

**ETHICS PROGRAM INSPECTION REPORT**

Agency: National Endowment for the Arts

Report No.: 19-31I

Date: July 2, 2019

Period Covered by Review: January 1, 2017 – December 31, 2018

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.                                                                                | 138                       |
| 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.                                          | 9                         |
| 1.4                   | Number of confidential financial disclosure reports required to be filed.                                            | 40                        |
| <b>ETHICS PROGRAM</b> |                                                                                                                      |                           |
| 1.5                   | Title of Designated Agency Ethics Official (DAEO).                                                                   | General Counsel           |
| 1.6                   | Grade level of DAEO.                                                                                                 | GS-15                     |
| 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.                                                       | Assistant General Counsel |
| 1.10                  | Grade level of the primary, day-to-day ethics program administrator.                                                 | GS-14                     |
| 1.11                  | Current number of full-time ethics officials.                                                                        | 0                         |
| 1.12                  | Current number of part-time ethics officials.                                                                        | 3                         |
| 1.13                  | Number of reporting levels between the DAEO and the agency head.                                                     | 1                         |
| <b>COMMENTS</b>       |                                                                                                                      |                           |
| None.                 |                                                                                                                      |                           |

| 2.0 LEADERSHIP                 |                                                                                                                      |                                     |                          |                          |            |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|------------|
| <b>COMPLIANCE REQUIREMENTS</b> |                                                                                                                      |                                     | <b>Yes</b>               | <b>No</b>                | <b>N/A</b> |
| 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"/> |            |
| <b>COMMENTS</b>                |                                                                                                                      |                                     |                          |                          |            |
| None.                          |                                                                                                                      |                                     |                          |                          |            |

| 3.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)                                              |                                                                                                                                                                              |                                     |                          |                                     |            |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|------------|
| <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). |                                                                                                                                                                              |                                     |                          |                                     |            |
| 3.1                                                                                                          | • Collection of public financial disclosure reports.                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |            |
| 3.2                                                                                                          | • Review/evaluation of public financial disclosure reports.                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |            |
| 3.3                                                                                                          | • Public availability of public financial disclosure reports.                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |            |
| 3.4                                                                                                          | The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports. | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |            |
| 3.5                                                                                                          | Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |            |

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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"/> |
| <b>DATA ANALYSIS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                            | <b>%</b>                            |                          |                          |
| 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).                                                                                                                                                                                                         | N/A                                 |                          |                          |
| 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).                                                                                                                                                                  | 89%                                 |                          |                          |
| 3.14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).                                                                                                                                                                                                                  | N/A                                 |                          |                          |
| 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).                                                                                                                                                                           | 100%                                |                          |                          |
| <b>COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                            |                                     |                          |                          |
| <p>(3.4) During the period under review, no late filing fees were required to be collected and no fee waivers were required to be issued to public filers.</p> <p>(3.11) No non-PAS termination reports were required to be filed in 2018.</p> <p>(3.13) OGE examined all nine of the non-PAS public financial disclosure reports filed in 2018. Eight of the reports were certified within 60 days of receipt.</p> <p>(3.14) No PAS annual reports were required to be filed in 2018.</p> |                                                                                                                                                                                                                                                                                                            |                                     |                          |                          |

|                                                                                                             |                                                                                                                                                                                                                                                                                                         |                                     |                          |                          |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| <b>4.0 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"/> |
| 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"/> |

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|                 | DATA ANALYSIS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | %   |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 4.7             | Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).                                                                                                                                                                                                                                                                                                                                                                                                                                                | 31% |
| 4.8             | Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 80% |
| 4.9             | Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50% |
| 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).                                                                                                                                                                                                                                                                                                                                                                                               | 35% |
| <b>COMMENTS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |
|                 | <p><u>Concerns</u><br/>(4.5) OGE granted NEA approval to implement an alternative confidential financial disclosure system in 1993. OGE noted during its current review that NEA had made minor revisions to the form that filers subject to the alternative system are required to submit. OGE reviewed the revisions and found them to be appropriate. No further action is required, however; NEA is reminded that an agency must receive OGE approval before making any changes to their OGE-approved alternative financial disclosure system.</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                                  | <ul style="list-style-type: none"> <li>A statement regarding the agency's commitment to government ethics.</li> </ul>                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.2                                  | <ul style="list-style-type: none"> <li>Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.</li> </ul>                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.3                                  | <ul style="list-style-type: none"> <li>Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.</li> </ul>           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.4                                  | <ul style="list-style-type: none"> <li>Where applicable, notice of the time frame for completing initial ethics training.</li> </ul>                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.5                                  | <ul style="list-style-type: none"> <li>Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.</li> </ul> | <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"/> |
| <b>COMMENTS</b>                      |                                                                                                                                                                                                                      |                                     |                          |                          |
|                                      | None.                                                                                                                                                                                                                |                                     |                          |                          |

| 6.0 Notices to New Supervisors |                                                                                                                                                         |                                     |                          |                          |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
|                                | COMPLIANCE REQUIREMENTS                                                                                                                                 | Yes                                 | No                       | N/A                      |
|                                | The agency provides 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"/> |

