

**ETHICS PROGRAM REVIEW FOLLOW-UP REPORT**

Agency: National Aeronautics and Space Administration

Follow-up to OGE Report Number: 21-50I

Report No.: 23-10IF

Date: January 31, 2023

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

As a result of its inspection of the National Aeronautics and Space Administration's (NASA) ethics program, the Office of Government Ethics (OGE) issued six recommendations in its September 2021 inspection report. OGE conducted a follow-up review in May 2022 to assess whether NASA had taken sufficient action to resolve the deficiencies underlying these recommendations. Follow-up fieldwork was conducted intermittently in November and December 2022 to gather additional, updated information regarding NASA's special Government employees program. The results of the follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	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).	During the follow-up review, OGE confirmed that NASA collected the \$200 late filing fee from the noted annual public filers at both NASA Headquarters and the AMES Research Center.	Closed
2	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>OGE was advised that NASA's legal offices were reorganized pursuant to NASA's Mission Support Future Architecture Program (MAP) on October 1, 2020. NASA Center Chief Counsels, who administered the ethics program within their respective Centers and reported to the Center Directors, were brought under the supervision of NASA's General Counsel, who also serves as NASA's Designated Agency Ethics Official (DAEO).</p> <p>During the follow-up review, OGE selected a sample of 20 new entrants and annual public financial disclosure reports to examine. Of the 20 public reports examined, 95% were filed and certified timely.</p> <p>To evaluate NASA's oversight and monitoring efforts regarding the confidential system, OGE examined NASA's tracking documentation for confidential financial disclosure reports filed</p>	Closed

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		<p>NASA-wide. Based on the tracking documentation, at the time of OGE's follow-up review, 9,887 employees were required to file either a new entrant or annual confidential report NASA-wide. Of those, 9,128 (92%) had been reviewed and certified timely.</p> <p>OGE encourages NASA ethics officials to continue its oversight and monitoring efforts in this area of its ethics program. Doing so will help to ensure that new entrant and annual confidential filers are identified timely, and once identified, file their new entrant or annual report timely.</p>	
3	Ensure that all new supervisors receive the notices as required by 5 C.F.R. § 2638.306.	<p>According to the ADAEO, all new NASA supervisors attend NASA's "HR 101," a multi-discipline course coordinated by the NASA Office of the Chief Human Capital Officer. As part of this course, an "Ethics for Supervisors" class is led by a NASA ethics attorney in conjunction with the provision of the written notice consistent with 5 C.F.R. § 2638.306.</p> <p>Completion of HR 101 is tracked through NASA's System for Administration, Training, and Educational Resources for NASA (SATERN), which allows for confirmation that written materials are provided to new supervisors within one year of an initial appointment to a supervisory position. OGE was advised that this process will be reviewed each year consistent with 5 C.F.R. § 2638.306(d).</p> <p>During the follow-up review, OGE examined NASA's SATERN tracking system report covering October 2021 to April 2022 and found that 366 new NASA supervisors completed the HR101 training.</p>	Closed

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4	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).	According to the ADAEO, all NASA ethics offices confirmed to the Alternate Designated Agency Ethics Official (ADAEO) that appropriate local procedures are now in place to ensure new employees timely receive initial ethics training. However, verification was still ongoing at the time of OGE's review. OGE will keep this recommendation open pending additional follow-up.	Open
5	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>According to the ADAEO, a paralegal specialist position within NASA's Office of General Counsel (OGC) is the lead point of contact between FACA committees and ethics officials and serves as administrator of NASA's Ethics Program Tracking System (EPTS). In July 2022, the long-time incumbent of this position retired, and NASA could not fill the vacancy until November 2022.</p> <p>According to the ADAEO, NASA plans to communicate directly with executive secretaries of each NASA advisory committee to ensure appropriate safeguards are in place. OGE will keep this recommendation open pending additional follow-up.</p>	Open

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6	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>According to the ADAEO, NASA OGC will propose to their NASA Shared Services Center’s (NSSC), IT system administrator who manages EPTS, that a technical revision responsive to this recommendation be programmed into EPTS.</p> <p>NASA OGC will also explore an option to create a new “New Entrant – Existing Member” form status. However, programming revision will be subject to technical and resource constraints. NASA will report back to OGE on their consultations with NSSC.</p> <p>OGE will keep this recommendation open pending additional follow-up. As a reminder with all programming revisions to the electronic form developed for use with an e-filing system, absent OGE approval, the electronic form must exactly replicate the existing paper versions of the OGE Form 450 when printed.</p>	Open
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Based on the results of OGE’s follow-up review, recommendations 1, 2, and 3 are closed. Recommendations 4, 5, and 6 remain open. OGE will conduct an additional follow-up review to assess whether the remaining three recommendations can be closed.