

VA & GOVERNMENT-WIDE ETHICS REGULATIONS

(Source: <http://www.law.cornell.edu/cfr/text/38/chapter-I>)

38 CFR 0.600 - General.

This section describes the Core Values and Characteristics that serve as internal guidelines for employees of the Department of Veterans Affairs (VA). These Core Values and Characteristics define VA employees, articulate what VA stands for, and underscore its MORAL OBLIGATION to veterans, their families, and other beneficiaries. They are intended to establish one overarching set of guidelines that apply to ALL VA Administrations and staff offices, confirming the values already instilled in many VA employees and enforcing their commitment to provide the best service possible to veterans, their families, and their caretakers.

38 CFR 0.601 - Core Values.

VA's Core Values define VA employees. They describe the organization's culture and character, and serve as the foundation for the way VA employees should interact with each other, as well as with people outside the organization. They also serve as a common bond between all employees regardless of their grade, specialty area, or location. These Core Values are Integrity, Commitment, Advocacy, Respect, and Excellence. Together, the first letters of the Core Values spell "I CARE," and VA employees should adopt this motto and these Core Values in their day-to-day operations.

- (a) **Integrity.** VA employees will act with high moral principle, adhere to the highest professional standards, and maintain the trust and confidence of all with whom they engage.
- (b) **Commitment.** VA employees will work diligently to serve veterans and other beneficiaries, be driven by an earnest belief in VA's mission, and fulfill their individual responsibilities and organizational responsibilities.
- (c) **Advocacy.** VA employees **will be truly veteran-centric** by identifying, fully considering, and appropriately advancing the interests of veterans and other beneficiaries.
- (d) **Respect.** VA employees will treat all those they serve and with whom they work with dignity and respect, **AND THEY WILL SHOW RESPECT TO EARN IT.**
- (e) **Excellence.** VA employees will strive for the highest quality and continuous improvement, and be thoughtful and decisive in leadership, accountable for their actions, willing to admit mistakes, and rigorous in correcting them.

38 CFR 0.602 - Core Characteristics.

While Core Values define VA employees, the Core Characteristics define what VA stands for and what VA strives to be as an organization. These are aspirational goals that VA wants its employees, veterans, and the American people to associate with the Department and with its workforce. **These Core characteristics describe the traits all VA organizations should possess and demonstrate, and they identify the qualities needed to successfully accomplish today's missions and also support the ongoing transformation to a 21st Century VA.** These characteristics are:

(a) ***Trustworthy.*** VA **earns the trust of those it serves**, every day, through the actions of its employees. **They provide care, benefits, and services with compassion, dependability, effectiveness, and transparency.**

(b) ***Accessible.*** VA engages and welcomes veterans and other beneficiaries, facilitating their use of the entire array of its services. **Each interaction will be positive and productive.**

(c) ***Quality.*** **VA provides the highest standard of care and services to veterans and beneficiaries** while managing the cost of its programs and being efficient stewards of all resources entrusted to it by the American people. **VA is a model of unrivalled excellence** due to employees who are empowered, **trusted by their leaders, and respected for their competence and dedication.**

(d) ***Innovative.*** VA prizes curiosity and initiative, encourages creative contributions from all employees, seeks continuous improvement, and adapts to remain at the forefront in knowledge, proficiency, and capability to deliver the highest standard of care and services to all of the people it serves.

(e) ***Agile.*** VA anticipates and adapts quickly to current challenges and new requirements by continuously assessing the environment in which it operates and devising solutions to better serve veterans, other beneficiaries, and Service members.

(f) ***Integrated.*** VA links care and services across the Department; other federal, state, and local agencies; partners; and Veterans Services Organizations **to provide useful and understandable programs to veterans and other beneficiaries.** VA's relationship with the Department of Defense is unique, and **VA will nurture it for the benefit of veterans and Service members.**

38 CFR 0.735-1 - Agency ethics officials.

(a) ***Designated Agency Ethics Official (DAEO).*** The Assistant General Counsel (023) is the designated agency ethics official (DAEO) for the Department of Veterans Affairs. The Deputy Assistant General Counsel (023C) is the alternate DAEO, who is designated to act in the DAEO's absence. The DAEO has primary responsibility for the administration, coordination, and management of the VA ethics program, pursuant to 5 CFR [2638.201-204](#).

