



FEDERAL EMERGENCY
MANAGEMENT AGENCY

INSTRUCTION

Date
April 27, 1993

Number
1100.1

GC

Standards of Conduct
(subject)

1. Purpose. This instruction adopts the Office of Government Ethics (OGE) regulations at Title 5 Code of Federal Regulations (CFR) relating to standards of conduct for Federal Emergency Management Agency (FEMA) employees, and assigns responsibilities for its implementation.
2. Applicability and Scope. The provisions of this instruction are applicable to all FEMA employees in headquarters, regions, and field establishments.
3. Supersession. This instruction supersedes FEMA Instruction 1100.1, Standards of Conduct, dated June 15, 1983.
4. Authorities.
 - a. Title 5 United States Code Appendix 4, Sections 201-212, Executive Financial Disclosure.
 - b. Executive Order 12674 of April 12, 1989, Prescribing Standards of Ethical Conduct for Government Officers and Employees.
 - c. United States Office of Government Ethics regulations, Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635.
 - d. The Inspector General Act of 1978, 92 Statute 1101, as amended by Public Law 100-504, 102 Statute 2515.
5. Responsibilities.
 - a. The General Counsel in accordance with the provisions of the attachment is designated the Agency Ethics Officer and responsible for the following:
 - (1) Reviewing positions annually to determine if the persons occupying the positions are required to file a Standard Form (SF) 278, Public Financial Disclosure Report, or an SF 450, Confidential Financial Disclosure Report;

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within 30 days of termination in accordance with Office of Government Ethics published regulations.

c. FEMA employees are responsible for fully familiarizing themselves with all the requirements of the standards of conduct regulations issued by the OGE. The OGE regulations are synopsized in the attachment. FEMA employees are required to conduct themselves in accordance with these regulations. Failure to comply may subject the employee to appropriate disciplinary action.

d. The Inspector General pursuant to the Inspector General Act is the appropriate authority within FEMA for the following:

(1) Investigating reports of waste, fraud, abuse, and corruption;

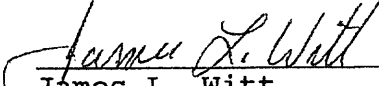
(2) Investigating, if appropriate, any suspected violations of the Federal Statutes at 18 United States Code Sections 201-209; and

(3) Referring cases to the United States Department of Justice.

6. Forms Prescribed. This instruction prescribes the use of the following forms which may be obtained from the Office of General Counsel.

a. SF 278, Public Financial Disclosure Report.

b. SF 450, Confidential Financial Disclosure Report.



James L. Witt
Director

Attachment

Office of Government Ethics Standards of Conduct

OFFICE OF GOVERNMENT ETHICS

SUMMARY
of New Standards of Ethical Conduct

THE STANDARDS OF ETHICAL CONDUCT

Effective February 3, 1993, the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR Part 2635 replace the many individual agency standards of conduct regulations with a uniform set of standards applicable to all employees of the Executive branch. Where necessary, individual agencies have authority to issue supplemental regulations.

Because they are intended to answer questions about the ethical conduct of more than a million individuals employed by more than 100 different Federal agencies, the new Standards of Ethical Conduct are detailed. They contain many examples and will readily answer most ethical questions employees will have. The attached synopsis has been prepared by the Office of Government Ethics to give employees enough familiarity with the contents of the regulations to recognize ethical issues when they arise and to assist in looking up relevant provisions in the regulations. Because the synopsis provides only a shorthand reference to lengthier provisions in the regulations, an employee must refer to the regulations themselves in resolving ethical issues that actually arise or may seek the advice of an agency ethics official.

Copies of complete text of
Standards are available in the
Office of General Counsel

SYNOPSIS OF SUBPART A - GENERAL PROVISIONS

THE PRINCIPLES OF ETHICAL CONDUCT. The following principles of ethical conduct apply to all officers and employees of the executive branch and many form the basis for specific standards set forth in the regulation.

- Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
- Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- An employee shall not, except pursuant to the exceptions in subpart B, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or non-performance of the employee's duties.
- Employees shall put forth honest effort in the performance of their duties.
- Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
- Employees shall not use public office for private gain.
- Employees shall act impartially and not give preferential treatment to any private organization or individual.
- Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- Employees shall disclose waste, fraud, abuse, and corruption to the Office of Inspector General.
- Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State and local taxes—that are imposed by law.
- Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or these Standards of Ethical Conduct.

BASIC CONCEPTS.

- Employees shall apply the principles stated above in weighing the propriety of conduct not otherwise addressed in the regulations.
- Employees shall judge whether circumstances will violate the appearance principle, the last principle set forth above, from the perspective of a reasonable person with knowledge of the relevant facts.
- There are special rules for determining which standards apply to employees detailed to other agencies, to other branches of the Federal government, to State or local governments or to international organizations.
- A violation of the regulatory standards may be cause for corrective action or for disciplinary action against an employee. There are criminal penalties for violations of criminal statutes referred to in the regulations.
- Employees are encouraged to seek the advice of agency ethics officials. Disciplinary action for violation of regulatory standards will not be taken against an employee who relies on such advice.

DEFINITIONS. Terms used throughout the Standards of Ethical Conduct, such as "agency designee" and "Special Government Employee," are defined in subpart A. Terms of more limited applicability are

defined in the subparts or sections to which they apply.

SYNOPSIS OF SUBPART B - GIFTS FROM OUTSIDE SOURCES

BASIC PROHIBITION ON GIFTS FROM OUTSIDE SOURCES. An employee shall not solicit or accept a gift given because of his official position or from a prohibited source. A prohibited source is defined as any person, including any organization more than half of whose members are persons:

- Seeking official action by his agency;
- Doing or seeking to do business with his agency;
- Regulated by his agency; or
- Substantially affected by the performance of his duties.

DEFINITION OF A GIFT. The term "gift" includes almost anything of monetary value. However, it does not include:

- Coffee, donuts and similar modest items of food and refreshments when offered other than as part of a meal;
- Greeting cards and most plaques, certificates and trophies;
- Prizes in contests open to the public;
- Commercial discounts available to the general public or to all Government or military personnel;
- Commercial loans, and pensions and similar benefits;
- Anything paid for by the Government, secured by the Government under Government contract or accepted by the Government in accordance with a statute;
- Anything for which the employee pays market value.

EXCEPTIONS. Subject to the limitations noted below, there are exceptions which will permit an employee to accept:

Unsolicited gifts with a market value of \$20 or less per occasion, aggregating no more than \$50 in a calendar year from any one source (this exception

does not permit gifts of cash or investment interests);

Gifts when clearly motivated by a family relationship or personal friendship;

Commercial discounts and similar benefits offered to groups in which membership is not related to Government employment or, if membership is related to Government employment, where the same offer is broadly available to the public through similar groups, and certain benefits offered by professional associations or by persons who are not prohibited sources;

Certain awards and honorary degrees;

Gifts resulting from the outside business activities of employees and their spouses;

Travel and entertainment in connection with employment discussions;

Certain gifts from political organizations;

Free attendance provided by the sponsor of an event for the day on which an employee is speaking or presenting information at the event;

Free attendance provided by the sponsor of a widely-attended gathering of mutual interest to a number of parties where the necessary determination of agency interest has been made;

Invitations to certain social events extended by persons who are not prohibited sources, provided no one is charged a fee to attend the event;

Certain gifts of food and entertainment in foreign areas;

Gifts accepted by the employee under a specific statute, such as 5 U.S.C. 4111 and 7342, or pursuant to a supplemental agency regulation.

LIMITATIONS ON USE OF EXCEPTIONS. An employee may not use any of the exceptions noted above to solicit or coerce the offering of a gift or to accept gifts: