

## ETHICS PROGRAM INSPECTION REPORT

Agency: National Aeronautics and Space Administration

Report No.: 21-50I

Date: September 29, 2021

Period Covered by Review: January 1, 2020 through December 31, 2020

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**

  
Preventing Conflicts of Interest  
in the Executive Branch

1.0 AGENCY DATA		
<b>EMPLOYEES</b>		
1.1	Number of full-time agency employees.	18,095
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	4
1.3	Number of non-PAS public financial disclosure reports required to be filed.	699
1.4	Number of confidential financial disclosure reports required to be filed.	12,320
<b>ETHICS PROGRAM</b>		
1.5	Title of Designated Agency Ethics Official (DAEO).	General Counsel
1.6	Grade level of DAEO.	SES
1.7	Title of Alternate DAEO (ADAEO).	Agency Counsel for Ethics
1.8	Grade level of ADAEO.	SL
1.9	Title of the primary, day-to-day ethics program administrator.	Agency Counsel for Ethics
1.10	Grade level of the primary, day-to-day ethics program administrator.	SL
1.11	Current number of full-time ethics officials.	3
1.12	Current number of part-time ethics officials.	12
1.13	Number of reporting levels between the DAEO and the agency head.	1
<b>COMMENTS</b>		
<p>The National Aeronautics and Space Administration (NASA) is America's civil space program and the global leader in space exploration. NASA Headquarters (HQ), located in Washington, DC, provides overall guidance and direction to the agency, under the leadership of the Administrator, who is a Presidentially appointed, Senate-confirmed appointee. Ten field centers and a variety of installations located throughout the country conduct the day-to-day work, in laboratories, on air fields, in wind tunnels and in control rooms.</p> <p>The administration of NASA's ethics program is decentralized, with general oversight responsibilities residing within the Headquarters ethics office. In addition to the Headquarters ethics staff, the Chief Counsel at each of NASA's ten field centers is responsible to the DAEO and the ADAEO for all ethics program activities at their respective Centers.</p> <p>OGE's objective in conducting this inspection was to assess the ethics program's compliance with applicable requirements and, if appropriate, recommend corrective action. To meet this objective, OGE examined the ethics program administered within NASA Headquarters and the public and confidential financial disclosure reports that were required to be filed with ethics officials at the Johnson Space Center and the Ames Research Center. The principal findings of OGE's examination of reports at these two Centers can be found in sections 3.0a, 3.0b, 4.0a, and 4.0b below.</p> <p>(1.3) During the period covered by the inspection, NASA Headquarters ethics officials were directly responsible for the review and certification of 217 of the 699 non-PAS public financial disclosure reports that were required to be filed agency-wide.</p> <p>(1.4) During the period covered by the inspection, 12,320 NASA employees agency-wide were required to file confidential financial disclosure reports. NASA Headquarters ethics officials were directly responsible for the review and certification of 445 of the 12,320 confidential reports. NASA is also authorized by OGE to administer an alternative confidential financial disclosure system for certain employees. During the period covered by the inspection, 1,796 OGE-approved alternative disclosure forms were filed.</p>		

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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 HEADQUARTERS - 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	<ul style="list-style-type: none"> <li>• Collection of public financial disclosure reports.</li> </ul>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	<ul style="list-style-type: none"> <li>• Review/evaluation of public financial disclosure reports.</li> </ul>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	<ul style="list-style-type: none"> <li>• Public availability of public financial disclosure reports.</li> </ul>		<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"/>
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).		91%		
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).		91%		
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).		91%		
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).		91%		
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).		100%		
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).		75%		
COMMENTS					

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 Preventing Conflicts of Interest  
 in the Executive Branch

NASA uses two different systems to administer its public financial disclosure system – OGE’s Integrity and NASA’s Ethics Program Tracking System (EPTS). Integrity is used to collect, review and certify reports submitted by NASA’s four PAS officials as well as the DAEO’s report. EPTS is used to collect, review and certify all other public reports throughout the agency. This system is NASA’s primary method of managing both its public and confidential financial disclosure systems. It also tracks annual ethics training for all financial disclosure filers in the system. OGE approved NASA’s use of the EPTS legacy system for certain public filers in 2015.

