this as a model practice approach to help address this issue since staffing limitations and/or other competing agency priorities can take away and negatively impact an agency's ability to ensure that potential conflicts of interest are identified and remedied promptly when reviewing financial disclosure reports. This approach should help the Ethics Office review and certify reports within 60 days of being filed during future filing cycles. OGE is making a formal recommendation to track NSA's progress in this area.</p> <p>(3.14 -3.17) OGE did not examine any PAS reports as part of this inspection. NSA has two PAS positions, the NSA Director and the Inspector General. At the time of OGE's inspection, the NSA Inspector General position was vacant. As previously mentioned, the NSA Director is dual hatted as the Commander, U.S. Cyber Command and Director, NSA/Chief CSS. OGE was advised that the Director files his public report with the US Cyber Command and not with NSA.</p>		

4.0	CONFIDENTIAL FINANCIAL DISCLOSURE			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
4.1	• Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	• Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.5	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

4.6	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. See 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		%		
4.7	Percentage of sampled confidential new entrant reports filed timely. See 5 C.F.R. § 2634.903(b).	88%		
4.8	Percentage of sampled confidential annual reports filed timely. See 5 C.F.R. § 2634.903(a).	96%		
4.9	Percentage of sampled reports reviewed within 60 days of receipt. See 5 C.F.R. § 2634.605(a).	99%		
4.10	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. See 5 C.F.R. §§ 2634.605(a) and 2634.909(a).	80%		
COMMENTS				
<p>(4.1 – 4.2) The NSA confidential financial disclosure system is administered in accordance with the financial disclosure procedures contained in Chapter 7 of the DoD JER. These procedures comply with regulatory requirements mandating that agencies have written procedures governing the administration of financial disclosure systems. As with the public system, in addition to the JER, OGE found that the Ethics Office established additional, more tailored written procedures for administering the confidential financial disclosure system as well.</p> <p>(4.4) As with NSA’s public financial disclosure reports, in preparation for this inspection, NSA ethics officials also identified that not all confidential reports were retained in accordance with retention requirements. Ethics officials confirmed that they would work to remove these reports from their system.</p> <p>(4.5) NSA does not have an OGE-approved alternative confidential financial disclosure system.</p> <p>(4.7) OGE examined a sample of 25 new entrant reports filed with the Ethics Office in 2022. When pulling OGE’s requested sample, NSA ethics officials discovered that 10 of the 25 new entrant reports OGE initially requested to examine were actually annual reports that were incorrectly identified. NSA provided 10 additional new entrant reports for OGE’s examination.. To help avoid this issue in the future, ethics officials acknowledged that they would take steps to work with their electronic filing system developers to implement controls prohibiting the incorrect identification of annual reports as new entrant reports. In light of ethics officials’ explanation regarding the original 10 new entrant reports, OGE is not making a formal recommendation for improvement. Nevertheless, OGE encourages ethics officials to educate new entrant filers on using the proper new entrant date.</p> <p>(4.10) As with the public system, ethics officials indicated that they took steps during the 2023 filing cycle to increase resources to help ensure more timely confidential financial disclosure report certifications. Ethics officials indicated that certain attorneys from all practice groups within the NSA's Office of General Counsel were assigned to help review confidential financial disclosure reports rather than relying exclusively on the small number of attorneys within NSA's Ethics Office.</p>				

5.0 NOTICES TO PROSPECTIVE EMPLOYEES

COMPLIANCE REQUIREMENTS		Yes	No	N/A
Written offers of employment for positions covered by the Standards of Conduct provide: <i>See</i> 5 C.F.R. § 2638.303.				
5.1	• A statement regarding the agency's commitment to government ethics.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	• Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	• Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	• Where applicable, notice of the time frame for completing initial ethics training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5	• Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

5.6	The agency has established written procedures for issuing the notice to prospective employees. <i>See</i> 5 C.F.R. § 2638.303(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.303(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.8	The agency can demonstrate that there is an effective process for ensuring all covered employees receive the required information with their written offer of employment. <i>See</i> 5 C.F.R. § 2638.303.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
None				