(b) ***Deputy ethics officials.***

(1) **The Regional Counsel are deputy ethics officials.** They have been delegated the authority to act for the DAEO within their jurisdiction, under the DAEO's supervision, pursuant to 5 CFR [2638.204](#).

(2) The alternate DAEO, the DAEO's staff, and staff in the Offices of Regional Counsel, may also act as deputy ethics officials pursuant to delegations of one or more of the DAEO's duties from the DAEO or the Regional Counsel.

38 CFR 0.735-2 - Government-wide standards.

For government-wide standards of ethical conduct and related responsibilities for Federal employees, **see 5 CFR Part 735 and Chapter XVI.**

[[61 FR 11309](#), Mar. 20, 1996. Redesignated at [63 FR 33579](#), June 19, 1998]

38 CFR 0.735-10 - Cross-Reference To Employee Ethical And Other Conduct Standards And Financial Disclosure Regulations.

Employees of the Department of Veterans Affairs (VA) should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part [2635](#), the executive branch-wide Employee Responsibilities and Conduct at 5 CFR part [735](#), and the executive branch-wide financial disclosure regulation at 5 CFR part [2634](#).

38 CFR 0.735-11 - Other conduct on the job.

Relationship with beneficiaries and claimants. Employees are expected to be helpful to beneficiaries, patients and claimants, but:

(a) An employee shall not procure intoxicants or drugs for, or attempt to sell intoxicants or drugs to, patients or members, or give or attempt to give intoxicants or drugs to them unless officially prescribed for medical use;

(b) **AN EMPLOYEE SHALL NOT ABUSE PATIENTS, members, or other beneficiaries, WHETHER OR NOT PROVOKED.**

§ 0.735-12 Standards of conduct in special areas.

a) Safety.

(1) Employees will observe safety instructions, signs, and normal safety practices and precautions, including the use of protective clothing and equipment.

(2) An employee shall report each work-connected injury, accident or disease he or she suffers.

(b) *Furnishing testimony.* Employees will furnish information **and testify freely and honestly in cases respecting employment and disciplinary matters.** Refusal to testify, concealment of material facts, or willfully inaccurate testimony in connection with an investigation **OR HEARING** may be ground for disciplinary action. An employee, however, will not be required to give testimony against himself or herself in any matter in which there is indication that he or she may be or is involved in a violation of law wherein there is a possibility of self-incrimination.

Comment: The “hearing” provision of this ethics rule applies to all hearings before the House and Senate VA Committees – and all other Congressional hearings by VA officials and employees. So if you see or hear a VA official or employee make statements in any Congressional hearing that is willfully inaccurate or tends to conceal material facts, then consider filing an ethics complaint.

5 CFR § 735.102 What are the grounds for disciplinary action?

An Employee's Violation Of **Any Of The Regulations In Subpart B** Of This Part May Be Cause For Disciplinary Action By The Employee's Agency, Which May Be In Addition To Any Penalty Prescribed By Law.

5 CFR § 735.103 What other regulations pertain to employee conduct?

In addition to the standards of conduct in subpart B of this part, an employee **shall comply** with the standards of ethical conduct in **5 CFR part 2635**, as well as any supplemental regulation issued by the employee's agency under **5 CFR 2635.105**. An employee's violation of those regulations may cause the employee's agency to take disciplinary action, or corrective action as that term is used in 5 CFR part 2635. Such disciplinary action or corrective action may be in addition to any penalty prescribed by law.

5 CFR § 735.203 What are the restrictions on conduct prejudicial to the Government?

An Employee Shall Not Engage In Criminal, Infamous, Dishonest, Immoral, Or Notoriously Disgraceful Conduct, Or Other Conduct Prejudicial To The Government.

5 CFR § 2635.101 Basic obligation of public service.

(a) *Public service is a public trust.* Each employee has a responsibility to the United States Government and its citizens to **place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section**, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) *General principles.* The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the **standards** set forth in this part, employees **shall apply the principles** set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, **requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.**

(2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(4) An employee shall not, except as permitted by subpart B of this part, 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 nonperformance of the employee's duties.

