

ETHICS PROGRAM INSPECTION REPORT

Agency: Export-Import Bank of the United States

Report No.: 20-49I

Date: September 29, 2020

Period Covered by Review: January 01, 2019 – July 31, 2020

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. | 403 |
| 1.2 | Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed. | 6 |
| 1.3 | Number of non-PAS public financial disclosure reports required to be filed. | 34 |
| 1.4 | Number of confidential financial disclosure reports required to be filed. | 234 |
| ETHICS PROGRAM | | |
| 1.5 | Title of Designated Agency Ethics Official (DAEO). | Senior Vice President and Chief Ethics Officer |
| 1.6 | Grade level of DAEO. | Senior Level |
| 1.7 | Title of Alternate DAEO (ADAEO). | Deputy Chief Ethics Officer |
| 1.8 | Grade level of ADAEO. | GS-15 |
| 1.9 | Title of the primary, day-to-day ethics program administrator. | Program Specialist |
| 1.10 | Grade level of the primary, day-to-day ethics program administrator. | GS-11 |
| 1.11 | Current number of full-time ethics officials. | 3 |
| 1.12 | Current number of part-time ethics officials. | 1 |
| 1.13 | Number of reporting levels between the DAEO and the agency head. | 1 |
| COMMENTS | | |
| None | | |

| 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 | | | | | |
| None | | | | | |

| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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"/> | | | |

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| 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 checked="" type="checkbox"/> | <input 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). | 60% | | |
| 3.10 | Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a). | 93% | | |
| 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). | 77.4% | | |
| 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). | 60% | | |
| 3.14 | Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a). | 100% | | |
| 3.15 | Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e). | N/A | | |
| 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). | 100% | | |
| 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). | 100% | | |
| COMMENTS | | | | |
| <p>(3.7) OGE confirmed that EXIM Bank has established procedures for human resources officials to notify the DAEO of new appointments to positions that require incumbents to file public financial disclosure reports. OGE also obtained a sample of the notifications sent to the DAEO. These notifications indicate that the DAEO was being notified within 15 days of relevant appointments. Therefore, OGE determined there is reasonable assurance that EXIM Bank’s human resources officials promptly notify the DAEO of all appointments to positions that required incumbents to file public financial disclosure reports.</p> <p>(3.9) OGE examined 20 new entrant reports filed in 2019 and 2020 and found that 8 of the new entrant reports were filed after the applicable due date. OGE further found that 5 of those reports were filed late because employees were not notified timely of the requirement to file new entrant reports.</p> <p>(3.12, 3.13) EXIM Bank’s ethics officials stated that significant staffing shortages in 2019 were primarily responsible for the late review and certification of some reports.</p> <p>(3.15) No PAS termination reports were required to be filed in 2019 and 2020.</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"/> |

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| 4.4 | Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604. | <input checked="" type="checkbox"/> | <input 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"/> |
| 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. <i>See</i> 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. <i>See</i> 5 C.F.R. § 2634.903(b). | 35% | | |
| 4.8 | Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a). | 82% | | |
| 4.9 | Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a). | 57% | | |
| 4.10 | Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. §§ 2634.605(a) and 2634.909(a). | 57% | | |
| COMMENTS | | | | |
| <p>(4.5) EXIM Bank does not have an OGE-approved alternative confidential financial disclosure system.</p> <p>(4.6) OGE confirmed that EXIM Bank has established procedures for human resources to notify the DAEO of new appointments to positions that require incumbents to file confidential financial disclosure reports. OGE also obtained a sample of the notifications sent to the DAEO. These notifications indicate that the DAEO was being notified within 15 days of relevant appointments. Therefore, OGE determined there is reasonable assurance that EXIM Bank's human resources officials promptly notify the DAEO of all appointments to positions that required incumbents to file confidential financial disclosure reports.</p> <p>(4.7) OGE reviewed 20 new entrant reports filed in 2019 and 2020 and found that 13 of the new entrant reports were filed late. OGE further found that 6 of the reports filed late were filed late because employees were not timely notified of the requirement to file new entrant reports..</p> <p>(4.9, 4.10) EXIM Bank's ethics officials stated that significant staffing shortages in 2019 were primarily responsible for the late review and certification of some reports.</p> | | | | |

