



United States Office  
Of Government Ethics

## Highlights

### Model Practices

- MSFC involves senior management in the administration of the ethics program.
- MSFC provides training to new supervisors.
- MSFC provides public and confidential financial disclosure filers with cautionary memorandums.
- MSFC has written procedures for administration of the advice and counseling component of the ethics program.
- MSFC proactively works with departing senior employees to avoid or resolve potential post-employment issues.
- MSFC leverages ethics-training resources by sharing responsibility for preparing annual ethics training presentations.
- MSFC provides ethics training to employees not required to receive training and to private sector companies likely to do business with MSFC.

### OGE Suggests

- MSFC take additional steps to help ensure new entrant financial disclosure reports are filed timely.
- MSFC closely examine all requests related to approval for travel to ensure the proper authority is used.

If you have comments or would like to discuss the report, please contact Trish Zemple, Associate Director, Program Review Division, at 202-482-9286.

# Ethics Program Review National Aeronautics and Space Administration/ Marshall Space Flight Center

February 2010 Report

## Executive Summary

The Office of Government Ethics (OGE) has completed its review of the ethics program at the National Aeronautics and Space Administration's (NASA) Marshall Space Flight Center (MSFC). The purpose of a review is to identify and report on the strengths and weaknesses of a program by evaluating (1) agency compliance with ethics requirements found in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

OGE's review identified that MSFC incorporated a number of model practices into their ethics program. These model practices were in the areas of leadership, training, counseling and advice, and public and confidential financial disclosure

OGE also makes two suggestions to enhance MSFC's ethics program. First, OGE suggests MSFC take additional steps to help ensure new entrant financial disclosure reports are filed timely. Second, OGE suggests MSFC closely examine all requests related to approval for travel that might be authorized under the authority of either 31 U.S.C. § 1353 or the widely attended gathering exception to the gift rules at 5 CFR 2635.204(g) and ensure that the proper authority is used to allow employees to engage in relevant travel or activities.

A draft of this report was released to MSFC and NASA Headquarters ethics officials for comment. A teleconference was held at NASA's request to discuss OGE's concerns, as detailed in the Ethics Counseling section of this report, regarding WAG determinations. NASA also provided written comments regarding this issue. OGE addresses these comments in the "Agency Comments" section of this report.

This report has been forwarded to NASA's Designated Agency Ethics Official and NASA's Inspector General.



United States Office  
Of Government Ethics

## Ethics Program Review

# National Aeronautics and Space Administration George C. Marshall Space Flight Center

February 2010 Report

### Introduction

#### OGE MISSION

The United States Office of Government Ethics (OGE) provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance initiatives.

#### PURPOSE OF A REVIEW

The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

#### REVIEW AUTHORITY AND SCOPE

OGE has the authority to evaluate the effectiveness of executive agency ethics programs. *See* Title IV of the Ethics in Government Act of 1978, as amended (the Ethics in Government Act), and 5 CFR part 2638. OGE's review of the National Aeronautics and Space Administration (NASA) focused on the elements listed below:

- Leadership
- Program structure
- Financial disclosure systems
- Ethics training
- Ethics counseling
- Outside employment
- Enforcement of ethics laws and regulations
- Travel payments from non-Federal sources

## **Ethics Program Review: NASA – MSFC**

OGE's review of NASA focused on the ethics programs at three NASA Centers: Langley Research Center (LARC), George C. Marshall Space Flight Center (MSFC), and the Lyndon B. Johnson Space Center (JSC). This report details OGE's review of MSFC. Reports detailing OGE's review of LARC and JSC are being issued separately.

### **Program Elements**

This report consists of descriptions, analyses, and conclusions regarding each program element reviewed.

#### **LEADERSHIP**

Commitment and action by agency leadership is the keystone for ensuring the integrity of an agency's ethical culture and for fostering public confidence in the decision-making processes of Government. During the course of the review, the OGE review team saw several examples of leadership commitment. For example, the MSFC Director met with the OGE review team during the fieldwork portion of the review of the MSFC ethics program. The Director indicated his support of the ethics program and recognized the importance of employees' compliance with ethical standards. In addition, ethics officials noted that MSFC senior management is very active in encouraging employees to accomplish timely completion of financial disclosure reports and mandatory ethics training. Ethics training has been incorporated into MSFC's New Supervisor Orientation.