(3.4) Two employees failed to file required annual public financial disclosure reports in CY2020. Of the two, one was a Headquarters employee. Both filers, however, did eventually file their reports. While the late filing fee was collected from one of the two filers, NASA had not yet received the required late fee payment from the other filer at the time of OGE’s inspection. The ADAEO sent a letter in March 2021 to the filer imposing the late filing fee for late submission of the filer’s 2020 report. The fee was to be paid by April 11, 2021. OGE recommends that NASA continue to pursue the collection of the late filing. Should the filer not submit the late payment, OGE recommends that NASA take administrative action to collect the \$200 late filing fee or refer the matter to the Department of Justice (see 5 C.F.R. § 2634.704).

In addition to the letter imposing the late filing fee, OGE also examined a letter granting a waiver of the late filing fee to a termination filer who should have filed a report in 2020. The ADAEO waived the late fee due to an agency administrative error in requesting the report.

(3.17) OGE examined all four PAS reports that were required to be filed during the period covered by the inspection. Of the four reports examined, one annual PAS report was certified more than 60 days after submission. According to ethics officials, factors contributing to the delay in certification included the reviewing official consulting with the intermediate reviewing official on new holdings and unanticipated staff shortages at that time.

3.0a	JOHNSON SPACE CENTER - 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).			
3.1a	• Collection of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2a	• Review/evaluation of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3a	• Public availability of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4a	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 checked="" type="checkbox"/>	<input type="checkbox"/>
3.5a	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6a	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"/>
3.7a	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"/>
3.8a	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		%		
3.9a	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	83%		
3.10a	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%		
3.11a	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	100%		
3.12a	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).	31%		

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GOVERNMENT ETHICS**

  
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 in the Executive Branch

3.13a	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).	31%
3.14a	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A
3.15a	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A
3.16a	Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A
3.17a	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A

**COMMENTS**

(3.0a) As part of this inspection, OGE examined 35 non-PAS public financial disclosure reports that were required to be filed at NASA's Johnson Space Center. Of the 35 reports OGE examined, 6 were new entrant reports, 25 were annual reports, and 4 were termination reports.

(3.4a and 3.9a) Of the six new entrant reports examined, one was filed late. However, the report was filed less than 30 days after it was due and, therefore, was not subject to the late filing fee.

(3.12a - 3.13a) Of the 35 public reports that OGE examined, only 11 were certified timely. We find this troubling. The timely review of financial disclosure reports is essential for the early identification and remediation of conflicts of interest. Delayed review diminishes an agency's ability to provide timely advice to employees regarding real and apparent conflicts of interest, a fundamental purpose of an ethics program. For this reason, it is essential that ethics officials at Johnson Space Center conduct a timely review of each report. OGE recommends that Johnson Space Center ethics officials assess their current procedures and take steps to improve the timely certification of public financial disclosure reports.

OGE also notes that while the authority to review and certify financial disclosure reports may be delegated, it is the DAEO who is ultimately responsible for carrying out an effective financial disclosure program. This includes: requiring public and confidential filers to comply with deadlines; reviewing financial disclosure reports; and, ensuring the timely certification of financial disclosure reports. *See* 5 C.F.R. 2638.104(C)(8). In view of the importance of financial disclosure in ensuring the public's confidence in an ethical government, OGE recommends that NASA's DAEO develop and implement a plan to provide additional oversight of all Centers. Consistent monitoring is particularly important when an ethics program is decentralized.

(3.14a-3.17a): Johnson Space Center does not have any PAS officials.