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|------------|--|-------------------------------------|-------------------------------------|--------------------------|
| 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 | <ul style="list-style-type: none"> A statement regarding the agency's commitment to government ethics. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.2 | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Where applicable, notice of the time frame for completing initial ethics training. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.5 | <ul style="list-style-type: none"> 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"/> |
| 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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"/> |

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| <p>(5.6, 5.7) EXIM Bank was still in the process of developing the required procedures at the time of OGE's inspection. Ethics officials provided OGE with a working draft. While an examination of the draft procedures made it clear that work remained, it was also clear that ethics officials were working conscientiously to develop comprehensive procedures to address the relevant issues in an effective and efficient manner. Written procedures are important to help ensure program continuity. OGE encourages EXIM Bank to complete the procedures as quickly as possible.</p> <p>(5.8) OGE determined from its review of a sample of notices sent to new employees that there is an effective process for ensuring all covered employees receive the required information with their written offers of employment.</p> |

| 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 checked="" type="checkbox"/> | <input 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 | | | | | |
| <p>(6.1 – 6.4) During the period covered by the inspection, EXIM Bank did not provide the required notices to new supervisors.</p> <p>(6.5, 6.6) EXIM Bank was still in the process of developing the required procedures at the time of OGE's inspection. Ethics officials provided OGE with a working draft. While an examination of the draft procedures made it clear that work remained, it was also clear that ethics officials were working conscientiously to develop comprehensive procedures to address the relevant issues in an effective and efficient manner. Written procedures are important to help ensure program continuity. OGE encourages EXIM Bank to complete the procedures as quickly as possible.</p> <p>(6.7) EXIM Bank could not demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. There was no evidence that new supervisors received the required information.</p> | | | | | |

| 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"/> | |

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| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| DATA ANALYSIS | | % | | |
| 7.5 | Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304. | 100% | | |
| 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). | 100% | | |
| COMMENTS | | | | |
| <p>(7.3, 7.4) EXIM Bank was still in the process of developing the required procedures at the time of OGE's inspection. Ethics officials provided OGE with a working draft. While an examination of the draft procedures made it clear that work remained, it was also clear that ethics officials were working conscientiously to develop comprehensive procedures to address the relevant issues in an effective and efficient manner. Written procedures are important to help ensure program continuity. OGE encourages EXIM Bank to complete the procedures as quickly as possible.</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 type="checkbox"/> | <input checked="" 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 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 | <ul style="list-style-type: none"> • Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1). | CNA | CNA | |
| 8.7 | <ul style="list-style-type: none"> • Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2). | CNA | CNA | |
| 8.8 | <ul style="list-style-type: none"> • SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3). | CNA | CNA | |
| 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 | <ul style="list-style-type: none"> • Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1). | CNA | CNA | |

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| 8.10 | <ul style="list-style-type: none"> Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). | CNA | CNA |
| 8.11 | <ul style="list-style-type: none"> Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). | CNA | CNA |
| 8.12 | <ul style="list-style-type: none"> Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3). | CNA | CNA |
| 8.13 | <ul style="list-style-type: none"> Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4). | CNA | CNA |
| COMMENTS | | | |
| <p>(8.2) EXIM Bank's ethics officials stated that they do not distribute physical copies of the Standards of Conduct at annual training. Instead, at the last annual training the DAEO reminded the audience to check out EXIM Bank's ethics page, which also includes a link to the Standards of Conduct that is prominently located on the page.</p> <p>(8.4, 8.7, 8.8, 8.9) (CNA: could not assess) OGE was unable to assess whether EXIM Bank was in compliance with these requirements. EXIM Bank's ethics officials advised OGE that, consistent with guidance from the Office of Management and Budget, all staff are working remotely during the COVID-19 pandemic. The materials OGE requires to make its assessment are inaccessible from remote locations. EXIM Bank staff would be required to physically enter their offices to retrieve and transmit the materials to OGE. OGE's policy during the COVID-19 pandemic strictly prohibits asking agencies to send staff to their offices or otherwise violate social-distancing or other mitigation policies to retrieve requested materials. OGE will assess EXIM Bank's compliance with these requirements when circumstances permit.</p> | | | |

| | | | | | |
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| 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. <i>See</i> 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. | 0 | | | |
| DATA ANALYSIS | | % | | | |
| 10.2 | Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b). | N/A | | | |
| 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). | N/A | | | |
| 10.4 | Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a). | N/A | | | |
| 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