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|                 |                                                                                                                                                                                                     |                                     |                          |                          |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>COMMENTS</b> |                                                                                                                                                                                                     |                                     |                          |                          |
| None.           |                                                                                                                                                                                                     |                                     |                          |                          |

| 7.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Initial Ethics Training                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                     |                          |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| COMPLIANCE REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes                                 | No                       | N/A                      |
| Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                          |                          |
| 7.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).                                                                                                                                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input 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"/> |
| 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).                                                                                                                                                                                                                                                                                                                                                                                                                              | 67%                                 |                          |                          |
| <b>COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                          |                          |
| <p>In addition to the initial ethics training all new federal employees are generally required to receive, NEA conducts its own one-on-one "initial ethics training" for new program directors and program staff. The training is designed to address issues specific to the individual being trained.</p> <p><u>Concerns</u><br/>           (7.6) Initial ethics training is provided to new employees during general employee orientation sessions. As part of NEA's efforts to streamline new employee orientation, NEA decided to wait until a significant number of new employees had been hired before conducting new employee orientation sessions. As a result, some employees did not receive initial ethics training within three months of appointment, as required.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                          |                          |

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| 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. § 2638.308(f)(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"/> |
| <b>DATA ANALYSIS</b>                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |     | <b>Training Format</b>              |                          |                          |
|                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |     | 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>                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |     | N/A                                 | 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |     | 100%                                | 0%                       |                          |
| 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |     | 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"> <li>Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                           |  |  |     | 100%                                | 0%                       |                          |
| 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                      |                          |
| 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>                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |     | N/A                                 | N/A                      |                          |
| 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>                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |     |                                     |                          |                          |
| None.                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |     |                                     |                          |                          |

## ETHICS PROGRAM INSPECTION REPORT

Agency: National Endowment for the Arts

Report No.: 19-31I

Date: July 2, 2019

Period Covered by Review: January 1, 2017 – December 31, 2018

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS

Preventing Conflicts of Interest  
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"/> |
| <b>COMMENTS</b>        |                                                                                                                                                                                                    |                                     |                          |                          |
| 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.                                                                                       | 702      |
| <b>DATA ANALYSIS</b> |                                                                                                                                                 | <b>%</b> |
| 10.2                 | Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).                                         | 87%      |
| 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%     |

#### Ethics Training

| COMPLIANCE REQUIREMENTS                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Yes                                 | No                       | N/A                      |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Required ethics training must be provided to each SGE. <i>See</i> 5 C.F.R. §§ 2638.304 and 2638.307. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |                          |                          |
| 10.5                                                                                                 | The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).                                                                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10.6                                                                                                 | The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <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).                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 100%                                |                          |                          |
| 10.9                                                                                                 | Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 100%                                |                          |                          |
| <b>COMMENTS</b>                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |                          |                          |
| None.                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |                          |                          |

## ETHICS PROGRAM INSPECTION REPORT

Agency: National Endowment for the Arts

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### ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

| Element  | ISSUE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1, 4.1 | <p><b>ISSUE:</b> At the time of the inspection, NEA’s written policies and procedures governing the administration of the public and confidential disclosure systems did not address all required issues. NEA ethics officials amended their policies and procedures to bring them into compliance with applicable requirements prior to the completion of OGE’s inspection. <i>See</i> 5 U.S.C app. IV, § 402(d)(1).</p> <p><b>AGENCY RESPONSE:</b> The NEA concurs with this finding and has amended our written policies and procedures to bring them into compliance with applicable requirements.</p>                                                                                                                                                                                                                                             |
| 3.6, 4.4 | <p><b>ISSUE:</b> Some public and confidential financial disclosure reports had been retained beyond the period specified by applicable retention requirements. NEA ethics officials were able to demonstrate to the OGE review team that the reports that were due to be destroyed had been destroyed by the time the inspection had been completed. <i>See</i> 5 C.F.R. § 2634.603(g)(1) and 5 C.F.R. § 2634.604.</p> <p><b>AGENCY RESPONSE:</b> The NEA concurs with this finding and has instituted a process that ensures public and confidential financial disclosure reports are destroyed in accordance with 5 C.F.R. § 2634.603(g)(1) and 5 C.F.R. § 2634.604.</p>                                                                                                                                                                             |
| 3.7, 4.6 | <p><b>ISSUE:</b> The lead human resources official was not promptly (no later than 15 days after appointment) notifying the DAEO of all appointments to positions that require incumbents to file public or confidential financial disclosure reports. The Office of Human Resources and the Office of General Counsel signed an agreement containing procedures to help ensure ethics officials were notified timely of appointments to public and confidential filing positions. The OGE team was provided with this agreement prior to the completion of the NEA inspection. <i>See</i> 5 C.F.R. § 2638.105(a)(1).</p> <p><b>AGENCY RESPONSE:</b> The NEA concurs with this finding and has a process now in place to ensure that ethics officials are notified on a timely basis of appointments to public and confidential filings positions.</p> |

### RECOMMENDATIONS

| # | Element        | RECOMMENDATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Compliance Due |
|---|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1 | 4.7, 4.9, 4.10 | <p><b>RECOMMENDATION:</b> Ensure that new entrant confidential financial disclosure reports are filed, reviewed, and certified timely.</p> <p><b>AGENCY RESPONSE:</b> The NEA will ensure there is an alignment of timing and prioritization of the filing, review and certification of new entrant confidential financial disclosure reports during the filing season in order to promote consistency in the process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | January 2020   |
| 2 | 7.6            | <p><b>RECOMMENDATION:</b> Ensure that new employees receive initial ethics training within three months of appointment.</p> <p><b>AGENCY RESPONSE:</b> The NEA’s ethics inspection was helpful in that it enabled the Agency to pinpoint that while all new employees did receive initial ethics training, some did not receive this training in a timely manner due to a process issue related to when a new employee joins the Agency and when the Agency’s Office of Human Resources schedules new employee orientation. New employee orientation includes an initial ethics training conducted by Agency ethics officials. As a result of this finding, Agency ethics officials work closely with the Office of Human Resources to ensure that each new employee’s first date of service is tracked in order to ensure initial ethics training is completed on a timely basis.</p> | January 2020   |