

ETHICS PROGRAM INSPECTION REPORT

Agency: National Archives and Records Administration

Report No.: 21-49I

Date: September 29, 2021

Period Covered by Review: January 1, 2020 through August 31, 2021

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.	2,583
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	1
1.3	Number of non-PAS public financial disclosure reports required to be filed.	45
1.4	Number of confidential financial disclosure reports required to be filed.	419
ETHICS PROGRAM		
1.5	Title of Designated Agency Ethics Official (DAEO).	Senior Counsel
1.6	Grade level of DAEO.	SL
1.7	Title of Alternate DAEO (ADAEO).	Assistant General Counsel
1.8	Grade level of ADAEO.	GS-14
1.9	Title of the primary, day-to-day ethics program administrator.	Senior Counsel
1.10	Grade level of the primary, day-to-day ethics program administrator.	SL
1.11	Current number of full-time ethics officials.	0
1.12	Current number of part-time ethics officials.	8
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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 Preventing Conflicts of Interest
 in the Executive Branch

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).	100%		
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).	100%		
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).	96%		
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>(3.2) NARA did not have written procedures for review/evaluation of public financial disclosure reports in place during the period covered by the inspection. NARA later provided newly implemented written procedures, which OGE determined did sufficiently comply with regulatory requirements.</p> <p>(3.6) The office that houses physical copies of public financial disclosure reports is currently closed due to COVID-19 pandemic protocols. The office contains reports that now exceed the retention period, but that cannot be destroyed during the closure. NARA is otherwise in compliance with records retention requirements, based on our discussions with ethics officials.</p> <p>(3.15) No PAS termination reports were required to be filed during the period covered by the inspection.</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	<ul style="list-style-type: none"> • Collection of confidential financial disclosure reports. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	<ul style="list-style-type: none"> • 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"/>
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"/>

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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. <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).	92%		
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	100%		
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
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).	75%		
COMMENTS				
<p>(4.2) The office that houses physical copies of public financial disclosure reports is currently closed due to COVID-19 pandemic protocols. The office contains reports that now exceed the retention period, but that cannot be destroyed during the closure. NARA is otherwise in compliance with records retention requirements, based on our discussions with ethics officials.</p> <p>(4.10) Although 17 out of 20 (85%) annual confidential reports examined by OGE were certified timely, only 7 out of 12 (58%) new entrant reports were certified timely.</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"/>		
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						
<p>(5.6) NARA's written procedures for issuing notices to prospective employees were initially documented only in a series of emails. Written procedures are required, in part, to ensure that knowledge is not lost in the event ethics officials leave an agency before their successors have an opportunity to learn the vital processes used to administer the ethics program. Therefore, written procedures must be readily identifiable as such and provide a comprehensive resource for understanding how the process of meeting applicable requirements is carried out. NARA provided formal written standard operating procedure for issuing notices to prospective employees after the OGE review team noted the issue and OGE considers the matter closed.</p>						

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UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

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 5 C.F.R. § 2638.306.</i>					
6.1	• Contact information for the agency's ethics office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.2	• The text of 5 C.F.R. § 2638.103.	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.4	• Other information the DAEO deems necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.5	The agency has established written procedures for supervisory ethics notices. <i>See 5 C.F.R. § 2638.306(d).</i>	<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 5 C.F.R. § 2638.306(d).</i>	<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 5 C.F.R. § 2638.306(b).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMMENTS					
(6.4) No additional ethics-related information was deemed necessary. (6.5 and 6.6) NARA has a temporary process that has been used successfully to issue supervisory notices, but they have not established a long-term procedure yet. NARA is in the process of finalizing formal, written procedures for issuing supervisory ethics notices.					

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 5 C.F.R. § 2638.304.</i>					
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See 5 C.F.R. § 2638.304(e)(1).</i>	<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 5 C.F.R. § 2638.304(e)(2).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.3	The agency has established written procedures for initial ethics training. <i>See 5 C.F.R. § 2638.304(f).</i>	<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 5 C.F.R. § 2638.304(f).</i>	<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 5 C.F.R. § 2638.304.</i>	80%			
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See 5 C.F.R. § 2638.304(b).</i>	80%			
COMMENTS					
(7.3 and 7.4) NARA ethics officials are working with the Office of Human Capital to confirm their processes for the assignment and tracking of the online portion of initial ethics training. NARA ethics officials affirmed that written procedures would be finalized once they have clarified the specifics of the assignment process with the Office of Human Capital. (7.5 and 7.6) NARA transitioned to a new method of providing initial ethics training in calendar year 2020, and some employees who entered on duty between January 1st and March 14th did not complete the required training during this transition. According to data provided by NARA, 156 out of 194 (80%) of required employees received initial ethics training in calendar year 2020. As of March 15, 2020, all new employees receive initial ethics training via live webinar as part of their general new-employee orientation.					

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GOVERNMENT ETHICS


 Preventing Conflicts of Interest
 in the Executive Branch

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	<ul style="list-style-type: none"> • Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1). 	N/A	N/A	
8.7	<ul style="list-style-type: none"> • Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2). 	100%	N/A	
8.8	<ul style="list-style-type: none"> • SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3). 	100%	0%	
	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). 	95%	1%	
8.10	<ul style="list-style-type: none"> • Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	N/A	N/A	
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). 	N/A	N/A	
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). 	N/A	N/A	
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). 	N/A	N/A	
COMMENTS				
(8.6) NARA does not have any Executive Schedule I or II positions. (8.10, 8.11, 8.13) NARA did not have any employees in these categories during the period under review. (8.12) All employees in this category file either public or confidential financial disclosure reports. The relevant data is captured in items 8.7 through 8.9, as appropriate.				