6.0	NOTICES TO NEW SUPERVISORS			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency must provide each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.			
6.1	• Contact information for the agency's ethics office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.2	• The text of 5 C.F.R. § 2638.103.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.3	• A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.4	• Other information the DAEO deems necessary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.7	The agency can demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. <i>See</i> 5 C.F.R. § 2638.306(b).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
(6.1 – 6.4) In preparation for this inspection, ethics officials acknowledged that they learned that notices were not being provided to new supervisors as required by 5 C.F.R. § 2638.306.				
(6.5, 6.7) At the time of onsite examination, ethics officials had not established written procedures nor an effective process for issuing notices to new supervisors. While ethics officials acknowledged that they would take steps to address this issue they also indicated that new supervisors are verbally advised of their heightened ethics responsibilities and provided with the contact information of the NSA Ethics Office as part of the agency's "Manager Essentials" course, which all NSA supervisors are required to complete.				

7.0	INITIAL ETHICS TRAINING			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.			
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

	DATA ANALYSIS	%
7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	See Comment Below
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See</i> 5 C.F.R. § 2638.304(b).	See Comment Below
	COMMENTS	
	<p>(7.3) At the time of OGE's review, NSA had not established written procedures for initial ethics training. Therefore, OGE recommends that the Ethics Office establish these procedures as required by 5 C.F.R. § 2638.304(f).</p> <p>(7.5 – 7.6) In preparation for this inspection, ethics officials learned that a limited number of employees assigned to locations other than NSA-Washington (Headquarters) were not receiving the required initial ethics training. New employees assigned to NSA-Washington were receiving their initial ethics training timely. OGE is making a recommendation in this area.</p>	

8.0	ANNUAL ETHICS TRAINING			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Each calendar year, public filers, confidential filers, and certain other employees must complete ethics training which meets specified requirements. <i>See</i> 5 C.F.R. §§ 2638.307 and 2638.308.			
8.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(d) and 2638.308(e).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	The agency's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(f) and 2638.308(g).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.5	The agency can demonstrate it has an effective process for ensuring covered public filers, other than those whose pay is set at Level I or Level II of the Executive Schedule, complete live annual ethics training at least once every two years. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		Training Format		
		Live	Interactive	
	Percentage of public filers who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.308(a).			
8.6	• Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).	N/A	N/A	
8.7	• Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	100%	0	
8.8	• SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).	<1%	98%	
	Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.307(a)(d).			
8.9	• Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).	<1%	89%	
8.10	• Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A	

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

8.11	• Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A
8.12	• Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).	N/A	N/A
8.13	• Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4).	N/A	N/A
COMMENTS			
(8.6, 8.10, 8.11, 8.13) NSA does not have employees in these categories.			
(8.12) These employees are included at 8.9.			
(8.8, 8.9) According to ethics officials, when requested by a particular organization within the agency, live ethics training was provided for that organization or particular set of employees. While ethics officials indicated that they track this training for completion of the annual ethics training requirement, they did not specifically track it as live training since live training is not required for these employees during the period covered by the inspection.			

9.0	ETHICS ADVICE AND COUNSELING			
	COMPLIANCE REQUIREMENT	Yes	No	N/A
9.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. See 5 C.F.R. § 2638.104(c)(4).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	COMMENTS			
	None			

10.0	SPECIAL GOVERNMENT EMPLOYEES (SGE) SERVING ON ADVISORY COMMITTEES AND BOARDS					
Confidential Financial Disclosure						
10.1	Number of SGEs serving on Advisory Committees and Boards.			Classified Information		
	DATA ANALYSIS			%		
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).			See Comment Below		
10.3	Percentage of sampled reports reviewed within 60 days of receipt but not later than the SGE’s first meeting. <i>See</i> 5 C.F.R. § 2634.605(a).			See Comment Below		
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).			See Comment Below		
Ethics Training						
	COMPLIANCE REQUIREMENTS			Yes	No	N/A
	Required ethics training must be provided to each SGE. <i>See</i> 5 C.F.R. §§ 2638.304 and 2638.307.					
10.5	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.6	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency’s ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