3.0b	AMES RESEARCH CENTER - 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).			
3.1b	<ul style="list-style-type: none"> <li>Collection of public financial disclosure reports.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2b	<ul style="list-style-type: none"> <li>Review/evaluation of public financial disclosure reports.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3b	<ul style="list-style-type: none"> <li>Public availability of public financial disclosure reports.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4b	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 checked="" type="checkbox"/>	<input type="checkbox"/>
3.5b	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6b	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"/>
3.7b	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"/>

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GOVERNMENT ETHICS**

  
 Preventing Conflicts of Interest  
 in the Executive Branch

3.8b	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"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
3.9b	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	100%		
3.10b	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	96%		
3.11b	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	75%		
3.12b	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).	10%		
3.13b	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).	10%		
3.14b	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A		
3.15b	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
3.16b	Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
3.17b	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
<b>COMMENTS</b>				
<p>(3.0b) As part of this inspection, OGE examined 30 non-PAS public financial disclosure reports that were required to be filed at NASA's Ames Research Center (Ames). Of the 30 reports examined, 1 was a new entrant report, 25 were annual reports, and 4 were termination reports. OGE notes its findings below:</p> <p>(3.4b and 3.10b) Of the 25 annual reports examined, one report was filed more than 30 days late and was subject to the \$200 late file fee. <i>See</i> 5 C.F.R. § 2634.704. At the time of OGE's examination, Ames ethics officials indicated that they were in the process of accessing the late filing fee for this filer. OGE recommends that Ames ethics officials continue to pursue the collection of the \$200 late filing fee.</p> <p>(3.11b) Of the four termination reports examined, one report was filed more than 30 days late. Several termination notices were sent by Ames ethics officials to this filer before the termination report was actually filed.</p> <p>(3.12b – 3.13b) Of the 30 public reports that OGE examined, only 3 were certified timely. We again find this troubling. OGE recommends that Ames ethics officials develop a comprehensive plan for improving the timeliness of review and certification of public financial disclosure reports.</p> <p>(3.14b-3.17b): The Ames Research Center does not have any PAS officials.</p>				

<b>4.0</b>	<b>HEADQUARTERS - CONFIDENTIAL FINANCIAL DISCLOSURE</b>			
<b>COMPLIANCE REQUIREMENTS</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## ETHICS PROGRAM INSPECTION REPORT

Agency: National Aeronautics and Space Administration

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**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**

  
 Preventing Conflicts of Interest  
 in the Executive Branch

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	96%		
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	97%		
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	93%		
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).	93%		
<b>COMMENTS</b>				
<p>(4.5) In March 2008, NASA requested OGE's approval to implement an alternative confidential financial disclosure procedure. NASA receives thousands of grant applications a year and relies upon the comments of peer reviewers to evaluate the proposals. Many of these peer reviewers are federal employees at one of NASA's 10 centers or other agencies. Many of these peer reviewers are not in positions that would ordinarily require them to file a confidential report and often serve on only one peer review assignment a year.</p> <p>OGE approved NASA's request for an alternative system in April 2008. The alternative form, "Conflicts-of-Interest and Confidentiality Self-Certification" is tailored to the areas of concern that could arise in the proposal review process. At the start of the proposal review process, peer reviewers are required to review a list of proposers to the specific peer review and certify that they do not have any financial conflicts of interest. The alternative form focuses on the relevant potential conflicts of interest. During the period covered by the inspection, 1,796 OGE-approved alternative disclosure forms were filed.</p>				

<b>4.0a</b>	<b>JOHNSON SPACE CENTER - CONFIDENTIAL FINANCIAL DISCLOSURE</b>			
	<b>COMPLIANCE REQUIREMENTS</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
4.1a	• Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2a	• Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3a	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4a	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"/>
4.5a	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6a	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"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
4.7a	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	95%		
4.8a	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	88%		
4.9a	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	83%		
4.10a	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).	83%		
<b>COMMENTS</b>				



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(4.7a – 4.10a) OGE examined 46 confidential financial disclosure reports that were required to be filed at the Johnson Space Center during the period covered by the inspection. Of the 46 reports examined, 21 were new entrant reports and 25 were annual reports.