Involving senior management in the administration of the ethics program and providing training to new supervisors are model practices. Involving senior management in ethics program functions such as financial disclosure report filing and training serves to emphasize agency leadership's support of the ethics program. In addition, this type of involvement communicates agency leadership's expectation that employees will comply with ethics-related requirements and adhere to ethical principles. Providing ethics training to new supervisors helps to instill the consideration of ethical principles into decision-making processes. Additionally, conducting ethics training specifically targeted at new supervisors as they are given management responsibilities and begin to assume leadership roles helps to ensure that ethical principles are even more fully integrated into the agency's culture.

#### **PROGRAM STRUCTURE**

MSFC's Chief Counsel has primary responsibility for administering the ethics program for approximately 2,600 employees. The Assistant Chief Counsel for General Law serves as the lead ethics attorney at MSFC and coordinates all ethics program functions. In addition, the Chief Counsel has delegated authority for carrying out ethics-related functions to nine members of his staff.

#### **FINANCIAL DISCLOSURE SYSTEMS**

Title I of the Ethics in Government Act requires that agencies ensure confidence in the integrity of the Federal Government by demonstrating that officials are able to carry out their

## **Ethics Program Review: NASA – MSFC**

duties without compromising the public trust. High-level Federal officials demonstrate that they are able to carry out their duties without compromising the public trust by disclosing publicly their personal financial interests (SF 278). Title I also authorizes OGE to establish a confidential financial disclosure system for less senior executive branch personnel in certain designated positions to facilitate internal agency conflict of interest review (OGE Form 450). Financial disclosure serves to prevent conflicts of interest and to identify potential conflicts by providing for a systematic review of the financial interests of both current and prospective officers and employees. The financial disclosure reports also assist agencies in administering their ethics programs in providing counseling to employees. *See* 5 CFR § 2634.104(b).

### General Comments

OGE's examination of the public and confidential financial disclosure systems at MSFC found that comprehensive written procedures are in place and allow for the efficient administration of both systems. These procedures are found in Chapter 4 of the NASA Procedural Requirements (NPR). Written comments on reports, documentation in files, and conversations with ethics officials indicated that public and confidential financial disclosure reports were thoroughly reviewed by MSFC ethics officials.

MSFC ethics officials provide public and confidential financial disclosure report filers with cautionary memorandums when interests disclosed on reports indicate the potential for a conflict of interest. This is considered a model practice because it reminds filers to remain vigilant to the possibility that their personal financial interests could potentially conflict with their official duties. Cautionary memorandums also demonstrate to filers that their reports are closely examined and that MSFC is actively engaged in preventing conflicts of interest. Additionally, cautionary memorandums are another opportunity for ethics officials to have contact with employees, which raises general awareness of the ethics program.

As detailed below, 10 of the 23 new entrant confidential financial disclosure reports examined by the OGE review team were filed late. Timely filing of reports is important because it allows ethics officials to more quickly identify and prevent real or potential conflicts of interest. OGE suggests that MSFC take steps to ensure new entrant reports are filed timely. These steps could include making the determination of an employee's filing status (either by a supervisor or an ethics official) a part of general in-processing procedures. Periodic reminders to supervisors to review employee's filing status when duties and responsibilities change or an employee is newly assigned or promoted may also be effective. MSFC ethics officials may also want to consider issuing notices to employees via bulletin boards and newsletters stating the general criteria used to determine filing status and asking employees to discuss their filing status with supervisors or ethics officials, if appropriate.

### Public Financial Disclosure System (SF 278)

To evaluate the filing, review, and certification of public reports filed by MSFC employees, OGE examined 40 of the 74 public reports required to be filed by MSFC employees in 2007. The following is a summary of OGE's examination.

## Ethics Program Review: NASA – MSFC

Table 1  
Public Financial Disclosure Reports

<b>Report Type</b>	<b>Number in Sample</b>	<b>Filed Late</b>	<b>Reviewed Late</b>	<b>Delayed Certification</b>
Incumbent	19	0	0	0
New Entrant	11	1	0	0
Termination	9	1	0	0
Combination Incumbent/termination	1	0	0	0
<b>Total in Category</b>	<b>40</b>	<b>2</b>	<b>0</b>	<b>0</b>

### Confidential Financial Disclosure System

The confidential financial disclosure system within NASA is administered centrally through the NASA Shared Services Center (NSSC). NSSC created an electronic filing system, the Ethics Program Tracking System (EPTS), to administer the system. Ethics officials at NASA headquarters and the three reviewed components noted that there were many problems with the tracking and routing of reports through EPTS in 2007, the first year in which reports were centrally filed using the system. However, ethics officials were also universal in stating that the electronic filing of reports through NSSC during the 2008 annual filing cycle was vastly improved over 2007. Weekly teleconferences with headquarters and component ethics officials and NSSC representatives were instituted and are still being held to discuss potential improvements and resolve any technical issues.

To evaluate the filing, review, and certification of confidential reports at MSFC, OGE examined 49 out of the approximately 795 confidential reports required to be filed by MSFC employees in 2008. The following is a summary of OGE's examination.

Table 2  
Confidential Financial Disclosure Reports

<b>Report Type</b>	<b>Number in Sample</b>	<b>Filed Late</b>	<b>Reviewed Late</b>	<b>Delayed Certification</b>
Incumbent	26	3	0	0
New Entrant	23	10	0	0
<b>Total in Category</b>	<b>49</b>	<b>13</b>	<b>0</b>	<b>0</b>

### ETHICS TRAINING

An ethics training program is essential to raising awareness among employees about ethics laws and rules and informing them that an agency ethics official is available to provide

## **Ethics Program Review: NASA – MSFC**

ethics counseling. Each agency's ethics training program must include at least an initial ethics orientation for all employees and annual ethics training for covered employees.

### Initial Ethics Orientation

Within 90 days from the time an employee begins work for an agency, the agency must provide the employee with an initial ethics orientation. An initial ethics orientation must include

- the Standards of Ethical Conduct for Employees of the Executive Branch (Standards);
- any agency supplemental standards;
- the names, titles, office addresses, and phone numbers of the DAEO and other ethics officials; and
- at least 1 hour of official duty time to review the items described above.  
*See 5 CFR § 2638.703.*

New MSFC employees receive initial ethics orientation as part of a briefing presented by the Office of Human Capital. The briefing is generally during the new employee's first pay period on the job. New employees receive the required materials and are given 1 hour of official duty time to review them. Written certification that materials have been provided is required. All employees required to receive initial ethics orientation in 2007 were trained.

### Annual Ethics Training

Public financial disclosure filers are required to receive verbal annual ethics training each year. *See 5 CFR § 2638.704(a)*. Verbal training includes training prepared by a qualified instructor and presented by telecommunications, computer, audiotape, or videotape. *See 5 CFR § 2638.704(c)(2)*. Other covered employees (e.g., confidential filers) are required to receive verbal annual ethics training at least once every 3 years and written annual training in the intervening years. *See 5 CFR § 2638.705(c)*. The content requirements for both public filers and other covered employees are the same. Agencies are encouraged to vary the content of annual training from year to year but the training must include, at least, a review of the following:

- the 14 Principles of Ethical Conduct,
- the Standards,
- any agency supplemental standards,
- the Federal conflict of interest statutes, and
- the names, titles, office addresses, and phone numbers of the DAEO and other ethics officials. *See 5 CFR § 2638.704(b)*.

In 2007, 944 MSFC employees were required to receive annual ethics training. All 944 completed the training by either attending one of five in-person instructor-led training sessions conducted by MFSC ethics officials or by completing an online training module. Based on an examination of the materials used to provide annual ethics training in both in-person instructor-led training and online training module formats, OGE concluded that the training met the relevant requirements.

## **Ethics Program Review: NASA – MSFC**

Each year, one NASA Center is designated to develop a web-based training module to be used throughout NASA to meet annual training requirements. Kennedy Space Center developed the training module used in 2007. Once the training module is prepared in “draft” form, it is shared with NASA ethics officials at headquarters and other Centers for comment. Changes are made based on comments that are received.

The training module prepared by Kennedy Space Center and used at MSFC was interactive. The module presented likely scenarios, asked what the appropriate action would be in a multiple choice answer format, and provided a link to the underlying rules from which the correct answers were derived. The substantive content was general enough to be relevant to all NASA employees yet still address the ethics-related issues which MSFC employees are most likely to encounter. The leveraging of ethics-training resources is a model practice because it allows ethics officials to devote more time and effort to other elements of the ethics program without compromising the quality of ethics training provided to employees.