(5) **Employees shall put forth honest effort in the performance of their duties.**

(6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

(7) **Employees shall not use public office for private gain.**

(8) **Employees shall act impartially and not give preferential treatment to any private organization or individual.**

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

(10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

(11) **Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.**

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

(13) **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.

(14) Employees shall endeavor to **avoid any actions creating the appearance that they are violating the law or the ethical standards** set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined **from the perspective of a reasonable person with knowledge of the relevant facts.**

(c) *Related statutes.* In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, [18 U.S.C. 201](#), [203](#), [205](#), [208](#), and 209, are summarized in the appropriate subparts of this part and must be taken into consideration in determining whether conduct is proper.

Citations to other generally applicable statutes relating to employee conduct are set forth in subpart I and employees are further cautioned that there may be additional statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies. **Because an employee is considered to be on notice of the requirements of any statute, an employee SHOULD NOT rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself** and obtain the advice of an agency ethics official as needed.

5 CFR § 2635.102 Definitions.

The definitions listed below are used throughout this part. Additional definitions appear in the subparts or sections of subparts to which they apply. For purposes of this part:

(c) *Agency ethics official* refers to the designated agency ethics official or to the alternate designated agency ethics official, referred to in § [2638.202\(b\)](#) of this chapter, and to any deputy ethics official, described in § [2638.204](#) of this chapter, who has been delegated authority to assist in carrying out the responsibilities of the designated agency ethics official.

(d) *Agency programs or operations* refers to any program or function carried out or performed by an agency, whether pursuant to statute, Executive order, or regulation.

(e) **Corrective action** includes any action necessary to remedy a past violation or prevent a continuing violation of this part, including but not limited to restitution, change of assignment, disqualification, divestiture, termination of an activity, waiver, the creation of a qualified diversified or blind trust, or counseling.

(f) *Designated agency ethics official* refers to the official designated under § [2638.201](#) of this chapter.

(g) **Disciplinary action** includes those disciplinary actions referred to in Office of Personnel Management regulations and instructions implementing provisions of title 5 of the United States Code or provided for in comparable provisions applicable to employees not subject to title 5, including but not limited to reprimand, suspension, demotion, and removal. In the case of a military officer, comparable provisions may include those in the Uniform Code of Military Justice.

5 CFR § 2635.105 Supplemental Agency Regulations.

In addition to the regulations set forth in this part, **an employee shall comply with any supplemental agency regulations issued by his employing agency** under this section.

(a) An agency that wishes to supplement this part shall prepare and submit to the Office of Government Ethics, for its concurrence and joint issuance, any agency regulations that supplement the regulations contained in this part. Supplemental agency regulations which the agency determines are necessary and appropriate, in view of its programs and operations, to fulfill the purposes of this part shall be:

(1) In the form of a supplement to the regulations in this part; and

(2) In addition to the substantive provisions of this part.

(b) After concurrence and co-signature by the Office of Government Ethics, the agency shall submit its supplemental agency regulations to the Federal Register for publication and codification at the expense of the agency in title 5 of the Code of Federal Regulations. Supplemental agency regulations issued under this section are effective only after concurrence and co-signature by the Office of Government Ethics and publication in the Federal Register.

(c) This section applies to any supplemental agency regulations or amendments thereof issued under this part. **IT DOES NOT APPLY TO:**

(1) **A handbook or other issuance intended merely as an explanation of the standards contained in this part or in supplemental agency regulations;**

(2) An instruction or other issuance the purpose of which is to:

(i) Delegate to an agency designee authority to make any determination, give any approval or take any other action required or permitted by this part or by supplemental agency regulations; or

(ii) Establish internal agency procedures for documenting or processing any determination, approval or other action required or permitted by this part or by supplemental agency regulations, or for retaining any such documentation; or

(3) Regulations or instructions that an agency has authority, independent of this part, to issue, such as regulations implementing an agency's gift acceptance statute, protecting categories of nonpublic information or establishing standards for use of Government vehicles. Where the content of any such regulations or instructions was included in the agency's standards of conduct regulations issued pursuant to Executive Order 11222 and the Office of Government Ethics concurs that they need not be issued as part of an agency's supplemental agency regulations, those regulations or instructions may be promulgated separately from the agency's supplemental agency regulations.

