

Ethical Implications of Emergency Response

Conference Report

June 2006

Conference Summary

In the wake of the devastation wrought by two massive hurricanes along the Gulf Coast and Florida in the summer of 2005, Federal agencies that had either been affected by the disasters or were involved in the response and recovery efforts came together to discuss lessons learned. These experiences reinforced the notion that protecting the integrity of Government is as critical in times of emergency as in periods of non-emergency, and that ethics officials have a key role to play both in preparing for emergencies, as well as in responding to them.

The Working Group on the Ethical Implications of Emergency Response was formed in October of 2005. All told some 61 participants representing 15 departments and 21 agencies attended one or more of the meetings held between October and March. The group identified areas of common concern, principally issues involving the acceptance of gifts and fundraising, and drafted responses to lists of frequently asked questions (FAQs) in each of these areas. The final documents containing these FAQs and responses will be available in the summer of 2006.

The Working Group meetings ultimately culminated in the Conference on the Ethical Implications of Emergency Response, held at the Federal Energy Regulatory Commission on March 21st and 22nd. This conference was designed to be the capstone of the executive branch ethics community's conversation on preparing for future emergencies. The agenda for the conference was developed by the group and included these key topics of interest:

- Information on emergency preparedness generally and the relevant authorities, players, and processes that are activated in the event of a national disaster;
- The application of certain government-wide rules in the context of emergencies, particularly those for which the Office of Personnel Management (OPM) and the General Services Administration (GSA) have authority;
- Lessons learned from the field regarding preparation, communication, and coordination in an emergency;
- Policies and processes established by agencies that have had significant experience with a variety of emergencies; and
- Coordination with outside organizations both in responding to national disasters, as well as in assisting agency employees in non-disaster emergencies.

The conference presentations, summarized below, provided conference participants with information to better educate and prepare themselves for the next emergency. The conference emphasized the need for all ethics officials to better position themselves to be part of, and thereby ensure that ethics remains an integral part of, any future response efforts.

Conference Proceedings

These summary statements reflect the views expressed in the presentations by invited speakers and discussants at the conference.

Welcome

MARILYN GLYNN
General Counsel
U.S. Office of Government Ethics

Ms. Glynn reminded the audience of the last occasion on which the ethics community found itself together in the wake of a disaster—the location was the annual Office of Government Ethics conference in Norfolk, VA, and the date was September 11, 2001. She noted that 9/11 would be only the first of several events that would demonstrate the continuous need for preparation. Such events remind us of the important role the ethics community plays in emergencies. Consequently, just as emergency responders must have plans, so too must the ethics community.

Ms. Glynn reminded participants of why, in times of emergency, ethics laws and rules are essential to ensure good governance: in times of disaster loyalties can become confused, chaos clouds understanding, and opportunists exploit. However, she also recognized that ethics rules should not impede effective emergency response. Understanding the authorities at your disposal, learning to apply rules flexibly without compromising public confidence in the integrity of Government, and setting forth a plan to better prepare for the next emergency were among the goals of the conference.

Finally, Ms. Glynn noted the unique aspects of the Working Group project as a whole, and the conference in particular. The project was, from the beginning, not strictly speaking an Office of Government Ethics project, but rather an ethics community project in which the Office of Government Ethics served as facilitator. As such it presented a challenging way to identify and solve common problems. In conclusion, she asked the participants for feedback on the process and whether it should be an approach to adopt in the future when addressing other ethics issues.

Panel 1--Emergency Authorities: The National Response Plan, Stafford Act, and Public Health Authorities

This panel was designed to educate the conference participants on the National Disaster Plan and attendant authorities, as well as to expose them to other emergency authorities and the processes and policies that have been developed to implement disaster and emergency plans.

DIANE DONLEY

*Field Attorney, Office of the General Counsel
Federal Emergency Management Agency/
Department of Homeland Security*

Ms. Donley began by outlining the three basic Department of Homeland Security/Federal Emergency Management Agency (FEMA) authorities that might be implicated in times of emergency: The Homeland Security Act of 2002, Homeland Security Presidential Directive 5, and the Stafford Act. The Homeland Security Act and the Presidential Directive required the development of the National Incident Management System (NIMS) and National Response Plan (NRP).

NIMS was created to provide a better coordinated and comprehensive national approach to federal management of national disasters to include prevention and preparation, as well as response and recovery. For example, before NIMS, different agencies had different names for the same thing, thus impeding effective communication and coordination. The new system provides, among other things, consistent terms and organizational processes for all Federal agencies responding to disasters.

The National Response Plan is built on the template of the NIMS. It provides the structure and mechanisms for coordinating Federal support to state, local, and tribal incident managers and for exercising direct Federal authorities and responsibilities. Ms. Donley explained the process by which Federal agencies are activated once an incident of national significance has occurred and the President has declared a national disaster. First, at the national level, the Department of Homeland Security Operations Center is stood up, as is the National Incident Management Group. Each Federal agency responsible for an Emergency Support Function (ESF), as designated under the National Response Plan, is then activated and given specific mission assignments by FEMA. Joint Field Offices (JFO) are established in the disaster area and each ESF has a presence there. The Federal Coordinating Officer, the individual charged with overseeing and directing the disaster management, is typically located in the JFO. Incident Commanders on the ground directing the on-scene emergency management have the authority to make requests for resources, but it is the Federal Coordinating Officer who is authorized to allocate money under the authority of the Stafford Act.

Ms. Donley then provided an overview of the Stafford Act. After a major disaster and emergency declaration by the President, the Stafford Act establishes the programs and processes for the Federal Government to provide assistance to states, local governments, tribal nations, individuals, and qualified private nonprofit organizations. It also immediately makes available funds to help with recovery, search and rescue. Ms. Donley noted that Federal agencies are still allowed to exercise and utilize their own authorities outside the scope of the Stafford Act. She then went on to define a major disaster and an emergency and the characteristics of each.

Finally, Ms. Donley explained that there are four major types of disaster assistance available under the Stafford Act, all of which are only available in the United

States, as defined by the Act: essential assistance, individual assistance, public assistance, and hazard mitigation. She explained that the Act also dictates who is eligible to apply for the assistance and the work categories that can be conducted.

SUSAN SHERMAN

*Senior Attorney, Office of the General Counsel
Department of Health and Human Services*

Ms. Sherman's presentation focused on the Department of Health and Human Services' (HHS) emergency authorities. She began by reiterating the purpose and scope of the NRP and HHS's role therein. She noted specifically that nothing in the NRP alters or impedes the ability of Federal departments or agencies (among others) to carry out their specific authorities or perform their responsibilities under applicable laws. Consequently, while the Stafford Act is one authority under which HHS may carry out its responsibilities in a disaster, it is not the only authority.

Ms. Sherman explained that the HHS Secretary has the authority to declare a public health emergency after consultation with such public health officials as may be necessary. Following such a declaration, the Secretary may take appropriate responsive action within his authority, such as making grants, providing awards for expenses, hiring temporary personnel, and entering into contracts.

She noted that the declaration of a public health emergency may serve as the basis for triggering certain exemptions and other provisions in law that provide for flexibility in times of emergency. For example, the Secretary may grant extensions or waive sanctions relating to the submission of data or reports required under laws administered by the Secretary. Other examples include waiving certain Medicare or Medicaid requirements, temporarily waiving sanctions for noncompliance with the Health Insurance Portability and Accountability Act, and even authorizing the Commissioner of the Food and Drug Administration to permit the use of investigational drugs.

Ms. Sherman noted some of the specific issues HHS faced in the context of responding to Hurricane Katrina. Many of the issues involved volunteers and gifts for hurricane response. She noted that the legal staff at HHS held regular meetings to discuss the various issues involved in the response, and that it was extremely useful to have an ethics official participate in that conversation to identify both substantive, as well as programmatic and administrative issues involving ethics.

Panel 2—Government-wide Rules: CFC, Travel and Related Issues

This panel focused on the application of certain OPM and GSA authorities in the context of emergencies, particularly those involving fundraising in the workplace, Federal travel, and disposal of property.

RICHARD THOMAS

Associate General Counsel

U.S. Office of Government Ethics

As moderator, Mr. Thomas opened the session by introducing the two speakers from the OPM and the GSA. Mr. Thomas then highlighted what he anticipated would be the focus of the panel presentation, namely that the various authorities over which OPM and GSA have jurisdiction all have ample room for flexibility and discretion to respond to agency needs in an emergency situation. In sum, notwithstanding the urgency that attends to issues that arise in emergency situations, there really are workable solutions.