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| 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| DATA ANALYSIS | | | % | |
| 10.7 | Percentage of SGEs who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304. | N/A | | |
| 10.8 | Percentage of SGEs who received initial ethics training timely. <i>See</i> 5 C.F.R. § 2638.304(b)(2). | N/A | | |
| 10.9 | Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2). | N/A | | |
| COMMENTS | | | | |
| (10.1) EXIM Bank did not employ any SGEs during the period covered by the inspection. | | | | |

| RECOMMENDATIONS | | | |
|-----------------|---------------|---|----------------|
| # | Element | RECOMMENDATION | Compliance Due |
| 1 | 3.9 | <p><u>RECOMMENDATION:</u> Ensure that new public filers are identified timely and public new entrant reports are filed timely.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs; the increase in Office of Ethics staffing from one to four attorneys has resolved the periodic issue of timely identification and filing of new entrant public reports.</p> | April 01, 2021 |
| 2 | 3.12, 3.13 | <p><u>RECOMMENDATION:</u> Ensure that public reports are certified timely.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs; the increase in Office of Ethics staffing from one to four attorneys has improved the issue of timely certification of public reports. For the 2020 filing season, 24 of 29 (83%) annual reports were certified within 60 days.</p> | April 01, 2021 |
| 3 | 4.7 | <p><u>RECOMMENDATION:</u> Ensure that new confidential filers are identified timely and confidential new entrant reports are filed timely.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs; the increase in Office of Ethics staffing from one to four attorneys has resolved the periodic issue of timely identification and filing of confidential new entrant reports.</p> | April 01, 2021 |
| 4 | 4.9, 4.10 | <p><u>RECOMMENDATION:</u> Ensure that confidential reports are certified timely.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs; the increase in Office of Ethics staffing from one to four attorneys has improved the issue of timely certification of confidential reports. For the 2020 filing season, 228 of 232 (98%) confidential reports were certified within 60 days.</p> | April 01, 2021 |
| 5 | 5.6 | <p><u>RECOMMENDATION:</u> Finalize the draft written procedures for notices to prospective employees.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs and will finalize written procedures by October 2, 2020.</p> | April 01, 2021 |
| 6 | 6.1-6.4 | <p><u>RECOMMENDATION:</u> Ensure that new supervisors are provided notices that include language specified by 5 C.F.R. § 2638.306.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs and will work with Office of Human Capital to identify new supervisors and provide the required notice.</p> | April 01, 2021 |

ETHICS PROGRAM INSPECTION REPORT

Agency: Export-Import Bank of the United States

Report No.: 20-49I

Date: September 29, 2020

Period Covered by Review: January 01, 2019 – July 31, 2020



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| 7 | 6.5 | <p><u>RECOMMENDATION:</u> Finalize the draft written procedures for notices to new supervisors.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs and will finalize written procedures by October 2, 2020.</p> | April 01, 2021 |
| 8 | 7.3 | <p><u>RECOMMENDATION:</u> Finalize the draft written procedures for initial ethics training.</p> <p><u>AGENCY RESPONSE:</u> Agency concurs and will finalize written procedures by October 2, 2020.</p> | April 01, 2021 |
| 9 | 8.2 | <p><u>RECOMMENDATION:</u> Ensure that employees are provided with either the summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency or written instructions for accessing them during annual ethics training</p> <p><u>AGENCY RESPONSE:</u> Agency provides physical copies of the Standards of Conduct to all new employees at initial ethics training. Current agency employees are directed to the EXIM ethics website during live annual training which contains a link to the Standards of Conduct and the supplemental agency regulation along with instructions for contacting agency ethics officials.</p> | April 01, 2021 |