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NASA Policy Directive

COMPLIANCE IS MANDATORY

NPD 1900.9E

Effective Date: October 27,
2010

Expiration Date: October 27,
2015

[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: Ethics Program Management

Responsible Office: Office of the General Counsel

1. POLICY

- a. Agency activities will be conducted to the highest standards of integrity. NASA officers and employees will comply with Federal and Agency ethics laws, regulations, Executive orders, and directives.
- b. NASA will establish and maintain an ethics program.

2. APPLICABILITY

This directive applies to NASA Headquarters and NASA Centers, including Component Facilities.

3. AUTHORITY

- a. The National Aeronautics and Space Act of 1958, Section 203(c), 42 U.S.C. § 2473(c), as amended.
- b. Ethics in Government Act of 1978, 5 U.S.C. app. §§ 101-111, 401-408, 501-505, as amended.
- c. 18 U.S.C. §§ 201-209, 216.
- d. Principles of Ethical Conduct for Government Officers and Employees, Exec. Order No. 12,674, 3 C.F.R. 215 (1989 Comp.), as amended by Exec. Order No. 12,731, 3 C.F.R. 306 (1990 Comp.).

e. 5 C.F.R. pts. 2634-38, 2640, 2641, and 6901.

4. APPLICABLE DOCUMENTS

a. NPR 1900.3, Ethics Program Management

5. RESPONSIBILITY

a. The NASA Administrator shall:

(1) Provide leadership and sufficient resources to establish, maintain, and execute NASA's ethics program.

(2) Perform ethics-related duties not delegated to the General Counsel or other Agency officials.

b. The NASA General Counsel shall:

(1) Serve as the Designated Agency Ethics Official (DAEO).

(2) Appoint an Alternate Designated Agency Ethics Official (ADAEO).

(3) Coordinate and manage the ethics program, including, but not limited to, acting as a liaison to the Office of Government Ethics, reviewing public and confidential financial disclosure reports and granting extensions in accordance with 5 C.F.R. Part (pt.) 2634 and NPR 1900.3, initiating and maintaining ethics counseling and training programs, and monitoring administrative actions and sanctions. The General Counsel is also responsible for final action on requests for waiver of fees due to late filing of Public Financial Disclosure Reports.

(4) Serve as an Agency designee for Headquarters employees or for matters affecting employees Agencywide for purposes of 5 C.F.R. pt. 2635.

c. The ADAEO shall:

(1) Serve as the Agency's lead subject matter expert in the substantive law of ethics.

(2) Serve in an acting capacity in the absence of the DAEO, and manage the ethics program on behalf of the DAEO.

(3) Serve as chair of a Standing Ethics Committee which reports to the DAEO and is composed of all Center Chief Counsel or their designated representatives.

(4) Appoint and supervise deputy ethics officials from the staff of the General Law Practice Group as necessary to carry out the ethics program.

(5) Provide training for deputy ethics officials Agencywide and for the Standing Ethics Committee.

(6) Serve as an Agency designee for Headquarters employees or for matters affecting employees Agencywide for purposes of 5 C.F.R. pt. 2635.

d. NASA Center Directors (including the Executive Director of the NASA Shared Services Center (NSSC) and the Director of the NASA Management Office (NMO)) shall provide leadership and sufficient resources to establish, maintain, and execute Center ethics programs in compliance with the NASA ethics program.

e. Center Chief Counsel (including counsel to the NSSC and NMO) shall:

(1) Coordinate and manage the Center ethics programs. Center Chief Counsel may appoint deputy ethics officials as necessary to execute Center ethics programs in accordance with the NASA ethics program.

(2) Review Public Financial Disclosure forms (SF 278) and Confidential Financial Disclosure forms (OGE Form 450) and grant extensions for Center personnel, in accordance with 5 C.F.R. pt. 2634 and NPR 1900.3.

(3) Ensure post-government employment counseling is available for Center personnel who request, or are required, to complete counseling.

(4) Act as Agency designees for Center employees for purposes of 5 C.F.R. pt. 2635.

(5) Ensure Headquarters involvement in ethics actions in accordance with the appropriate "Level of Headquarters Involvement," as specified in NPR 1900.3.

(6) Participate as members of the Standing Ethics Committee or designate representatives to do so.

(7) Prepare the foundational ethics training materials on a rotational basis as set forth in NPR 1900.3.

f. The NSSC shall:

(1) Maintain the Ethics Program Tracking System (EPTS) and provide system support to both system users and ethics officials.

(2) Maintain and update master lists of personnel who are required to file an SF 278 or OGE Form 450.

(3) Notify all personnel required to file financial disclosure reports of the requirement to file and upcoming filing deadlines (including initial, annual, and termination).

(4) Retain all completed SF 278s and OGE Form 450s.

(5) Provide copies of OGE Form 201 to individuals requesting access to or copies of SF 278 records and providing a timely response to those individuals as directed by the ADAEO.

(6) Identify and notify personnel who have failed to file required financial disclosure reports in coordination with Center Chief Counsel and the ADAEO.

(7) Notify personnel required to perform annual ethics training and track completion within EPTS.

g. Human Resources Directors shall:

(1) Identify employees required to file SF 278 and OGE 450 forms and ensure the Federal Personnel Payroll System (FPPS) Financial Disclosure Statement field reflects the requirement to file.

(2) Manage the employee check-out process to ensure that:

(a) All SF 278 filers are notified of the requirement to file a termination report.

(b) Employees receive post-government employment as required by para. 5(j) (6) of this directive.

h. Supervisors shall:

(1) Identify new personnel subject to filing financial disclosure forms (OGE 450 or SF 278), and ensure employee position descriptions indicate the requirement to file.

(2) Update the list of filers under their responsibility on an annual basis and provide the updates to NSSC.

i. Advisory Committee Executive Secretaries shall perform an intermediate review of all financial disclosure reports for Special Government Employees (SGEs) assigned to their committees.

j. All NASA employees, including Special Government Employees (SGE) and assignees/detailees under Intergovernmental Personnel Act (IPA) agreements, shall:

(1) Comply with all applicable ethics laws, regulations, Executive orders, and other guidance, and avoid even the appearance of impropriety.

(2) If identified as an employee required to file a new entrant, annual or termination SF 278 or OGE Form 450, comply with reporting instructions, and file an accurate, complete, and timely report. All SGEs and IPAs shall file financial disclosure forms.

(3) Provide an accurate, complete, and timely response to requests for additional information from reviewers, normally within 15 days of the request.

(4) Promptly pay any assessed late filing fee for failure to timely file an SF 278.

(5) Complete annual and other periodic training as required.

(6) The following employees are required to complete post-government employment counseling prior to leaving service with NASA:

(a) SES

(b) GS-15

(c) Schedule C

(d) SL, ST, detailee under the IPA agreements, NEX, consultant, or other expert employees

(e) Any other category of employee as directed by the DAEO, ADAEO, or Center Chief Counsel

6. DELEGATION OF AUTHORITY

None.

7. MEASUREMENTS

None.

8. CANCELLATION

NPD 1900.9D, Ethics Program Management, dated June 21, 2004.

/s/ Charles F. Bolden, Jr.
Administrator

ATTACHMENT A: (TEXT)

(URL for Graphic)

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