As a lead-in to the OPM presentation, Mr. Thomas reminded the audience of how the Combined Federal Campaign (CFC) rules work in conjunction with the Standards of Ethical Conduct. The Standards of Ethical Conduct provide two sets of authorities, one dealing with personal capacity fundraising and the other dealing with official duty fundraising. With respect to personal capacity fundraising, three common sense limitations apply: employees may not use their title or official authority to further the effort, they may not solicit subordinates, and they may not solicit prohibited sources. As for official duty fundraising, the agency must have some authority to engage in official fundraising. The determination about whether an agency does or does not possess such authority rests with the agency, and the Office of Government Ethics would not second-guess that determination unless it were egregious. The CFC is clearly a recognized official fundraising activity.

JAMES GREEN

Associate General Counsel

Office of Personnel Management

Mr. Green reminded the audience that the basic premise of the CFC was and is to control access to Federal employees in the workplace, to make the “process” uniform, and to provide a mechanism for employee withholding. The CFC allows for the solicitation of Federal employees in the workplace to raise “funds”—meaning monetary contributions—for charitable organizations. The CFC rules do not address other types of donations, such as in-kind donations (e.g., food drives, Toys for Tots, etc.). Each agency must decide for itself its tolerance for such things.

Special Solicitations

Mr. Green addressed the issue of requests for special solicitations by agencies wishing to respond to specific employee fundraising requests in the wake of emergencies

or natural disasters. The OPM regulations define the kinds of natural disasters that qualify for consideration of a special solicitation; the event must involve emergency circumstances, which include everything from a small fire, to a major disaster. What has not yet been refined is language to explicitly include “terrorist attacks”—although fire and explosion are already included.

As is evident in the regulations, OPM’s tolerance for requests for special solicitations depends on when the requests are made. During the CFC season, special solicitations are problematic because OPM manages some 350 local campaigns and is therefore not equipped to quickly respond to the event that prompted the special solicitation. OPM is also concerned about detracting from the CFC by allowing other fundraising to occur simultaneously. Mr. Green emphasized that charities work very hard to become part of the CFC and fundraising organizations are very aggressive. Consequently, OPM tries to minimize any competition with the CFC during the CFC season and only approves requests upon a showing of “extraordinary circumstances.”

Under the current regulations, only the Director of OPM has the authority to grant permission for special solicitations. Mr. Green stated that there has been some discussion within OPM about delegating that authority to agency heads. As of now, however, the Director of OPM will not allow delegation of that authority. Mr. Green informed the audience that OPM will soon be issuing significant revisions to the CFC regulations.

Finally, Mr. Green noted that the CFC rules address solicitation “in the workplace,” which has been interpreted to mean the spaces in which employees are actually conducting work. He suggested if the head of an agency wanted to conduct an event in a common area, that decision would be within the agency head’s discretion. Such a solicitation would not be subject to the CFC rules but would still be subject to the Standards of Ethical Conduct and any GSA property rules.

Employee Health and Welfare Groups

Mr. Green reminded participants that agency heads can establish policies and procedures governing solicitation by employee health and welfare groups for the benefit of their own members. Such efforts are not covered by the CFC rules, although they are still subject to the Standards of Ethical Conduct and GSA building use regulations. He stated that if there is an agency-specific need that would involve fundraising in the workplace that would benefit employees or groups of employees, it is within the agency head’s discretion to allow the creation of organizations or to allow existing organizations to engage in that effort. Such organizations fall outside the scope of the CFC rules and OPM will not second-guess agency determinations.

OPM Post-Katrina Memo

Mr. Green clarified that the memo issued by the Director of OPM after Hurricane Katrina was not intended to allow agencies to adopt certain relief organizations. The memo was intended to encourage agencies to take advantage of the CFC as a vehicle for

contributing to any of the various Katrina-related and other emergency relief organizations participating in the CFC. OPM is aware that during emergencies, fraudulent organizations try to capitalize on people's generosity. Because OPM screens all organizations that participate in the CFC, OPM was simply encouraging people to contribute those organizations since they were engaged in legitimate relief work.

LENNARD LOEWENTRITT
Deputy Associate General Counsel
General Services Administration

Mr. Loewentritt began by noting that virtually every statute and regulation over which GSA has authority has a relief valve, by way of waivers, exemptions, or flexibility in determinations. These relief valves allowed GSA to respond effectively to the issues that came up in the wake of Hurricane Katrina. He suggested to the audience that when issues arise under an emergency, agencies should first look to those flexibilities and deviations that would allow them to respond effectively. In advance of an emergency, agencies should determine what processes are in place or need to be in place to take advantage of those flexibilities.

