



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

December 16, 2011

Karen Santoro  
Designated Agency Ethics Official  
National Science Foundation  
4201 Wilson Boulevard, Room 1265S  
Arlington, VA 22230

Dear Ms. Santoro:

The United States Office of Government Ethics (OGE) conducted a follow-up review of the ethics program at the National Science Foundation (NSF) to determine whether the improvements recommended or suggested in our March 2011 report have been achieved.

During OGE's initial review of NSF's ethics program, OGE found that: "Waivers of 18 U.S.C. § 208(b)(1) are drafted as necessary by the EP; however, among the waivers issued in 2009 and 2010 by NSF, OGE found no evidence that it had been consulted by the EP 'when practicable' as required by 5 CFR 2640.303 and further defined in DAEOgram DO-10-005." OGE recommended that NSF, "Consult on waivers issued by NSF in accordance with DAEOgram DO-10-005."

NSF provided information in its 60-day response concerning the circumstances and situations which routinely prompt the granting of waivers. Additional information was provided during the follow-up review to further advise OGE of NSF's understanding of the requirement to consult with OGE when granting waivers, including when exigent circumstances exist. NSF consulted with OGE on the one 18 U.S.C. § 208(b)(1) waiver granted since our March 2011 report was issued. On the basis of the information provided by NSF and the consultation regarding the one 18 U.S.C. § 208(b)(1) waiver, OGE is closing its recommendation. However, NSF is reminded that even when exigent circumstances exist and it is not possible to consult with OGE prior to granting a waiver, a copy of the waiver must still be provided to OGE contemporaneously. Further, and in accordance with the requirements and guidance referenced above, when exigent circumstances do not exist, OGE is to be consulted prior to granting any the waiver.

OGE's initial review also noted that NSF administers an ethics program which covers approximately 16,000 special Government employees (SGE). To assist ethics officials in providing training and conducting conflicts of interest analyses of issues involving SGEs, Conflicts Officials (CO) have been trained to evaluate potential conflicts of interest associated with SGE assignments. OGE interviewed some of the COs during the initial review and found slight variations in the conflicts analysis process and in conflicts-prevention briefings. OGE suggested that NSF, "[E]xamine the SGE conflicts-prevention process to ensure sufficient training and conflicts analysis are in place." NSF considered its current conflicts-prevention

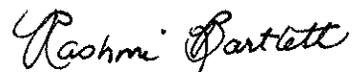
NSF Report No. 12-21F

Ms. Karen Santoro  
Page 2

process and is satisfied that it is appropriate and serves NSF adequately. OGE considers this issue closed.

Based on our follow-up, we have determined that NSF has adequately implemented the recommendation in the March 2011 review report. As a result, OGE has closed the recommendation. OGE also closes the issue addressed in its suggestion. Thank you for your assistance during the follow-up process. Please contact me at 202-482-9317 if you require any additional information.

Sincerely,

A handwritten signature in black ink that reads "Rashmi Bartlett". The signature is written in a cursive, flowing style.

Rashmi Bartlett  
Associate Director