

# ACE Unit 1: Ethics Program Purpose, Structure, and Legal Foundation

## Ethics Program Purpose, Roles, and Functions Exercise: Part 1

Instructions: Imagine you are designing an ethics program for a large executive branch agency from scratch. Consider what your goals would be, who you would involve in the program, and which functions you would charge the program with carrying out.

**Purpose:**

What are the negative consequences that an ethics program should protect against?

What are the goals of your ethics program?

Who, inside and outside of government, should care about your ethics program?

**Functions:**

What policies and practices will you put in place to achieve your goals?

Policies:

Practices:

**Roles and Responsibilities:**

Who will have responsibilities within your program? What will their responsibilities be?

Role:

Responsibility:

Role:

Responsibility:

Role:

Responsibility:

Role:

Responsibility:

Role:

Responsibility:

Role:

Responsibility:

## Ethics Program Purpose, Roles, and Functions Exercise: Part 2

## Instructions:

Step 1: Review the activities described in 5 CFR 2638 Subpart B, C, and D. If there is a regulatory requirement corresponding to an activity you have identified in Part 1, annotate your Part 1 plan to include the citation to the requirement.

Step 2: Review the authorities at a 5 CFR 2638 Subpart A. If Subpart A provides authorities and/or responsibilities for persons you identified in Part 1, annotate your Part 1 plan with citations to the corresponding regulation.

Step 3: If you have identified activities and/or roles that are not included in 5 CFR 2638, consider whether there are any barriers that would prevent your agency from enacting your plan anyway.

Step 4: If there are activities or roles included in 5 CFR 2638, consider whether you would like to add them to your plan from Part 1. If not, please create an explanation as to why.

## Exercise 1.2—What Are the Costs of Ethical Failure, and Who Pays Them?

### Instructions:

1. Conduct a broad Internet search for the “scandal” you’ve been assigned. Note the quantity and breadth of media coverage: (10 minutes)
  - The number and variety of the sources of articles relating to the scandal
  - The way the headlines depict the story
2. **Using articles you find** (and those provided below) discuss the following: (20 minutes)
  - What was the nature of the “scandal?” How did it happen?
  - Who were the primary actors and what were their roles?
  - What was the “fallout” from the “scandal?” Who was held accountable and how?
  - How did the headlines portray/describe the story?
  - Who or what got the blame?
3. Using the worksheet, be prepared to provide a brief summary of your discussion to the large group. (5 minutes max/group)

### GSA Western Regional Conference Scandal

<https://www.govexec.com/management/2015/01/looking-back-gsa-scandal-did-administration-overreact/103764/>

<https://www.npr.org/sections/itsallpolitics/2012/04/03/149930467/gsa-clown-conference-scandal-could-result-in-counterproductive-reaction>

### Minerals Management Service Scandal (DOI)

<https://www.cbsnews.com/news/sex-for-oil-scandal-at-interior-department/>

<http://www.cnn.com/2010/POLITICS/05/27/mms.salazar/index.html>

<https://www.ucsusa.org/resources/attacks-on-science/minerals-management-service-bad-science-name-private-interests>

### NLRB Conflict of Interest Scandal

<https://www.propublica.org/article/william-emanuel-nlrp-member-is-under-investigation-for-a-conflict-of-interest>

<https://www.reuters.com/legal/government/us-labor-board-says-trump-era-member-had-conflict-exxon-case-2022-08-22/>

<https://www.nlr.gov/cases-decisions/weekly-summaries-decisions/summary-of-nlr-decisions-for-week-of-october-24-28-2022>

#### Fat Leonard Scandal

<https://foreignpolicy.com/2022/10/24/fat-leonard-us-navy-corruption-scandal/>

<https://theconversation.com/a-navy-scandal-sheds-light-on-the-nature-of-bribery-and-the-limits-of-free-speech-128834>

#### EPA Scandal

<https://www.bbc.com/news/world-us-canada-43677216>

<https://www.pbs.org/newshour/politics/epas-relief-and-worries-after-scandal-plagued-chiefs-exit>

<https://www.pbs.org/newshour/politics/lobbyist-tied-to-epa-chiefs-condo-tried-to-influence-agency>



## Costs of Ethical Failure—Who Pays Them

1. Brief synopsis of “scandal”
2. How was it depicted in the media? Who got the blame?
3. What were the costs—to individuals, to the agency, to public trust?