To receive credit for completing computer-based annual training, employees must complete the entire training module. The receipt of training is verified through sign in sheets, NASA’s System for Administration, Training and Educational Resources, or other means by the Office of the Chief Counsel. Employees attending in-person instructor-led training are required to sign in to receive credit for completing training. Sign-in sheets are then retained by ethics officials.

In addition to the 944 employees required to receive annual training, more than 250 other MSFC federal and contractor employees completed the training. Making ethics training available to all employees, including contractor employees, is a model practice strongly endorsed by OGE. It serves to educate employees who might not otherwise be exposed to ethics-related guidance and instruction. It is also a means of raising awareness of the ethics program throughout an agency. MSFC also regularly provides ethics training for Intergovernmental Personnel Act employees, contracting officer’s technical representatives, and other groups of employees.

Of particular note, MSFC ethics officials provided an ethics briefing to the North Alabama Business Ethics Roundtable in 2007. This group consisted of ethics and human resources personnel from a variety of private sector companies, many of which may seek to do business with MSFC. Educating private sector companies demonstrates ethics officials’ commitment to a proactive approach to preventing conflicts of interest and is also a model practice.

### **ETHICS COUNSELING**

The DAEO is required to ensure that a counseling program for agency employees concerning ethics and standards of conduct matters, including post-employment matters, is developed and conducted. *See* 5 CFR § 2638.203. The DAEO may delegate to one or more deputy ethics officials the responsibility for developing and conducting the counseling program. *See* 5 CFR § 2638.204. OGE’s assessment of an ethics counseling program focuses on five factors: (1) accuracy, (2) timeliness, (3) transparency, (4) accountability, and (5) consistency. To

## **Ethics Program Review: NASA – MSFC**

determine whether an agency's counseling program successfully addresses these factors, OGE reviews and assesses the program's processes and written procedures. Based on the review of the sample of advice and counseling and procedures as described above, OGE concluded that MSFC's ethics officials are providing advice in a manner that is transparent, accountable and consistent.

NASA has established an agency-wide internal policy for administering the ethics advice and counseling component of the ethics program. This policy is found in Chapter 3 of the NPR. The policy stipulates, among other things, when advice must be requested and provided in writing, which office within NASA (either at headquarters or within each Center) is responsible for providing advice to specified groups of employees (e.g., SES versus non-SES), who shall be responsible for approving outside activity requests, and the process for seeking and approving statutory waivers. Establishing a written policy is an important model practice because it provides for succession planning and serves to inform all ethics officials responsible for providing advice to employees of the relevant requirements. If followed, NASA's internal procedures should help ensure that ethics-related advice is transparent and consistent. Requiring advice to be provided in writing also helps ensure accountability on the part of ethics officials who render such advice. Transparency, consistency, and accountability help to ensure confidence in Government processes and credibility for the ethics program at NASA.

In addition to the Chief Counsel, ten attorneys within MSFC's Office of Chief Counsel are responsible for providing ethics advice and counseling. Ethics officials generally provide ethics advice in writing. Complex questions, especially those involving the application of a criminal statute, result in a formal written response to the requesting employee. Responses to simpler questions are sometimes provided via email. OGE reviewed approximately 26 pieces of advice and counseling in the areas of post-employment, gifts, misuse of position, impartiality, and representational bars. The advice was timely and accurate.

It appears that the ethics officials at MSFC are providing advice and counseling in a manner consistent with the NPR. For example, all advice and counseling in the sample provides a discussion of the facts, as known to the ethics official, as well as a thorough explanation of the relevant law or regulation as it applies to those facts. Standard policies have been established and are followed to deal with recurring situations, such as requests for post-employment determinations and impartiality determinations.

Of special note are the procedures and documents that have been developed to address post-employment counseling. MSFC has created a post-employment advisory package that is given to its senior employees as part of a "check-out" process when leaving Government service. The package includes a brief outline of the conflict-of-interest and post-employment restrictions and a model "disqualification letter." The departing employee is to provide the disqualification letter to his supervisor. This letter describes the employee's disqualifications from matters affecting prospective employers. It also requires the employee to name a screener and commits the employee to advise his immediate subordinates of his disqualifications. In addition, the employee is required to complete a checklist of duties and responsibilities for purposes of assisting the ethics office in providing accurate post-employment advice. Finally, MSFC has developed a "Post Employment Review Sheet" designed to document and explain the post-

## **Ethics Program Review: NASA – MSFC**

employment advice and counseling process to new attorneys in the Office of Chief Counsel. This document is part of an Organizational Desk Instruction developed by MSFC. Proactively addressing post-employment issues with employees, particularly senior employees, is a model practice that helps prevent conflicts of interest.

