



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

National Geospatial-Intelligence Agency

Report No. 11-006
February, 2011

Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the National Geospatial-Intelligence Agency's (NGA) ethics program in November and December of 2010. The results of the review indicated that NGA's ethics program generally appears to be effectively administered and in compliance with applicable laws, regulations, and policies. Additionally, OGE found that NGA has implemented a number of model practices that enhance the ethics program.

Highlights

- NGA requires that all agency employees receive in-person annual ethics training, whenever practicable; all others must have ethics training of some form.
- NGA offers targeted training to employees about relationships with contractors in the workplace as well as post-employment training.
- NGA maintains detailed written procedures for the administration of all elements of the ethics program.
- NGA issues regular ethics guidance by way of advisories, how-to guides, and job aids.
- NGA's ethics officials have shown consistent interest and enthusiasm toward seeking further improvements to the ethics program.

Concerns

- NGA did not certify the majority of its financial disclosure reports in a timely manner.
- NGA's enforcement procedures do not clearly identify the individual responsible for concurrently notifying OGE of referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes.

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Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. 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. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. See Title IV of the Ethics in Government Act and 5 CFR part 2638.

To assess NGA's ethics program, OGE examined a variety of documents provided by ethics officials; other documents that NGA forwarded to OGE, including the annual questionnaire; prior program review reports; and a sample of NGA's public and confidential financial disclosure reports and advice and counsel provided to NGA's employees. In addition, members of OGE's Program Review Division met with NGA ethics officials to obtain additional information about the strengths and weaknesses of NGA's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

Program Administration

NGA's ethics program is administered within NGA's Office of General Counsel. The General Counsel serves as the Designated Agency Ethics Official (DAEO). The Deputy General Counsel serves as the Alternate DAEO (ADAEO). The Associate General Counsel has been appointed the Deputy DAEO (DDAEO) and is the primary, day-to-day administrator of the ethics program. The DDAEO is assisted by the Ethics Program Manager as well as a number of Ethics Counselors, as needed.

Financial Disclosure

NGA ethics officials indicated that all covered employees filed the required financial disclosure reports. The financial disclosure reports were generally submitted by filers timely and it appears that NGA is conducting a thorough conflicts analysis. However, most of the reports were certified late, and there was no documentation in the file to indicate that ethics officials were awaiting additional information from the filer. NGA ethics officials indicate that they are implementing the Financial Disclosure Management (FDM) system prior to the next filing cycle. NGA stated that the FDM will enable them to improve the financial disclosure process and to timely certify financial disclosure reports. While NGA needs to certify financial disclosure reports in a timely manner to be in full compliance with regulations, OGE notes that all of the reports did receive a timely supervisory review as well as a review by the Ethics Program Manager. Because NGA is implementing the FDM system, OGE is not making a formal recommendation at this time. OGE will follow up after implementation of the FDM to determine if its implementation has remedied the certification issue.

Although OGE did not find apparent deficiencies in the review of the reports, OGE is concerned about the number of reports the Ethics Program Manager must review in a short period of time. The Ethics Program Manager, in addition to her other duties, conducts the review of more than 1,000 reports. Generally, reviewers in similarly situated agencies review considerably fewer reports.

Effective review of financial disclosure reports aids in the prevention of conflicts of interest and is the cornerstone of an effective ethics program. NGA should consider strategies to alleviate the review burden on the Ethics Program Manager. For example, NGA could ensure that the Ethics Program Manager is not assigned other duties while conducting reviews of reports, establish a full-time ethics position, or delegate responsibility to other ethics officials to assist in the review of the reports.¹

Education & Training

NGA's training program exceeds all relevant requirements. All required employees received Initial Ethics Orientation and annual ethics training in 2009. NGA requires that all agency employees receive in-person annual ethics training, whenever practicable; all others must have ethics training of some form. Supervisor approval is required for an exception to in-person ethics training. Additionally, NGA provides targeted training such as post-employment, financial disclosure review for supervisors, and training about relationships with contractors in the workplace.

NGA also issues regular ethics guidance in the form of ethics advisories, provides filers with a guide for filling out the SF 278, and ensures consistency in the supervisory review of financial disclosure forms with various job aids. OGE considers these training efforts to be model practices.