	DATA ANALYSIS	%
10.7	Percentage of SGEs who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	See Comment Below
10.8	Percentage of SGEs who received initial ethics training timely. <i>See</i> 5 C.F.R. § 2638.304(b)(2).	See Comment Below
10.9	Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).	See Comment Below
COMMENTS		
<p>(10.1) This information is classified. Exact numbers were obtained by OGE during its onsite review and used to determine compliance with applicable requirements.</p> <p>(10.2 – 10.4) OGE’s examination of a sample of confidential reports filed by SGEs found the majority of reports examined to have been certified more than 60 days after they were filed or were not certified at all. OGE recommends that ethics officials ensure that confidential reports filed by NSA advisory committee members are certified within 60 days of being filed.</p> <p>In addition to certification, OGE noticed that the majority of these reports also did not indicate the reporting status as “New Entrant,” as required by 5 C.F.R. § 2634.903(b). OGE notes that this is an important distinction, because a new entrant report covers a different reporting period than an annual report does. Moreover, a new entrant filer, unlike an annual filer, does not have to report gifts or travel reimbursements. OGE recommends that, going forward, ethics officials ensure that all SGE members file only new entrant reports.</p> <p>(10.7 -10.9) While it appeared that ethics training was provided to SGEs during the period under review, OGE could not readily determine via training records which SGEs were required to receive initial ethics training and who was required to receive annual ethics training.</p>		

ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
2.2	<p><u>ISSUE:</u> While OGE confirmed during its onsite review that NSA had an up-to-date designation letter naming the current ADAEO, OGE was not sent a copy. The current ADAEO was appointed to the position on October 6, 2020. NSA ethics officials indicated, during the review, that they would work to initiate its declassification process and send a copy of the ADAEO designation letter to the OGE Desk Officer assigned to the NSA.</p> <p><u>AGENCY RESPONSE:</u> NSA sent OGE its ADAEO designation letter on September 15, 2023</p>

RECOMMENDATIONS

#	Element	RECOMMENDATION	Compliance Due
1	3.6, 4.4	<p><u>RECOMMENDATION:</u> Destroy all public and confidential financial disclosure reports found to exceed the six-year retention period in accordance with the retention requirements at 5 C.F.R. § 2634.604.</p> <p><u>AGENCY RESPONSE:</u> NSA uses an electronic filing system for all public and confidential financial disclosure reports, which allows for the bulk deletion of reports in accordance with the requirements of 5 C.F.R. § 2634.604. In preparing for this inspection, NSA identified a limited catalogue of files with reports that pre-date the Agency’s electronic filing system. NSA is working to purge any reports in those files that are not maintained in accordance with 5 C.F.R. § 2634.604.</p>	At the time of report issuance