According to Mr. Loewentritt, there were three primary areas of concern that came up for GSA during Hurricane Katrina: procurement, travel, and disposal of property. Mr. Loewentritt provided the group with handouts of source documents to give examples of determinations that were made in each of these areas. He also underscored the degree to which GSA had to be immediately responsive in finding statutes and regulations to provide the necessary assistance to its clients.

Procurement

In the area of procurement the biggest issues that arose involved micro-purchases and purchase cards. Specifically, Mr. Loewentritt noted that for purposes of Hurricane Katrina rescue and relief operations, the Office of Management and Budget raised the dollar threshold for micro-purchases and for simplified acquisitions. GSA then issued supplementary guidance to agencies to clarify the requirements applicable to micro-purchases and to help agency personnel determine whether a transaction was in support of the rescue and relief operations.

Travel

In the area of the Federal travel regulations one issue concerned whether the 300 per cent of per diem cap could be waived to allow agencies to exceed that amount, if necessary. Mr. Loewentritt noted that while the statute didn't provide a waiver to allow agencies to decide, it did give GSA the authority to raise the level, if necessary. GSA canvassed various agencies and found that 300 per cent was deemed sufficient; therefore the level was not raised. Also in response to agency requests, GSA allowed agencies to do "class determinations" for similarly situated employees, rather than requiring an individual case-by-case determination.

A second issue involved providing temporary quarters to employees who were relocated. As no lodging could be obtained near the duty station, GSA waived that requirement. However, GSA was unable to address the 120-day restriction on use of temporary housing, as the statute governing the provision of temporary quarters gave GSA no authority to extend the time period.

Donation of Property--Competing Authorities

Mr. Loewentritt addressed one of the more significant difficulties GSA faced during the Katrina response period, that of dual authorities. Determining under whose authority issues would be resolved was problematic. For example, both GSA and FEMA have authorities to donate property to state and local governments and non-profit organizations. When queried, FEMA told GSA to use its existing authorities rather than relying upon FEMA authorities to donate property to the affected states. However, in some instances GSA is not allowed to perform activities if it is not reimbursed or otherwise funded to perform them and FEMA had no funds to support some of the functions GSA was asked to perform.

GSA Gift Acceptance and Excess Property Authorities

Mr. Loewentritt spoke about GSA's unconditional gift acceptance authority, which allows GSA to accept anything that can be used in furtherance of its mission. This authority could, for example, allow GSA to accept offers of space. GSA could then allow an agency to use this donated space in an affected area.

Under the Federal Management Regulations GSA also has the ability to accept property from other Government agencies, which it evaluates and disposes of as excess property. Mr. Loewentritt explained that if an agency does not have gift acceptance authority and is offered something it cannot retain for its own use, the agency can refer it to GSA and GSA will dispose of it under its excess property disposal authority. He further explained that an agency could in turn make a request to GSA for the gift. GSA would then have to make the appropriate determination based upon the criteria in the disposal authority.

Finally, Mr. Loewentritt informed the group that every agency in the United States Government has the authority to "accept" gifts on behalf of the United States. Mr. Loewentritt specifically referenced the Supreme Court decision *US v. Burnison*. Statutory agency gift acceptance authority is only needed to "retain" such gifts for the agency's use. Consequently, if an agency doesn't have gift acceptance authority and is offered a gift it cannot use, it can accept the gift on behalf of the United States and then refer the gift to GSA or to another agency that does have gift acceptance authority for retention purposes.

Panel 3—Preparation, Communication, and Coordination: From the Field to HQ

Agencies involved in the response and recovery effort shared their stories from both the perspective of the field, as well as that of headquarters. Panelists discussed not only how processes and communications were supposed to work, but how they actually did or did not work, and lessons learned.

CHERYL KANE-PIASECKI
Senior Desk Officer
U.S. Office of Government Ethics

As moderator, Ms. Kane-Piasecki opened the session by introducing the various panel members. She then presented information on behalf of Elaine Ayres who, due to a personal emergency, was unable to participate on the panel. Ms. Ayres was deployed with the Public Health Service to Mississippi after Hurricane Katrina to help staff a 250 bed contingency station.

Ms. Kane-Piasecki noted that Ms. Ayres' observations in many ways set the framework for the panel's discussion. First, Ms. Ayres had questioned whether, in crisis situations where everyone wants to achieve the most expedient outcome, the rules still apply, or for the sake of the outcome do they not apply? If the latter, how do you deal with the post-event scrutiny of decisions made in the heat of battle? Ms. Kane-Piasecki noted that this raised the fundamental question of whether the rules actually are an impediment to achieving an expedient outcome. She suggested that the group needed to ask itself to what extent the rules, be they ethics or any other rules, stand in the way of adequate response, specifically in the immediate wake of a disaster when clearly the imperative is to preserve life. Additionally, to what extent do the rules already contain flexibilities that can be exploited in an emergency and to what extent could or should greater flexibilities be instituted?