4.0b AMES RESEARCH CENTER - 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).					
4.1b	•	Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2b	•	Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3b	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4b	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"/>
4.5b	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6b	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"/>
<b>DATA ANALYSIS</b>			<b>%</b>		
4.7b	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).		92%		
4.8b	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).		88%		
4.9b	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).		22%		
4.10b	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).		22%		
<b>COMMENTS</b>					
(4.7b – 4.10b) OGE examined 49 confidential financial disclosure reports that were required to be filed at the AMES Research Center during the period covered by the inspection. Of the 49 reports examined, 24 were new entrant reports and 25 were annual reports.					
(4.9b – 4.10b) Of the 49 confidential reports examined, only 11 were certified timely. OGE recommends that AMES ethics officials take steps to improve the timeliness of review and certification of confidential financial disclosure reports.					

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 Aeronautics and Space Administration

Report No.: 21-50I

Date: September 29, 2021

Period Covered by Review: January 1, 2020 through December 31, 2020

**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"/>
<b>COMMENTS</b>				
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	<ul style="list-style-type: none"> <li>• Contact information for the agency's ethics office.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	<ul style="list-style-type: none"> <li>• The text of 5 C.F.R. § 2638.103.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	<ul style="list-style-type: none"> <li>• A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	<ul style="list-style-type: none"> <li>• Other information the DAEO deems necessary.</li> </ul>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>
<b>COMMENTS</b>				
(6.7) According to NASA's written procedures, an "Ethics for Supervisors handbook", which includes the required content provisions at 5 C.F.R. 2638.306, is to be provided to new supervisors during their new supervisor orientation. The handbook is made available to all NASA Centers who are responsible for updating the handbook with the Center's ethics point of contact. At the time of OGE's inspection, NASA Headquarters ethics officials were not able to determine whether all new supervisors agency-wide were receiving the required information. As a result, OGE recommends that NASA ensure that all new supervisors receive the required information				

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>		<b>%</b>		



## ETHICS PROGRAM INSPECTION REPORT

Agency: National Aeronautics and Space Administration

Report No.: 21-50I

Date: September 29, 2021

Period Covered by Review: January 1, 2020 through December 31, 2020

**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**

  
 Preventing Conflicts of Interest  
 in the Executive Branch

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).	See Comment
<b>COMMENTS</b>		
<p>(7.2) For the period covered by the inspection, NASA did not provide new employees with written materials as required by 5 C.F.R. § 2638.304(e)(2). NASA ethics officials assured OGE that this will be done in future initial ethics training sessions. OGE is not making a formal recommendation.</p> <p>(7.6) OGE could not readily determine whether new employees who received initial ethics training did so within the required timeframe. As a result, OGE is making a recommendation for improvement.</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 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	<ul style="list-style-type: none"> <li>• Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).</li> </ul>	100%	N/A			
8.7	<ul style="list-style-type: none"> <li>• Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).</li> </ul>	N/A	100%			
8.8	<ul style="list-style-type: none"> <li>• SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).</li> </ul>	19.5%	76.6%			
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"> <li>• Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).</li> </ul>	19.2%	80.8%			
8.10	<ul style="list-style-type: none"> <li>• Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).</li> </ul>	N/A	N/A			
8.11	<ul style="list-style-type: none"> <li>• Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).</li> </ul>	N/A	N/A			

## ETHICS PROGRAM INSPECTION REPORT

Agency: National Aeronautics and Space Administration

Report No.: 21-50I

Date: September 29, 2021

Period Covered by Review: January 1, 2020 through December 31, 2020

## UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest  
in the Executive Branch

8.12	<ul style="list-style-type: none"> <li>Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).</li> </ul>	Not separately tracked	Not separately tracked
8.13	<ul style="list-style-type: none"> <li>Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4).</li> </ul>	N/A	N/A
<b>COMMENTS</b>			
<p>(8.2) For the period covered by inspection, written materials were not provided to those who received annual training. NASA ethics officials assured OGE that this will be done in all future training sessions starting in 2021. OGE is not making a formal recommendation.</p> <p>(8.8) Eight public filers did not complete their annual ethics training by the end of 2020. Of the eight, three completed the annual training required in 2020 in January 2021. The remaining five left the agency in January 2021. While OGE is making no formal recommendation, NASA is reminded that the 2020 make up training conducted in 2021 for the three public filers does not count as their annual ethics training for 2021.</p> <p>(8.10, 8.11 and 8.13) NASA did not have employees in these categories.</p> <p>(8.12) NASA employees in this category were accounted for under a different category.</p>			