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

UNITED STATES OFFICE OF GOVERNMENT ETHICS


Preventing Conflicts of Interest
in the Executive Branch

2	3.13, 4.10	<p><u>RECOMMENDATION:</u> Ensure that all public and confidential financial disclosure reports are certified within 60 days of receipt.</p> <p><u>AGENCY RESPONSE:</u> NSA has proactively identified the need for additional resources to assist with the review and certification of public and confidential financial disclosure reports. In 2023, certain attorneys from all practice groups within the NSA's Office of the General Counsel were assigned to help review financial disclosure reports rather than relying exclusively on the small number of attorneys within NSA's Ethics Office. This commitment of additional resources has improved NSA's compliance with the requirement to certify within 60 days of receipt.</p>	July 2024
3	6.1-6.4	<p><u>RECOMMENDATION:</u> Ensure that all written notices to new supervisors meet the requirements of 5 C.F.R. § 2638.306.</p> <p><u>AGENCY RESPONSE:</u> New supervisors within NSA are required to complete a "Manager Essentials" course, which includes a detailed review of the ethics-related requirements specific to supervisors, as well as contact information for the agency ethics office and the ethics office website. NSA will work to ensure written notices are provided to new supervisors with the complete information required by 5 C.F.R. § 2638.306.</p>	March 2024
4	6.5	<p><u>RECOMMENDATION:</u> Develop written procedures for issuing notices to new supervisors and ensure supervisors receive the notices as required by 5 C.F.R. § 2638.306(d).</p> <p><u>AGENCY RESPONSE:</u> NSA will work to establish procedures for issuing notices to new supervisors consistent with 5 C.F.R. § 2638.306(d).</p>	March 2024
5	7.3	<p><u>RECOMMENDATION:</u> Establish written procedures for initial ethics training as required by 5 C.F.R. § 2638.304(f).</p> <p><u>AGENCY RESPONSE:</u> NSA operates a robust ethics training program, ensuring that all new employees assigned to NSA-Washington (Headquarters) receive live, in-person training. In preparing for this inspection, the NSA ethics office identified that certain NSA locations other than NSA-Washington were not consistently implementing initial ethics training for new employees. The reason for this is that the Agency made changes to its on-line training to adjust to the COVID-19 pandemic, and in the process of those changes, initial ethics training for certain locations was inadvertently omitted. NSA is working to ensure initial ethics training is systematically implemented at all NSA locations. Related to this recommendation, the NSA ethics office is working to document written procedures for providing initial ethics training at all NSA locations.</p>	January 2024
6	7.5-7.6	<p><u>RECOMMENDATION:</u> Ensure that all new employees outside of NSA-Washington are provided initial ethics training within three months of their appointment as required by 5 C.F.R. § 2638.304 and 2638.304(b).</p> <p><u>AGENCY RESPONSE:</u> NSA operates a robust ethics training program, ensuring that all new employees assigned to NSA-Washington (Headquarters) receive live, in-person training. In preparing for this inspection, the NSA ethics office identified that certain NSA locations other than NSA-Washington were not consistently</p>	March 2024

ETHICS PROGRAM INSPECTION REPORT

Agency: National Security Agency (NSA)

Report No.: 23-541

Date: September 28, 2023

Period Covered by Review: January 1, 2022 through December 31, 2022

UNITED STATES OFFICE OF GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

		implementing initial ethics training for new employees. The reason for this is that the Agency made changes to its on-line training to adjust to the COVID-19 pandemic, and in the process of those changes, initial ethics training for certain locations was inadvertently omitted. NSA is working to ensure initial ethics training is systematically implemented at all NSA locations.	
7	10.2	<p><u>RECOMMENDATION:</u> Ensure that all SGE members indicate their reporting status on the first page of the confidential report as New Entrant each year.</p> <p><u>AGENCY RESPONSE:</u> Following the suspension of activities during a 2021 Zero-Based Review of DoD Advisory Committees, NSA's Advisory Board was authorized to resume activities in January 2022. With the resumption of activities came natural process challenges. The NSA ethics office and the executive leadership for the NSA Advisory Board have been consistently working together to ensure compliance with all training and financial disclosure requirements for the Special Government Employees (SGE) participating on the Board. Toward this end, measures will be taken to ensure SGEs indicate their reporting status on the first page of the confidential report as New Entrant each year.</p>	April 2024
8	10.4	<p><u>RECOMMENDATION:</u> Ensure that all SGE confidential financial disclosure reports are certified within 60 days of receipt.</p> <p><u>AGENCY RESPONSE:</u> Following the suspension of activities during a 2021 Zero-Based Review of DoD Advisory Committees, NSA's Advisory Board was authorized to resume activities in January 2022. With the resumption of activities came natural process challenges. The NSA ethics office and the executive leadership for the NSA Advisory Board have been consistently working together to ensure compliance with all training and financial disclosure requirements for the Special Government Employees (SGE) participating on the Board. Toward this end, measures will be taken to ensure that confidential financial disclosure reports filed by SGEs are certified within 60 days of receipt.</p>	April 2024