

ETHICS PROGRAM INSPECTION REPORT

Agency: United States Arctic Research Commission

Report No.: 18-26I

Date: April 30, 2018

Period Covered by Review: January 2016 through December 2017



1.0 AGENCY DATA		
EMPLOYEES (as reported in the most recent Annual Ethics Program Questionnaire)		
1.1	Number of full-time agency employees	3
1.2	Number of agency special Government employees	0
1.3	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed	0
1.4	Number of non-PAS public financial disclosure reports required to be filed	1
1.5	Number of confidential financial disclosure reports required to be filed	0
ETHICS PROGRAM		
1.6	Title of Designated Agency Ethics Official (DAEO)	Executive Director
1.7	Grade level of DAEO	SES
1.8	Title of Alternate DAEO (ADAEO)	Communications Specialist
1.9	Grade level of ADAEO	GS-13
1.10	Title of the primary, day-to-day ethics program administrator	Communications Specialist
1.11	Grade level of the primary, day-to-day ethics program administrator	GS-13
1.12	Current number of full-time ethics officials	0
1.13	Current number of part-time ethics officials	2
1.14	Average full-time equivalent (FTE) value of a part-time ethics official(s) (For example, if part-time ethics officials at the agency generally devote 10 hours per week to ethics work, the average FTE value is 25%.)	1%
1.15	Number of reporting levels between the DAEO and the agency head	Agency head serves as the DAEO
COMMENTS		
<p>(1.3) USARC does not have any PAS officials. It is comprised of seven Commissioners appointed by the President and the Director of the National Science Foundation, who serves as a non-voting, ex officio member. The seven Commissioners consist of four members appointed from academic or research institutions who have expertise in areas of research relating to the Arctic, two members appointed from private industry undertaking commercial activities in the Arctic, and one member appointed from among the indigenous residents of the Arctic. The President designates one of the Commissioners to be chairperson. The Commissioners may be compensated for their services, but are not considered employees of the Federal government, per 15 U.S.C. part 4102. In addition to the Commissioners, advisors are appointed on an as-needed basis to provide information and advice on particular research needs and issues of concern to the Commissioners. These advisors are also not considered Federal government employees, per 15 U.S.C. part 4105.</p> <p>(1.4) The Executive Director/DAEO is USARC's only public financial disclosure filer. The DAEO's report is initially reviewed by the agency's ADAEO and is then forwarded to OGE for a final review and certification.</p> <p>(1.5) USARC has historically had no employees who are required to file confidential financial disclosure reports. During the period under review, USARC had no confidential filers.</p>		

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2.0 LEADERSHIP						
COMPLIANCE REQUIREMENT				Yes	No	N/A
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.202(c).			<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. § 2638.202(c).			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS						
None						

3.0 ETHICS AGREEMENTS						
COMPLIANCE REQUIREMENT				Yes	No	N/A
3.1	During the period under review, all PAS officials complied with their ethics agreements. <i>See</i> 5 C.F.R. § 2634.804.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	During the period under review, all PAS officials complied with their ethics agreements in a timely fashion. <i>See</i> 5 C.F.R. § 2634.804.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	During the period under review, the agency notified OGE of ethics agreement compliance in a timely fashion. <i>See</i> DO-09-015.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	For all officials currently in PAS positions, the agency maintains documentation of actions taken to comply with ethics agreements. <i>See</i> 5 C.F.R. § 2634.804.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	For all officials currently in PAS positions, ethics agreements are maintained with their financial disclosure reports. <i>See</i> 5 C.F.R. § 2634.805.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMENTS						
(3.1 - 3.5) USARC does not have any PAS officials.						

4.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278, OGE Form 278-T)						
COMPLIANCE REQUIREMENT				Yes	No	N/A
4.1	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).					
4.1.1	• Collection of public financial disclosure reports			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.2	• Review/evaluation of public financial disclosure reports			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.3	• Public availability of public financial disclosure reports			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	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"/>
4.3	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	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"/>
DATA ANALYSIS				%		
4.5	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).			N/A		
4.6	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).			100%		
4.7	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).			N/A		
4.8	Percentage of sampled non-PAS public financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> PA-11-04.			100%		

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4.9	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A
4.10	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A
4.11	Percentage of sampled PAS annual and termination reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. § 2634.605(a).	N/A

COMMENTS

(4.2) The one public report filed at USARC during the period of review was not subject to the late filing fee or a waiver of the fee.

Model Practice Identified

In addition to the written procedures governing the public disclosure system, USARC has established written procedures that document ethics policies and procedures for administering other elements of the agency's ethics program. In creating these tailored written procedures, USARC has exceeded minimum requirements.