Second, Ms. Ayres had noted that with various governmental agencies working side-by-side under different, sometimes competing, authorities there arose questions of which authorities applied to whom and who had the decision-making authority. Ms. Kane-Piasecki again suggested that the group educate itself about the issue of competing authorities and the chain of decision-making to determine who had authority and whether those individuals were being adequately trained both to identify which authorities applied and where decision-making authority rested.

Finally, Ms. Ayres had suggested that those personnel deployed in disasters be given some form of "deployment ethics" to assist them in dealing with those issues most likely to arise in the context of their deployment.

MAJOR THOMAS SERRANO

*Administrative Law/Ethics Counselor, Office of the Chief Counsel
National Guard Bureau*

Major Serrano began by noting that the National Guard is widely misunderstood. Unlike “normal” members of the armed forces who have one status only, members of the National Guard can be in one of four different statuses depending on the circumstances. The statuses include: civilian, Title 32 state militia/training status, Title 10 Federal status, and state active duty status. These statuses are mutually exclusive; members cannot be in more than one status at a time.

Major Serrano indicated that in most disaster situations the National Guard is placed in state active duty status; they are funded by the state and operate under the authority of the state. Consequently, only state ethics rules would apply. In a typical disaster situation each affected state would mobilize and provide assistance.

He noted, however that in Katrina, given the magnitude of the disaster, virtually every state offered assistance. This presented a unique situation for the Guard. When in state status, each Guard unit was paid according to the dictates of its state. Pay parity issues arose. Consequently, a request was made to the Secretary of Defense to place all National Guard units in Title 32 status, thereby Federalizing them and placing them under the authority of the relevant Military Department. Now Federal ethics rules applied. This was not a normal course of events for the National Guard, and it did create some confusion as people transitioned from being under one set of orders and rules to another.

Another challenge for the Guard in Katrina involved problems with communications. Literally most communication systems were down. In order to retain some level of command and control, attorneys/ethics advisors were deployed with each guard unit to provide guidance on ethics, fiscal law and other issues. This effort notwithstanding, some decisions were made on the ground by people who, with the best of intentions, acted outside of their authority.

Finally, Major Serrano noted, as with many agencies, the Guard dealt with many gift issues. For example, they had situations where it was difficult to discern to whom the gift was being offered, i.e., whether it was meant for the state or could be retained by the Guard to be used as Federal equipment.

Major Serrano informed the audience that with respect to training on Federal ethics rules, the Army National Guard is required, by order of the Secretary of Defense, to receive face-to-face training on the Federal ethics rules each year. The Air Guard, by contrast, follows the dictates of the Office of Government Ethics regulations—no special training is required for those members.

BONNIE ANGERMANN

*Attorney Advisor, Office of the General Counsel
U.S. Department of Transportation*

Ms. Angermann began by explaining that her office, the Office of General Law in the Office of General Counsel at the Department of Transportation (DOT), serves as both ethics counsel and counsel to the Office of Emergency Transportation. The Office of Emergency Transportation is responsible for carrying out the Emergency Response Function for transportation under the National Response Plan. Consequently, the Department is responsible for all transportation issues in a disaster—everything from evacuating people from the area to moving support personnel and materiel into the area. Ms. Angermann further explained that the DOT has someone in the field—the National Response Program Coordinator—who coordinates these functions. This individual is usually in direct consult with the Office of General Counsel at DOT headquarters.

Ms. Angermann is responsible for handling both ethics matters, as well as emergency authorities. Consequently, it is largely just by happenstance of organization that ethics issues get elevated to and handled by the appropriate individuals at DOT headquarters. In the field, the National Response Program Coordinator serves as the clearinghouse for all issues: political, legal, and public affairs related. The coordinator would determine if an issue merited being elevated to the headquarters level for resolution. In the heat of the moment, many issues were handled at the field level without being raised to headquarters. Ms. Angermann noted that, as a consequence of this, rules were actually applied more strictly than they might have otherwise been had they been raised to headquarters. To avoid this in the future, Ms. Angermann stated that her office has discussed with the Office of Emergency Transportation incorporating ethics into the training it provides for its field responders. She believes if the field responders have enough understanding of the rules beforehand to issue spot they will know what they can themselves answer and what should best be raised to a higher level for resolution.