OGE did note that some widely attended gathering (WAG) determinations were problematic. This does not appear to be unique to MSFC. OGE has observed similar determinations at other NASA facilities. Specifically, NASA employees from various Centers, including MSFC and Johnson Space Center, among others, are being given WAG determinations to attend events associated with Shuttle launches at Kennedy Space Center in Florida. It appears that the events in question are the events for which the employee has been placed in travel status by NASA. Accordingly, it is likely that NASA should be accepting the free attendance at some, if not all, of these launch-related events under the authority of 31 USC § 1353 rather than under the WAG provisions. OGE suggests that MSFC closely examine all related requests and ensure that the proper authority is used to allow employees to attend these events.

### Outside Employment

NASA's supplemental standards prohibit NASA employees, other than special Government employees, from engaging in certain types of outside employment activities and require employees to seek prior approval before engaging in other types of outside employment activities. *See* 5 CFR part 690I. The supplemental standards also prescribe an approval process designed to prevent employees from engaging in outside employment activities that would create a conflict of interest with their official duties. MSFC ethics officials maintain a database of current approvals to engage in outside employment activities. Approvals may be granted for a period of up to 3 years. OGE examined four requests for approval to engage in a variety of outside employment activities. All four requests appear to have included sufficient information for ethics officials to conduct a conflict of interest analysis and all four were approved.

### ENFORCEMENT

The DAEO is required to ensure that (1) information developed by internal audit and review staff, the Office of Inspector General, or other audit groups is reviewed to determine whether such information discloses a need for revising agency standards of conduct or for taking prompt corrective action to remedy actual or potential conflict of interest situations and (2) the services of the agency's Office of the Inspector General are utilized when appropriate, including the referral of matters to and acceptance of matters from that Office. *See* 5 CFR § 2638.203(b)(11) and (12).

Ethics officials and the NASA Office of the Inspector General's Resident Agent in Charge indicated that there is an effective working relationship between their two offices. This relationship allows for coordination to ensure that information developed by the Resident Agent in Charge and his staff regarding alleged ethics-related violations is shared with ethics officials. Representatives of the two offices meet periodically to discuss relevant issues.

## **Ethics Program Review: NASA – MSFC**

There were no reported violations of the criminal conflict of interest statutes in 2007. There were approximately 20 ethics-related violations in 2007 involving misuse of Government property. Employees were not specifically charged with violating the Standards of Conduct. According to ethics officials, charges are typically drafted more generically in order to ease the burden of proof should the issue be brought before the Merit Systems Protection Board.

### **ACCEPTANCE OF TRAVEL PAYMENTS FROM NON-FEDERAL SOURCES**

An employee may accept payment of travel expenses from non-Federal sources on behalf of the employee's agency for official travel to a meeting or similar function when specifically authorized to do so by the agency. Agencies must submit semiannual reports of travel payments from non-Federal sources in excess of \$250 to OGE. *See* 31 U.S.C. § 1353.

MSFC accepts travel payments from non-Federal sources under the authority of 31 U.S.C. § 1353. The procedures for requesting and receiving authorization for acceptance of travel payments from a non-Federal source are detailed in NASA Policy Directive NPD 9710.1T and MSFC guidance. Requests for acceptance of travel payments from non-Federal sources under the authority of 31 U.S.C. §1353 are made by completing NASA Form 1167. The form is an efficient tool for gathering the information required to conduct a conflict of interest analysis.

OGE examined four payments that were approved under the authority of 31 U.S.C. §1353 for travel that was to occur in 2007 and 2008 and the related supporting documentation. In each case a conflict of interest analysis was conducted and approval was granted prior to the travel taking place and to the acceptance of payment from the non-Federal source.

### **Summary**

OGE's review identified a number of model practices that have been incorporated into the MSFC ethics program. The model practices are as follows:

- involving senior management in the administration of the ethics program,
- providing ethics training to new supervisors,
- providing public and confidential financial disclosure filers with cautionary memorandums,
- developing written procedures for administration of the advice and counseling component of the ethics program,
- proactively working with departing senior employees' to avoid or resolve potential post-employment issues,
- leveraging ethics-training resources by sharing responsibility for preparing annual ethics training presentations, and
- providing ethics training to employees not required to receive training and to private sector companies likely to seek to do business with MSFC.