5.0 CONFIDENTIAL FINANCIAL DISCLOSURE

COMPLIANCE REQUIREMENT		Yes	No	N/A
5.1	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
5.1.1	<ul style="list-style-type: none"> • Collection of confidential financial disclosure reports 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1.2	<ul style="list-style-type: none"> • Review/evaluation of confidential financial disclosure reports 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DATA ANALYSIS		%		
5.5	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	N/A		
5.6	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	N/A		
5.7	Percentage of sampled confidential financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. §§ 2634.605(a), 2634.909(a).	N/A		

COMMENTS

(5.1 - 5.1.2) USARC has historically had no employees who were required to file confidential financial disclosure reports. As a result, written procedures governing the confidential financial disclosure system have not been needed. However, should this change in the future, USARC ethics officials are aware of the requirement to develop such procedures.

(5.3) USARC does not have an OGE-approved alternative confidential financial disclosure system.

(5.2, 5.4 and 5.5 - 5.7) During the period under review, USARC had no confidential filers.

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6.0 INITIAL ETHICS ORIENTATION					
COMPLIANCE REQUIREMENT			Yes	No	N/A
Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See 5 C.F.R. § 2638.304.</i>					
6.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See 5 C.F.R. § 2638.304(e)(1).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.2	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 5 C.F.R. § 2638.304(e)(2).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.3	The agency has established written procedures for initial ethics training. <i>See 5 C.F.R. § 2638.304(f).</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.4	The agency's written procedures are reviewed by the DAEO each year. <i>See 5 C.F.R. § 2638.304(f).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
DATA ANALYSIS			%		
6.5	Percentage of new employees who received initial ethics training. <i>See 5 C.F.R. § 2638.304.</i>	N/A			
6.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See 5 C.F.R. § 2638.304(b).</i>	N/A			
COMMENTS					
(6.1 - 6.6) At the time of OGE's review, USARC's most recently hired employee was hired in 2009.					
<u>Suggestion</u> (6-3) Although new employees are hired very infrequently at USARC, the OGE review team suggested as a good management practice that USARC ethics officials consider updating the agency's current written procedures to reflect initial ethics orientation procedures for future hiring and to aid in succession planning.					

7.0 ANNUAL ETHICS TRAINING					
COMPLIANCE REQUIREMENT			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 5 C.F.R. §§ 2638.307 and 2638.308.</i>					
7.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.2	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 5 C.F.R. § 2638.304(e)(2).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See 5 C.F.R. §§ 2638.307(d) and 2638.308(e).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.4	The agency's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. <i>See 5 C.F.R. §§ 2638.307(f) and 2638.308(g).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.5	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 5 C.F.R. § 2638.308(e)(2).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	DATA ANALYSIS	Training Format	
		Live	Interactive
	Percentage of public filers who completed annual ethics training before the end of the calendar year. <i>See 5 C.F.R. § 2638.308(a).</i>		
7.6	<ul style="list-style-type: none"> Executive Schedule Level I and Level II. <i>See 5 C.F.R. § 2638.308(e)(1).</i> 	N/A	N/A
7.7	<ul style="list-style-type: none"> Other PAS and Equivalent. <i>See 5 C.F.R. § 2638.308(e)(2).</i> 	N/A	N/A
7.8	<ul style="list-style-type: none"> SES and Equivalent. <i>See 5 C.F.R. § 2638.308(e)(3).</i> 	100%	100%
	Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. <i>See 5 C.F.R. § 2638.307(a)(d).</i>		
7.9	<ul style="list-style-type: none"> Employees required to file an annual confidential financial disclosure report. <i>See 5 C.F.R. § 2638.307(a)(1).</i> 	N/A	N/A
7.10	<ul style="list-style-type: none"> Employees appointed by the President. <i>See 5 C.F.R. § 2638.307(a)(2).</i> 	N/A	N/A
7.11	<ul style="list-style-type: none"> Employees of the Executive Office of the President. <i>See 5 C.F.R. § 2638.307(a)(2).</i> 	N/A	N/A
7.12	<ul style="list-style-type: none"> Contracting officers described in 41 U.S.C. § 2101. <i>See 5 C.F.R. § 2638.307(a)(3).</i> 	N/A	N/A
7.13	<ul style="list-style-type: none"> Other employees designated by the head of the agency. <i>See 5 C.F.R. § 2638.307(a)(4).</i> 	N/A	N/A
COMMENTS			
(7.6, 7.7) During the period under review, USARC had no public filers within these categories. (7.9 - 7.13) During the period under review, USARC had no confidential filers.			

8.0 ETHICS ADVICE AND COUNSELING				
	COMPLIANCE REQUIREMENT	Yes	No	N/A
8.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMENTS				
(8.1) USARC ethics officials were not asked by employees to provide ethics advice during the period under review.				