

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY  
UNITED STATES OF AMERICA**

**ARTICLE 8 UNCAC**

**CODES OF CONDUCT FOR PUBLIC OFFICIALS**

**UNITED STATES OF AMERICA (EIGHTH MEETING)**

Codes of Conduct:

All executive branch employees, including those in the Department of Justice and other federal law enforcement agencies, are bound by a series of ethics policies and provisions.<sup>1</sup> All full-time non-career executive branch appointees (including U.S. Attorneys) are also subject to the Ethics Pledge as set forth in Executive Order 13770, which includes recusal obligations in addition to those imposed by statute or regulation, post-employment restrictions in addition to those imposed by statute, and a ban on accepting gifts from lobbyists or lobbying organizations.

All Department of Justice and federal law enforcement personnel are also subject to the Hatch Act, which generally prohibits executive branch employees from engaging in partisan political activity while on duty, in a federal facility or using federal property. Political activity is activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. The statute carries serious penalties including removal from federal employment. Under the Hatch Act, stricter rules apply to employees serving in several federal law enforcement agencies, including but not limited to, the FBI, the Secret Service, and Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms, the Criminal Division of the Department of Justice as well as career members of Senior Executive Service. These employees are prohibited from participating actively in political management or political campaigns even when off-duty. In addition, it is the long-standing practice of the Department to require political appointees to adhere to the prohibitions applicable to further-restricted employees.

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<sup>1</sup> These include the Standards of Ethical Conduct for Employees in the Executive Branch and Principals of Ethical Conduct. In addition, employees are subject to the provisions of 18 U.S.C. § 201 et seq., making criminal certain bribery, graft, and conflict of interest activities by employees or former employees.

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**UNITED STATES (THIRD MEETING)**

Article 8. paragraph 1.

All Federal civil servants take an oath of office by which they swear to support and defend the Constitution of the United States of America. Through the oath, employees swear to faithfully discharge the duties of office  
(see [http://www.opm.gov/constitution\\_initiative/oath.asp](http://www.opm.gov/constitution_initiative/oath.asp) ).

This requirement is expanded in the executive branch, standards of conduct of conduct in its very first principle: “Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain”

Article 8.paragraph 6

None of the three branches of the U.S. Federal Government has in place a method by which to measure, through statistical information, the preventive role of the standards and codes of conduct to which officer and employees are expected adhere. However, each of the three branches has used administrative standards of conduct to discipline successfully and appropriately employees including Presidential appointees, regular civil servants, judges, judicial branch employees, Members of Congress, and congressional employees. As an example of public information with regard to these types of measures, the House Committee on Standards of Official Conduct at the end of each Congress (every two years) publishes a Summary of Activities for that Congress that includes information with regard to individual cases. The Senate publishes a similar report every January. In the executive branch, agencies maintain evidence of administrative disciplinary action in individual employee personnel files kept by the employing agency rather than in a more centralized system. Each year OGE surveys executive branch agencies with regard to disciplinary actions (including removals, demotions, suspensions, and written reprimands) based wholly or in part upon violations of the Standards of Conduct. The agencies make good-faith efforts at supplying this information, but OGE considers the data to be approximate. With that caveat, agencies reported taking over 2,711 disciplinary actions during 2010 based on the Standards of Conduct.

OGE has for a number of years surveyed the Department of Justice and the 94 U.S. Attorney’s Offices asking for information about the cases they have prosecuted citing Sections 203-209 of Title 18 and, more recently, financial disclosure. Responses to the

surveys are voluntary, so while OGE has compiled and published the results each year, those results may not reflect all such cases for that year. The compilations for 1990 onward are available on OGE's Web site (<http://www.oge.gov/Topics/Enforcement/Conflict-of-Interest-Prosecution-Surveys/>)

*the facilitation and promotion of the reporting of acts of corruption by public officials and*

Some Inspectors General include in their Annual Performance Plan metrics regarding the timely review of whistleblower complaints. Most agencies have dedicated web pages for the agency's office of Inspector General which include links to performance plans. A list of agency IG website links and contacts is located at: <http://www.ignet.gov/igs/homepage1.html>.

As noted in its fiscal year 2011 Performance and Accountability Report, the U.S. Office of Special Counsel's efforts paid off in the form of a fairer and more accountable federal workplace. In the Disclosure Unit, over 900 whistleblower disclosures were received, 47 of which were referred to agency heads for investigation and report. OSC improves the efficiency and accountability of government in many ways and, significantly, it returns large sums to the Treasury. The agency receives over 900 disclosure complaints from federal whistleblowers every year, many of which result in enormous direct returns to the government. Four cases alone in just the past few years restored well over \$11 million to the government. This amount, while substantial, grossly understates the financial benefit OSC brings to the government. The real measure of OSC's financial contribution is prophylactic: By providing a safe channel for whistleblower disclosures, OSC regularly reins in waste, fraud, abuse, illegality, and threats to public health and safety that pose the very real risk of catastrophic harm to the public, and huge remedial and liability costs for the government. OSC cases come from throughout the federal government. The agency has recently confirmed allegations made by whistleblowers in ten different departments and agencies. (See <http://www.osc.gov/documents/gpra/PAR%20FY%202011.pdf>.)

## **UNITED STATES (THIRD MEETING)**

### **Article 8 – Codes of Conduct for Public Officials**

- Codes of Conduct (Para 2):

- o Visit the U.S. Office of Government Ethics (OGE) website ([www.oge.gov](http://www.oge.gov)) for a summary of the Standards of Ethical Conduct for Employees of the Executive Branch, links to the full regulation, and links to agency supplemental regulations. The Standards of Conduct, translated into the six official UN languages, is available on OGE's website at <http://www.oge.gov/About/International-Activities/Translated-Documents/>. See, also, the above section on "Ethics Training & Counseling."

- o For the legislative branch, the Senate code of conduct is available at <http://ethics.senate.gov/public/> and the House of Representative's code of conduct is available at <http://ethics.house.gov/>.

o The code of conduct for Federal judges and the code for judicial employees are available at <http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct.aspx>.