## **Ethics Program Review: NASA – MSFC**

### **Suggestions**

To enhance MSFC's ethics program, OGE suggests that MSFC take additional steps to help ensure new entrant financial disclosure reports are filed timely. OGE also suggests that MSFC closely examine all requests related to approval for travel that might be authorized under the authority of either 31 U.S.C. § 1353 or the WAG exception to the gift rules at 5 CFR § 2635.204(g) and ensure that the proper authority is used to allow employees to engage in relevant travel/activities.

If you have comments or would like to discuss this report, please contact Trish Zemple, Associate Director, Program Review Division, at 202-482-9286.

### **Agency Comments**

In December 2009, OGE released a draft of this report to MSFC and NASA Headquarters for comment. On January 14, 2010, a teleconference was held at the request of MSFC ethics officials and NASA's Alternate DAEO to discuss OGE's concerns regarding WAG determinations as detailed in the Ethics Counseling section of this report. NASA also provided written comments which reiterated the points NASA ethics officials made during the teleconference. In response to the issues regarding WAG determinations raised in this report, NASA provided the following comments:

The draft report specifically indicated that it appeared that several NASA centers, including MSFC, were issuing WAG determinations to attend events associated with shuttle launches at Kennedy Space Center (KSC) in Florida. The draft report noted that "It appears that the events in question are the events for which the employee has been placed in a travel status by NASA. Accordingly, it is likely that NASA should be accepting the free attendance at some, if not all, of these launch related events under the authority of 31 U.S.C. § 1353 rather than under the WAG provisions."

The relevant MSFC WAG determinations reviewed by OGE during the program review involved pre-launch receptions. These WAGs involved ancillary events that occurred in the days preceding launches. Although MSFC generally does use 31 U.S.C. § 1353 authority to accept free attendance where appropriate for employees attending events while in a travel status, our practice has been to rely on WAG authority to accept free attendance for most pre and post launch receptions for the following reasons:

Generally, the justification for MSFC employees to travel to KSC is for mission related work at the launch site and not attendance at an ancillary event, such as a launch reception. Employees are usually on official NASA mission travel to support the launch of the Space Shuttle or other vehicle, and most of these employees travel days or weeks prior to the launch as part of their NASA duties.

## **Ethics Program Review: NASA – MSFC**

Due to the unpredictable nature of the launch schedule, most of the receptions at issue are scheduled on a last minute basis. Typically, invitees have already traveled to KSC for launch duties by the time they receive invitations to these events. This makes it impractical to use the reimbursable travel process, which requires procedures to be followed prior to the initiation of travel. Additionally, the pertinent GSA regulations also exclude mission travel from the definition of the types of events where the use of reimbursable travel might be appropriate. (See 41 CFR 304-2.1).

Generally, MSFC employees attend these launch receptions in their personal capacities, and not as part of their official NASA duties.

For these reasons, we feel it is appropriate to continue to follow the practice of relying on WAG authority to approve attendance at pre or post launch receptions where appropriate. MSFC is committed to having the best ethics program possible. We will continue to examine all requests related to approval for travel that might be authorized under the authority of either 31 U.S.C. § 1353 or the WAG exception to the gift rules at 5 CFR Part 2635.[2]04(g), to ensure that the proper authority is used to allow employees to engage in relevant activities.

OGE appreciates NASA's comments and recognizes that WAG determinations are within the purview of the agency making the determination. However, OGE continues to suggest that MSFC closely examine all requests related to approval for travel that might be authorized under the authority of either 31 U.S.C. § 1353 or the WAG exception to the gift rules at 5 CFR § 2635.204(g) and ensure that the proper authority is used to allow employees to engage in relevant travel or activities. MSFC, as stated in their comments on the report, has agreed to do so. OGE, as always, is available for consultation regarding these issues.

NASA also commented that the draft report noted that 10 of the 23 new entrant OGE Form 450s examined by the review team were filed late. A suggestion in the draft report stated that NASA should take steps to "help ensure financial disclosure reports are timely filed," indicating that annual OGE Form 450s were also filed late in significant numbers. This was not the case and OGE changed the report to make it clear that filing timeliness was primarily an issue only with new entrant reports. NASA also noted in its response that filing timeliness for new entrant reports had improved since the time of the review as a result of refinements to NASA's EPTS and the outlook is for continued improvement in new entrant filing timeliness.