(d) **Employees of a State or local government or other organization** who are serving on detail to an agency, pursuant to 5 U.S.C. 3371, et seq., are subject to any requirements, in addition to those in this part, established by a supplemental agency regulation issued under this section to the extent that such regulation expressly provides.

[57 FR 35042, Aug. 7, 1992, as amended at 71 FR 45736, Aug. 10, 2006]

5 CFR § 2635.106 DISCIPLINARY AND CORRECTIVE ACTION.

(a) Except as provided in § 2635.107, a violation of this part or of supplemental agency regulations may be cause for appropriate corrective or disciplinary action to be taken under applicable Government wide regulations or agency procedures. Such action may be in addition to any action or penalty prescribed by law.

(b) It is the responsibility of the employing agency to initiate appropriate disciplinary or corrective action in individual cases. However, corrective action may be ordered or disciplinary action recommended by the Director of the Office of Government Ethics under the procedures at part 2638 of this chapter.

(c) A violation of this part or of supplemental agency regulations, as such, does not create any right or benefit, substantive or procedural, enforceable at law by any person against the United States, its agencies, its officers or employees, or any other person. Thus, for example, an individual who alleges that an employee has failed to adhere to laws and regulations that provide

equal opportunity regardless of race, color, religion, sex, national origin, age, or handicap is required to follow applicable statutory and regulatory procedures, including those of the Equal Employment Opportunity Commission.

5 CFR § 2635.107 Ethics advice.

(a) As required by §§ 2638.201 and 2638.202(b) of this chapter, each agency has a designated agency ethics official who, on the agency's behalf, is responsible for coordinating and managing the agency's ethics program, as well as an alternate. The designated agency ethics official has authority under § 2638.204 of this chapter to delegate certain responsibilities, including that of providing ethics counseling regarding the application of this part, to one or more deputy ethics officials.

(b) Employees who have questions about the application of this part or any supplemental agency regulations to particular situations should seek advice from an agency ethics official. Disciplinary action for violating this part or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances.

Where the employee's conduct violates a criminal statute, reliance on the advice of an agency ethics official cannot ensure that the employee will not be prosecuted under that statute. However, good faith reliance on the advice of an agency ethics official is a factor that may be taken into account by the Department of Justice in the selection of cases for prosecution. Disclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege. **An agency ethics official is required by 28 U.S.C. 535 to report any information he receives relating to a violation of the criminal code, title 18 of the United States Code.**

5 CFR § 2635.901 General.

In addition to the standards of ethical conduct set forth in subparts A through H of this part, **there are a number of statutes that establish standards to which an employee's conduct must conform.** The list set forth in § [2635.902](#) references some of the more **significant** of those statutes. It is not comprehensive and includes only references to statutes of general applicability. While it includes references to several of the **basic conflict of interest statutes** whose standards are explained in more detail throughout this part, it does not include references to statutes of more limited applicability, such as statutes that apply only to officers and employees of the Department of Defense.

5 CFR § 2635.902 RELATED STATUTES.

- (a) The prohibition against **solicitation or receipt of bribes** ([18 U.S.C. 201\(b\)](#)).
- (b) The prohibition against **solicitation or receipt of illegal gratuities** ([18 U.S.C. 201\(c\)](#)).
- (c) The prohibition against seeking or receiving compensation for certain representational services before the Government ([18 U.S.C. 203](#)).
- (d) The prohibition against assisting in the prosecution of claims against the Government or acting as agent or attorney before the Government ([18 U.S.C. 205](#)).
- (e) The **post-employment restrictions** applicable to former employees ([18 U.S.C. 207](#), with implementing regulations at parts [2637](#) and [2641 of this chapter](#)).
- (f) The prohibition on certain former agency officials' acceptance of compensation from a contractor ([41 U.S.C. 423\(d\)](#)).
- (g) The prohibition against participating in matters affecting an employee's own financial interests or the financial interests of other specified persons or organizations ([18 U.S.C. 208](#)).
- (h) **The actions required of certain agency officials when they contact, or are contacted by, offerors or bidders regarding non-Federal employment** ([41 U.S.C. 423\(c\)](#)).
- (i) **The prohibition against receiving salary or any contribution to or supplementation of salary as compensation for Government service from a source other than the United States** ([18 U.S.C. 209](#)).
- (j) The prohibition against gifts to superiors ([5 U.S.C. 7351](#)).
- (k) The prohibition against solicitation or receipt of gifts from specified prohibited sources ([5 U.S.C. 7353](#)).
- (l) **The prohibition against fraudulent access and related activity in connection with computers** ([18 U.S.C. 1030](#)).
- (m) The provisions governing receipt and disposition of foreign gifts and decorations ([5 U.S.C. 7342](#)).
- (n) [Reserved]
- (o) The prohibitions against certain political activities ([5 U.S.C. 7321](#) through 7326 and [18 U.S.C. 602](#), [603](#), [606](#) and [607](#)).
- (p) The prohibitions against disloyalty and striking ([5 U.S.C. 7311](#) and [18 U.S.C. 1918](#)).
- (q) The general prohibition ([18 U.S.C. 219](#)) against acting as the agent of a foreign principal required to register under the Foreign Agents Registration Act ([22 U.S.C. 611](#) through 621).

(r) The prohibition against employment of a person convicted of participating in or promoting a riot or civil disorder ([5 U.S.C. 7313](#)).

(s) The prohibition against employment of an individual who habitually uses intoxicating beverages to excess ([5 U.S.C. 7352](#)).

(t) The prohibition against misuse of a Government vehicle ([31 U.S.C. 1344](#)).

(u) The prohibition against misuse of the franking privilege ([18 U.S.C. 1719](#)).

(v) **The prohibition against FRAUD OR FALSE STATEMENTS in a Government matter** ([18 U.S.C. 1001](#)).

(w) **THE PROHIBITION AGAINST CONCEALING, MUTILATING OR DESTROYING A PUBLIC RECORD** ([18 U.S.C. 2071](#)).

(x) The prohibition against counterfeiting or forging transportation requests ([18 U.S.C. 508](#)).

(y) **The restrictions on disclosure of certain sensitive Government information under the Freedom of Information Act and the Privacy Act** ([5 U.S.C. 552](#) and [552a](#)).

(z) The prohibitions against disclosure of classified information ([18 U.S.C. 798](#) and [50 U.S.C. 783\(a\)](#)).

(aa) **The prohibition against disclosure of proprietary information and certain other information of a confidential nature** ([18 U.S.C. 1905](#)).

(bb) The prohibitions on disclosing and obtaining certain procurement information ([41 U.S.C. 423\(a\)](#) and (b)).

(cc) The prohibition against unauthorized use of documents relating to claims from or by the Government ([18 U.S.C. 285](#)).

(dd) The prohibition against certain personnel practices ([5 U.S.C. 2302](#)).

(ee) The prohibition against interference with civil service examinations ([18 U.S.C. 1917](#)).

(ff) The restrictions on use of public funds for lobbying ([18 U.S.C. 1913](#)).

NEPOTISM PROHIBITION

(gg) **The prohibition against participation in the appointment or promotion of relatives** ([5 U.S.C. 3110](#)).

(hh) The prohibition against solicitation or acceptance of anything of value to obtain public office for another ([18 U.S.C. 211](#)).

(ii) **The prohibition against conspiracy to commit an offense against or to DEFRAUD the United States** ([18 U.S.C. 371](#)).

(jj) The prohibition against embezzlement or conversion of Government money or property ([18 U.S.C. 641](#)).

(kk) The prohibition against failing to account for public money ([18 U.S.C. 643](#)).

(ll) The prohibition against embezzlement of the money or property of another person that is in the possession of an employee by reason of his employment ([18 U.S.C. 654](#)).

[57 FR 35042, Aug. 7, 1992, as amended at [62 FR 48748](#), Sept. 17, 1997; [64 FR 2422](#), Jan. 14, 1999; [65 FR 69657](#), Nov. 20, 2000]