

PART 400—EMPLOYEE RESPONSIBILITIES AND CONDUCT

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AUTHORITY: E.O. 11222, 30 FR 6469, 3 CFR 1965 Supp.; 5 CFR 735.101 *et seq.*

SOURCE: 33 FR 15379, Oct. 17, 1968, unless otherwise noted.

§ 400.735-1 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the American Battle Monuments Commission (referred to hereinafter as the agency) hereby adopts the following sections of part 735 of title 5, Code of Federal Regulations: §§ 735.101, 735.102, 735.201a, 735.202 (a), (d), (e), (f), 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403(a), 735.404, 735.405, 735.407—735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 400.735-2 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the Officer in Charge, U.S. Office, except those of the Officer in Charge, U.S. Office, and the Secretary, American Battle Monuments Commission. The statement of the Officer in Charge, U.S. Office, shall be reviewed by the Secretary of the American Battle Monuments Commission. The statement of the Secretary, American Battle Monuments Commission, shall be reviewed by the Chairman of the Agency. When a review indicates a conflict between the interests of an employee or special Government employee of the agency and the performance of his services for

the Government, the reviewer shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the reviewer shall forward a written report on the indicated conflict to the Chairman, American Battle Monuments Commission, through the counselor for the agency designated under 5 CFR 735.105(a).

§ 400.735-3 Disciplinary and other remedial action.

An employee or special Government employee of the agency who violates any of the regulations in this part or adopted under § 400.735-1 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

§ 400.735-4 Gifts, entertainment, and favors.

The agency authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)–(4).

§ 400.735-5 Outside employment and other activity.

An employee of the agency may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his supervisor.

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§ 400.735-6 Specific provisions of agency regulations governing special Government employees.

(a) Special Government employees of the agency shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 400.735-1, except 5 CFR 735.203(b).

(b) Special Government employees of the agency may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the agency authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 400.735-4.

§ 400.735-7 Statements of employment and financial interests.

(a) In addition to the employees required to submit statements of employment and financial interests under 5 CFR 735.403(a), employees in the following named positions shall submit statements of employment and financial interests:

- (1) Secretary;
- (2) Officer in Charge, U.S. Office;
- (3) Officer in Charge, European Office;
- (4) Chief Maintenance Division, European Office;
- (5) Chief Purchasing and Contracting Branch, European Office;
- (6) Officer in Charge, Mediterranean Office;
- (7) Superintendent, Manila American Cemetery.

(b) Each statement of employment and financial interests required by this section shall be submitted to:

American Battle Monuments Commission
2018 Munitions Building, Washington, DC
20360. Attention: Officer in Charge.

Statements shall be submitted in double sealed envelopes, and the inner envelope shall be annotated with the words: "Statement of Employment and Financial Interests—Attention: Officer in Charge."

(c) An employee who believes that his position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may ob-

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tain a review of his complaint under the agency's grievance procedure.

§ 400.735-8 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18 U.S.C. or the regulations in this part or adopted under § 400.735-1.

PART 401—PROCEDURES

AUTHORITY: Sec. 3, 70 Stat. 640, 641; 5 U.S.C. 132 note, 36 U.S.C. 123-125; E.O. 6614, E.O. 9704, 11 FR 2675, 3 CFR 1949-53 Comp., p. 519, E.O. 10057, 10087, 14 FR 2585, 7287, 3 CFR 1949-1953 Comp., pp. 269, 285.

§ 401.1 Erection of war memorials outside continental limits of United States.

Federal Government agencies, American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States should proceed as follows:

(a) Submit general idea of the memorial to the American Battle Monuments Commission, with a request for the tentative allocation of the site desired.

(b) When site is provisionally allocated, prepare and submit the design of the memorial, together with the inscription, for approval. The design of the memorial will then be referred, in accordance with law, by the Commission to the National Commission of Fine Arts for its approval.

(c) After a site is allocated and the design and inscription are approved, the American Battle Monuments Commission will, if the sponsors so desire, consult with the foreign government concerning the question of securing approval for the erection of the memorial.

(d) When the approval of the foreign government is obtained, the Commission will cooperate, if the sponsors so desire, in obtaining the ground and erection of the memorial. Such cooperation may include construction of