Advice & Counsel

NGA's advice and counsel process is clearly defined within the agency. The DAEO, ADAEO and three Ethics Counselors are authorized to provide advice and counsel. Consistency and accuracy of advice and counsel is ensured by the use of a database that all ethics officials can access. Additionally, the DEC's are in daily contact and discuss current ethics issues. NGA provides advice and counsel in client-friendly language either by phone, in-person or by email. NGA also uses cautionary memos and frequently provides advisories on current ethics issues via the agency's intranet.

Public financial disclosure filers certify annually that they are aware of post-employment rules and that they will seek advice from an ethics official prior to seeking outside employment. Non-senior employees seeking outside employment may fill out an on-line request for post-employment advice and counsel.

¹ According to comments OGE received from NGA on the draft version of this report, NGA has discontinued the preliminary review of the OGE Form 450s by the Ethics Program Manager.

Enforcement

OGE found that NGA ethics officials have a good working relationship with the Office of Inspector General (IG) and have established written procedures for the administration of the enforcement element of the ethics program. However, OGE did not receive concurrent notification of the two referrals of potential violations of the criminal conflict of interest statutes NGA made to the Department of Justice in 2009. OGE notes that NGA's enforcement procedures do not clearly identify the individual responsible for concurrently notifying OGE of referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes. Since NGA ethics officials indicated that they are currently finalizing new written procedures to reflect responsibility for concurrent notification to OGE, OGE is not making a formal recommendation at this time. OGE will follow up to ensure the procedures are finalized.

Suggestion

- Finalize written procedures for the enforcement element to clearly identify the individual responsible for concurrently notifying OGE of referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes.

1353 Travel Acceptances

NGA submitted to OGE in a timely manner the required semi-annual reports of payments accepted from non-Federal sources. A clear system exists to identify and communicate with those employees who might file a report under 31 U.S.C. 1353. Additionally, NGA has established written procedures as well as detailed instruction memos to employees outlining the requirements for submitting travel payment requests.

Agency Comments

NGA provided comments on the draft version of this report, some of which have been incorporated into this final version. NGA's comments in their entirety are attached to this report as an appendix.



NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

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JAN 12 2011

Ms. Megan V. Granahan
United States Office of Government Ethics
1201 New York Avenue
Washington, D.C. 20005

Dear Ms. Granahan:

Thank you for your review of the National Geospatial-Intelligence Agency's (NGA) ethics program. We appreciate the thoroughness with which you conducted the review and the comments set forth in your subsequent written report. My responses to the comments in the report are provided below.

Regarding the highlights listed on page two, I need to emphasize that all NGA personnel are required to attend in-person ethics training if practical; all others must have ethics training of some form. Supervisor approval is required for an exception to in-person ethics training. Also for clarification, I recommend you rephrase the statement "NGA offers targeted training, including contractor training..." to "NGA offers training to government personnel about relationships with contractors in the workplace."

With regard to the concerns listed on page two, I offer the following comments. Regarding the concern that "NGA did not certify the majority of its financial disclosure reports in a timely manner", I note that prior to the Office of Government Ethics (OGE) inspection, NGA had recognized this concern and has now implemented the following remedial measures:

-NGA is adopting the DoD Financial Disclosure Management (FDM) System in calendar year 2011. This computer-based filing and review system will reduce the amount of our processing time.

-NGA has discontinued the preliminary review of OGE 450 forms by the Ethics Program Manager. This eliminates an unnecessary step and will speed up the process. Moreover, the use of FDM will also eliminate most of the non-substantive problems identified in the preliminary review.

-NGA will divide the OGE 450 forms between its two primary ethics counselors. This will more evenly distribute the workload and reduce review time.

-NGA will strictly enforce the time limit on its ethics counselors to complete the review within 60 days of the filing of the report.

In response to the comment "NGA's enforcement procedures do not clearly identify the individual responsible for concurrently notifying OGE of referrals to the Department of

Justice of potential violations of the criminal conflict of interest statutes,” NGA has developed a written Standard Operating Procedure (SOP) requiring the Inspector General's Office to notify the Alternate Designated Agency Ethics Official (DAEO) of any referrals to the Department of Justice of potential criminal violations of conflict of interest statutes. This SOP will be incorporated into an NGA regulation in the near future. NGA has designated the Alternate DAEO as the official responsible for notification to OGE.

If you have any further questions or requests for information, my point of contact for this is Associate General Counsel, Mr. Tom King, at (301) 227-4740.



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