# Legal Geography Assignments

Team Name: \_\_\_\_\_

### Public Financial Disclosure Legal Origins

Instructions: Using the Compilation of Federal Ethics Laws, and the OGE Code of Federal Regulations, locate the citation for the authorities that establish and inform the public financial disclosure system. Please enter the citations in the form below.

1. In the Compilation of Federal Ethics Laws, the public financial disclosure provisions are found at:

\_\_\_\_\_

2. In the Code of Federal Regulations, the public financial disclosure provisions are found at: \_\_\_\_\_

3. How similar are the provisions in the Ethics in Government Act to the provisions in the Code of Federal Regulations?

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Why do you think that is?

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5. Bonus: Some of the ethics provisions are found in Title 5 of the U.S. Code, others are found in Title 5 of the Code of Federal Regulations. Do you know the significance of this difference?

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Team Name: \_\_\_\_\_

### Confidential Financial Disclosure Legal Origins

Instructions: Using the Compilation of Federal Ethics Laws, and the OGE Code of Federal Regulations, locate the citation for the authorities that establish and inform the confidential financial disclosure system. Please enter the citations in the form below.

1. In the Compilation of Federal Ethics Laws, the confidential financial disclosure provisions are found at:

\_\_\_\_\_

2. In the Code of Federal Regulations, the confidential financial disclosure provisions are found at: \_\_\_\_\_

3. How similar are the provisions in the Compilation of Federal Ethics Laws to the provisions in the Code of Federal Regulations?

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4. Why do you think that is?

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5. Bonus: Some of the ethics provisions are found in Title 5 of the U.S. Code, others are found in Title 18 of the U.S. Code. Do you know the significance of this difference?

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Team Name: \_\_\_\_\_

### Financial Conflicts of Interest Legal Origins

Instructions: Using the Compilation of Federal Ethics Laws, and the OGE Code of Federal Regulations, locate the citations for the authorities that prohibit “acts affecting a personal financial interest.” Please enter the citations in the form below.

1. In the Compilation of Federal Ethics Laws, the criminal conflict of interest provisions related to “acts affecting a personal financial interest” are found at:

\_\_\_\_\_

2. In the Code of Federal Regulations, the rules concerning “acts affecting a personal financial interest” are found at Parts: \_\_\_\_\_

3. How similar are the provisions in the Ethics in Government Act to the provisions in the Code of Federal Regulations?

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4. Why do you think that is?

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5. Bonus: Can you find the part of the conflict of interest law that authorizes OGE to issue exemptions to that law?

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Team Name: \_\_\_\_\_

### Office of Government Ethics Legal Origins

Instructions: Using the Compilation of Federal Ethics Laws, and the OGE Code of Federal Regulations, locate the citations for the authorities that establish and empower the Office of Government Ethics. Please enter the citations in the form below.

1. In the Compilation of Federal Ethics Laws, the law that establishes OGE can be found at:

\_\_\_\_\_

2. In the Code of Federal Regulations, the rules establishing the authorities and responsibilities of OGE are found at Part: \_\_\_\_\_

3. How similar are the provisions in the Ethics in Government Act to the provisions in the Code of Federal Regulations?

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4. Why do you think that is?

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5. Bonus: Other than OGE and its director, who or what is given powers under the law?

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Team Name: \_\_\_\_\_

## Standards of Conduct for Employees of the Executive Branch Legal Origins

Instructions: Using the Code of Federal Regulations and OGE's Legal Research Search Collection, locate citations for the Standards of Conducts for Employees of the Executive Branch and the executive orders establishing them. Please enter the citations in the form below.

1. In the Code of Federal Regulations the Standards of Conduct for Employees of the Executive Branch are found at Part:

\_\_\_\_\_

2. In the Legal Research Search Collection, the executive orders establishing the Standards of Conduct are numbered: \_\_\_\_\_

3. How similar are the provisions in the Code of Federal Regulations to the provisions in the executive orders?

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4. Why do you think that is?

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5. Bonus: Can you find any laws in the Compilation of Federal Ethics Laws that inform the Standards of Conduct Regulations? Or, can you find an executive order that influences the Standards of Conduct?

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# Ethics Program Laws and Regulations



# Restrictions on Federal Employees

