

**UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY  
(ICDA)**

**Overseas Private Investment Corporation (OPIC)**

**5 CFR Chapter XXXIII**

**22 CFR Part 705**

**Supplemental Standards of Ethical Conduct for Employees of the  
Overseas Private Investment Corporation**

**RINs 3209-AA00, 3209-AA04, 3209-AA15, and 3209-AA16**

**58 FR 33319**

**June 17, 1993**

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**ACTION:** Interim rule.

**SUMMARY:** The Overseas Private Investment Corporation, with the concurrence of the Office of Government Ethics (OGE), is issuing a regulation for employees of OPIC that supplements the executive branch-wide Standards of Ethical Conduct issued by OGE. The Overseas Private Investment Corporation is also repealing its existing agency standards of conduct regulations that are now superseded by the branch-wide Standards of Ethical Conduct and by the executive branch financial disclosure regulation also issued by OGE. In the place of those OPIC regulations, the Overseas Private Investment Corporation is substituting a cross-reference to the new branch-wide regulations and this supplemental regulation.

**DATES:** Interim rule effective July 17, 1993. Comments are invited and must be received on or before August 2, 1993.

**ADDRESSES:** Send comments to the Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527, Attention Ms. Scott.

**FOR FURTHER INFORMATION CONTACT:** Jane H. Chalmers or Kathlyn R. Scott, Overseas Private Investment Corporation, Office of Legal Affairs, telephone (202) 336-8400.

## **SUPPLEMENTARY INFORMATION:**

### **I. Analysis of Regulation**

On August 7, 1992, the Office of Government Ethics published the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) for codification at 5 CFR part 2635. See *57 FR 35006-35067*, as corrected at *57 FR 48557* (October 27, 1992) and *57 FR 52583* (November 4, 1992). The Standards, effective February 3, 1993, set uniform ethical conduct standards applicable to all executive branch personnel.

With the concurrence of OGE, *5 CFR 2635.105* authorizes executive agencies to publish agency-specific supplemental regulations that are necessary to properly implement their respective ethics programs. The Overseas Private Investment Corporation and OGE have determined that the following interim supplemental rule is necessary for successful implementation of OPIC's ethics program, in light of OPIC's operations.

*5 CFR 2635.105* and *2635.803* authorize individual agencies, by supplemental regulation, to require employees to obtain approval before engaging in outside employment activities. This interim rule, for codification at *5 CFR 4301.101*, will require any employee of OPIC who wants to engage in outside employment to obtain prior approval of such activity from OPIC's Designated Agency Ethics Official.

The Overseas Private Investment Corporation is also repealing its existing standards of conduct regulations at 22 CFR part 705 which, except for the sections noted immediately below, were superseded by the executive branch-wide Standards on February 3, 1993. Sections 705.735-104, 705.735-109 and part of 705.735-110 of OPIC's standards, dealing with financial disclosure, were superseded on October 5, 1992 by OGE's executive branch-wide financial disclosure regulation codified at 5 CFR part 2634. See *57 FR 11800-11830* (April 7, 1992), as amended at *57 FR 21854-21855* (May 22, 1992) and *57 FR 62605* (December 31, 1992). In place of its old standards at 22 CFR part 705, OPIC is issuing a residual cross-reference provision at new *22 CFR 705.101* to refer to both the branch-wide Standards and financial disclosure regulations and to OPIC's new supplemental regulation.

### **II. Matters of Regulatory Procedure**

#### **Administrative Procedure Act**

As General Counsel of OPIC, I have found good cause pursuant to *5 U.S.C. 553(b)* for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to these interim rules and repeal. The reason for this determination is that it is important to a smooth transition from OPIC's prior ethics rules to the new executive branch-wide Standards and financial disclosure regulations that these rulemaking actions take place as soon as possible. Furthermore, this rulemaking is related to OPIC organization, procedure and practice. Nonetheless, this is an interim rulemaking, with provision for a 45-day public comment period. The Overseas Private Investment Corporation will review all comments received during the comment period and will consider any modifications that appear appropriate in adopting these rules as final, with the concurrence of the Office of Government Ethics.

### **Executive Order 12291, Federal Regulation**

As General Counsel of OPIC, I have determined that this is not a major rule as defined in section 1(b) of Executive Order 12291 of February 17, 1981.

### **Regulatory Flexibility Act**

As General Counsel of OPIC, I have determined under the Regulatory Flexibility Act (*5 U.S.C. chapter 6*) that this regulation will not have a significant impact on small business entities because it affects only OPIC employees.

### **Paperwork Reduction Act**

As General Counsel of OPIC, I have determined that the Paperwork Reduction Act (*44 U.S.C. chapter 35*) does not apply because this regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

### **List of Subjects in 5 CFR Part 4301 and 22 CFR Part 705**

Conflict of interests, Government employees.

Dated: March 3, 1993.

**Jane H. Chalmers,**

*Acting General Counsel, Overseas Private Investment Corporation.*

Approved: March 18, 1993.

**Stephen D. Potts,**

*Director, Office of Government Ethics.*

For the reasons set forth in the preamble, the Overseas Private Investment Corporation, in concurrence with the Office of Government Ethics, is amending title 5 of the Code of Federal Regulations and title 22, chapter VII, of the Code of Federal Regulations, as follows:

#### **TITLE 5-[AMENDED]**

1. A new chapter XXXIII, consisting of part 4301, is added to title 5 of the Code of Federal Regulations to read as follows:

#### **5 CFR CHAPTER XXXIII-OVERSEAS PRIVATE INVESTMENT CORPORATION**

#### **PART 4301-SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION**

#### **§ 4301.101 -- Prior approval for outside employment.**

Any employee of the Overseas Private Investment Corporation who is interested in engaging in outside employment must first obtain approval from the Designated Agency Ethics Official before

engaging in such employment activity. For this purpose, employment has the meaning set forth in § 2635.603(a) of this title.

**Authority:** *5 U.S.C. 7301*; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, *54 FR 15159*, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, *55 FR 42547*, 3 CFR, 1990 Comp., p. 306; 5 CFR 3635.105, *2635.803*.

## **22 CFR CHAPTER VII-OVERSEAS PRIVATE DEVELOPMENT CORPORATION, INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**

2. Part 705 of 22 CFR chapter VII is revised to read as follows:

### **PART 705-EMPLOYEE ETHICAL CONDUCT STANDARDS AND FINANCIAL DISCLOSURE REGULATIONS**

#### **§ 705.101 -- Cross-reference to employee ethical conduct standards and financial disclosure regulations.**

Employees of the Overseas Private Investment Corporation (OPIC) should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the OPIC regulation at *5 CFR 4301.101* which supplements the executive branch-wide standards, and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

**Authority:** *5 U.S.C. 7301*.