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<b>9.0 ETHICS ADVICE AND COUNSELING</b>					
<b>COMPLIANCE REQUIREMENT</b>			<b>Yes</b>	<b>No</b>	<b>N/A</b>
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"/>	
<b>COMMENTS</b>					
None					

<b>10.0 SPECIAL GOVERNMENT EMPLOYEES (SGE) SERVING ON ADVISORY COMMITTEES AND BOARDS</b>					
<b>Confidential Financial Disclosure</b>					
10.1	Number of SGEs serving on Advisory Committees and Boards.	142			
<b>DATA ANALYSIS</b>					
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	56%			
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).	100%			
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
<b>Ethics Training</b>					
<b>COMPLIANCE REQUIREMENTS</b>			<b>Yes</b>	<b>No</b>	<b>N/A</b>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	

## ETHICS PROGRAM INSPECTION REPORT

Agency: National Aeronautics and Space Administration

Report No.: 21-50I

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Period Covered by Review: January 1, 2020 through December 31, 2020

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**

  
 Preventing Conflicts of Interest  
 in the Executive Branch

10.6	<p>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).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
10.7	Percentage of SGEs who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	100%		
10.8	Percentage of SGEs who received initial ethics training timely. <i>See</i> 5 C.F.R. § 2638.304(b)(2).	88%		
10.9	Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).	See Comment		
<b>COMMENTS</b>				
<p>(10.1) NASA has 11 federal advisory committees. At the time of OGE's inspection, NASA ethics officials had determined that 142 NASA advisory committee members were special government employees (SGEs).</p> <p>(10.2) OGE examined 24 confidential financial disclosure reports that were required to be filed in 2020 by SGEs serving on 3 of NASA's 11 Federal Advisory Committees. Fourteen of the 25 confidential reports OGE examined were submitted timely (56%) while ten were submitted late (40%). Timeliness was based on NASA's established September 30<sup>th</sup> date of collection for SGE reports. OGE also identified that one SGE selected from our sample did not file a confidential report at all in 2020. OGE notes that outside of its sample of examined reports, two other SGE members did not file a report in 2020 due to medical and technical issues.</p> <p>Based on these findings OGE recommends that NASA establish safeguards to ensure that all SGEs file all required financial disclosure reports in a timely manner. OGE also recommends that NASA complete its review of each financial disclosure report filed by a SGE and resolve any conflicts of interest prior to the filer's first advisory committee meeting each year.</p> <p>OGE also identified that none of the reports examined indicated the reporting status as "New Entrant," as required by 5 C.F.R. § 2634.903(b). SGEs do not file incumbent confidential reports. Instead, they are required to file new entrant reports each year, upon their "reappointment or re-designation" as an SGE for a new 365-day period. 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. Therefore, OGE also recommends that, going forward, ethics officials ensure that all SGE members file only new entrant reports each year.</p> <p>(10.5) OGE examined the ethics training presentation provided to NASA SGEs and found the presentation to address all required concepts with the exception of the misuse of position concept. While OGE is not making a formal recommendation OGE suggests that NASA ethics officials make certain to highlight each of the four topics through discussion questions or summary statements by the presenter to ensure that each concept is addressed in future trainings.</p> <p>(10.8) Two FACA SGEs did not complete ethics training prior to their first meeting but did complete the training later in the calendar year.</p> <p>(10.9) Because of the nature of their appointment, and given that first-time SGEs are often trained at the same time as SGEs serving multiple-year terms, whether an SGE receives initial ethics training or annual ethics training is not entirely clear. The most important thing to consider is whether training was received before the SGE participated in a meeting or other function of their position.</p>				