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in the Executive Branch

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.		11
DATA ANALYSIS		%	
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).		100%
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).		38%
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).		38%

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 checked="" 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"/>
DATA ANALYSIS		%				
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).		100%			
10.9	Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).		N/A			
COMMENTS						
<p>(10.1) Records for three of the eleven SGEs were not accessible during the inspection due to COVID-related office closures. OGE's inspection included an examination of the remaining eight SGEs.</p> <p>(10.3 and 10.4) Only three of the eight (38%) SGE reports examined by OGE were reviewed or certified as required.</p> <p>(10.5 and 10.6) The initial ethics training NARA provided to SGEs had the required content but was not interactive, as required.</p> <p>(10.9) The eight SGEs examined in this report served on a committee that did not meet during calendar year 2020. Therefore, they did not receive annual ethics training. NARA understands that SGEs are otherwise required to receive required ethics training that meets content and formatting requirements each year.</p>						

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ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
3.2	<p><u>ISSUE:</u> NARA did not have formal written procedures for review and evaluation of public financial disclosure reports in place during the period under review. NARA submitted new written procedures during the course of the inspection. The new procedures met applicable requirements.</p> <p><u>AGENCY RESPONSE:</u> This appears to be resolved.</p>
5.7 and 5.8	<p><u>ISSUE:</u> NARA did not have formally documented written procedures for issuing notices to prospective employees. During the course of the inspection, NARA submitted a formal, written standard operating procedure that met all applicable requirements.</p>

RECOMMENDATIONS

#	Element	RECOMMENDATION	Compliance Due
1	4.10	<p><u>RECOMMENDATION:</u> Ensure that new entrant confidential financial disclosure reports are certified timely.</p> <p><u>AGENCY RESPONSE:</u> NARA concurs with this recommendation. The agency identified an issue with the workflow of new entrant forms that were being processed electronically in early 2021. The workflow issue was resolved and the DAEO will continue to monitor compliance with the 60-day review period.</p>	March 31, 2022
2	6.5 – 6.6	<p><u>RECOMMENDATION:</u> Establish written procedures for issuing ethics notices to new supervisors.</p> <p><u>AGENCY RESPONSE:</u> NARA concurs with the recommendation. NARA plans to include the required ethics notice in the offer letter for new supervisors and to document this approach in written procedures. Implementation of this plan has been delayed due to a transition to a new shared services provider for human capital support. The ethics program and NARA's Office of Human Capital have established an interim process for issuing the ethics notices. This interim process is documented in written procedures that the DAEO submitted to OGE on September 27, 2021. The procedures just submitted also include the procedures for issuing required ethics notices to prospective employees. NARA will update the procedures when the change to including the ethics notice in the offer letter has been finalized between the ethics program and the Office of Human Capital.</p>	December 15, 2021
3	10.3 – 10.4	<p><u>RECOMMENDATION:</u> Certify all SGE financial disclosure reports timely, as required.</p> <p><u>AGENCY RESPONSE:</u> NARA concurs with this recommendation. The SGE reports in question were reviewed by the ethics program in a timely manner, but the reviewer lacked the ability at the time to sign forms electronically. Going forward, the DAEO will ensure all reviewers are aware of the requirements regarding documentation of certification and the methods for electronic certification. The DAEO will monitor compliance through the upcoming SGE financial disclosure cycle.</p>	March 31, 2022

GENERAL AGENCY COMMENTS

Attached.



Archivist of the
United States

September 28, 2021

Robert E. Lubitz, MBA
Program Analyst, Compliance Division
United States Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

Re: Response to Draft Inspection Report

Dear Mr. Lubitz:

Thank you for the opportunity to review and comment on the draft report prepared for the Office of Government Ethics' (OGE) recent inspection of the National Archives and Records Administration's (NARA) ethics program.

NARA concurs with the first recommendation that the ethics program ensure new entrant confidential financial disclosure reports are certified timely. The agency identified an issue with the workflow of new entrant forms that were being processed electronically in early 2021. The workflow issue was resolved and the DAEO will continue to monitor compliance with the 60-day review period.

NARA concurs with the second recommendation that the ethics program establish written procedures for issuing ethics notices to new supervisors. NARA plans to include the required ethics notice in the offer letter for new supervisors and to document this approach in written procedures. Implementation of this plan has been delayed due to a transition to a new shared services provider for human capital support. The ethics program and NARA's Office of Human Capital have established an interim process for issuing the ethics notices. This interim process is documented in written procedures that the DAEO submitted to OGE on September 27, 2021. Those interim procedures also include the procedures for issuing required ethics notices to prospective employees.

NARA concurs with the third recommendation that the ethics program certify all SGE financial disclosure reports timely, as required. The SGE reports in question were reviewed by the ethics program in a timely manner, but the reviewer lacked the ability at the time to sign forms electronically. Going forward, the DAEO will ensure all reviewers are aware of the requirements regarding documentation of certification and the methods for electronic certification. The DAEO will monitor compliance through the upcoming SGE financial disclosure cycle.

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If you have questions concerning this memorandum, please contact NARA's Designated Agency Ethics Official (DAEO), Christopher M. Runkel, by email at chris.runkel@nara.gov, or by telephone at 301-837-2928.

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Ferriero". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

DAVID S. FERRIERO
Archivist of the United States