## ETHICS PROGRAM INSPECTION REPORT

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Report No.: 21-50I

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## UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest  
in the Executive Branch

RECOMMENDATIONS			
#	Element	RECOMMENDATION	Compliance Due
1	3.4 3.4b	<p><u>RECOMMENDATION:</u> Collect the \$200 late filing fee from the noted annual public filers at NASA Headquarters and the AMES Research Center for filing their public financial disclosure reports late. Should these filers not submit the late payment, OGE recommends that NASA take administrative action to collect the late filing fee or refer the matter to the Department of Justice (see 5 C.F.R. § 2634.704).</p> <p><u>AGENCY RESPONSE:</u></p> <p>NASA accepts OGE's recommendation.</p>	January 2022
2	3.0 4.0	<p><u>RECOMMENDATION:</u> Expand oversight and monitoring of the financial disclosure systems NASA-wide to ensure compliance with applicable requirements. OGE will review samples of public and confidential financial disclosure reports from a number of field centers/facilities to determine the effectiveness of Headquarters' efforts.</p> <p><u>AGENCY RESPONSE:</u></p> <p>NASA is pleased to have already taken substantial action responsive to OGE's recommendation. On October 1, 2020, pursuant to NASA's Mission Support Future Architecture Program (MAP), NASA's legal offices were reorganized so that NASA Chief Counsels at NASA Centers report to the NASA General Counsel who is NASA's Designated Agency Ethics Official (DAEO). Previously, NASA Chief Counsels reported to their local NASA Center Director. This change in reporting lines places ethics officials at NASA Centers under the DAEO's direct supervision, enabling OGE's recommended Headquarters oversight and monitoring including with insight provided by OGE's program inspection report.</p>	January 2022
3	6.7	<p><u>RECOMMENDATION:</u> Ensure that all new supervisors receive the notices as required by 5 C.F.R. § 2638.306.</p> <p><u>AGENCY RESPONSE:</u></p> <p>NASA accepts OGE's recommendation.</p>	January 2022
4	7.6	<p><u>RECOMMENDATION:</u> Develop a system to ensure that new employees who received initial ethics training do so within three months of appointment as required by 5 C.F.R. § 2638.304(b).</p> <p><u>AGENCY RESPONSE:</u></p> <p>NASA accepts OGE's recommendation. NASA notes that in 2020, the agency's online training system which provides interactive ethics training experienced an anomaly implicating validation of timely initial ethics training for some employees.</p>	January 2022

## ETHICS PROGRAM INSPECTION REPORT

Agency: National Aeronautics and Space Administration

Report No.: 21-501

Date: September 29, 2021

Period Covered by Review: January 1, 2020 through December 31, 2020

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**



Preventing Conflicts of Interest  
in the Executive Branch

5	10.2	<p><u>RECOMMENDATION:</u> Establish safeguards to ensure that all financial disclosure reports filed by NASA SGEs are reviewed and certified prior to the filer's first advisory committee meeting each year.</p> <p><u>AGENCY RESPONSE:</u></p> <p>NASA agrees that appropriate safeguards be followed to ensure that SGE's on NASA advisory committees do not engage in conflicts of interest. NASA notes, however, that due to timing associated with committee meetings within the yearly filing cycle, it may sometimes be impractical to ensure that filing and review of all financial disclosure reports of reappointed members in that year's cycle is completed before some meetings occurring during the yearly filing period. In that event, ethics officials exercise judgment in relying on an individual's previously certified form. NASA looks forward to continuing its dialogue with OGE to ensure adequate safeguards in this area.</p>	October 2022
6	10.2	<p><u>RECOMMENDATION:</u> Ensure that all SGE Board members indicate their reporting status on the first page of the confidential report as "New Entrant" in accordance with 5 CFR § 2634.903(b).</p> <p><u>AGENCY RESPONSE:</u></p> <p>NASA accepts OGE's recommendation.</p>	October 2022