Ms. Angermann discussed various issues that the Department faced and would like to see resolved in preparation for future events. She noted particularly the application of Government-wide rules that affect field responders—specifically the Federal Travel Regulations that govern when an employee is deemed to be in travel status and what expenses the Government may pay. She described how employees at the field office level are required to staff the field offices 24/7. Some employees requested to stay in local hotels. Likewise, the Department wanted to be able to pay for food to supply the field offices. Ms. Angermann stated that different agencies interpreted the restrictions differently and proposed different solutions. She said DOT hoped to resolve such issues before the next disaster situation arises.

LEIGH HOBURG

*General Attorney, Office of the General Counsel
Federal Emergency Management Agency
Department of Homeland Security*

Ms. Hoburg began by stating that she hoped to give specific context to what Diane Donley had explained generally about disaster response in Panel 1. She hoped to set a scene and give the participants some sense of what it was like to be on the ground, in the middle of a disaster.

Ms. Hoburg explained that under “normal” (i.e. non-disaster) circumstances, FEMA has 36 full-time attorneys working in its Office of General Counsel, and some 2,700 employees nationwide. This includes the employees in 10 regional offices who are responsible for any disasters that occur within the states under their respective jurisdictions. When the President declares a disaster, Stafford Act authorities become available and FEMA hires large numbers of Disaster Assistance Employees (DAE) who are deployed to the disaster area, including some 27 attorneys who are DAE “reservists.”

Once the disaster is declared, GSA finds a building for FEMA in a location closest to the center of the disaster. In Katrina the locations were in Baton Rouge, Louisiana, and in Jackson, Mississippi. The regional office responsible for these jurisdictions then deployed personnel to staff these offices. Because of the size of the Katrina relief effort, headquarters’ attorneys and DAE attorneys from across the country were deployed to the area.

In terms of tackling ethics and other issues on the ground, Ms. Hoburg noted that in the past, Federal Coordinating Officers (FCO) were not always inclined to seek legal advice when making determinations; that attitude has changed. She said that not only do FCO’s ask for legal support, but attorneys are included in daily staff meetings in the Joint Field Offices. She did note that FEMA is not able to staff all offices with attorneys for all disasters. Typically it is only the major disasters that receive such staffing.

In discussions with other attorneys who have significant experience in working disasters, Ms. Hoburg stated that there was a consensus among them that ethics rules should not be waived in times of disaster. She said that “issue-spotting” is the primary objective: if responders are able to spot issues and raise it to the Office of General Counsel, the issues can be handled quickly as they arise.

Ms. Hoburg noted that one of the greatest sources of pressure is the overwhelming desire to get services and resources out the door. She stated that she has learned through experience that her role is to know when to make a snap decision based upon limited facts, and when to stop and take a breath and think through the decision. She has discovered that there are very few things that require a snap decision and that more often than not the best decision can be made by stopping a few moments and thinking through the decision.

PAUL CONRAD

*Ethics Attorney, Office of the General Counsel
Federal Emergency Management Agency
Department of Homeland Security*

Mr. Conrad echoed Ms. Hoburg in noting that FEMA under “normal” circumstances is very lightly staffed. In fact, he is a one man ethics office. Consequently, FEMA tries to maximize personnel as much as possible. In times of disaster the 27 DAE attorneys are “deputized” on a limited basis to do issue-spotting and to do training. During the annual Office of General Counsel retreat, all attorneys, including the DAE attorneys, are provided with at least two hours of ethics training.

During a disaster response, the number of FEMA employees increases exponentially—from 2,700 before Katrina to some 26,000 afterward. Mr. Conrad emphasized that the local hires and DAEs who are brought on board to assist in response and recovery can do as much damage to the reputation of the Federal Government as full-time employees, and yet these people are likely not to be well-versed in any of the ethics rules at the time of their deployment. Consequently, Mr. Conrad stated that FEMA believes that providing training to all of these individuals is a high priority.

Mr. Conrad then provided the participants with various examples of the most troubling issues FEMA faced in the context of responding to Katrina:

- “Ethics incidents” occurred that FEMA did not know about until they were informed of them by local news organizations.
- FEMA is responsible for the National Disaster Medical System. Until 2002, personnel under that system were treated as “volunteers,” not Federal employees. Now that they are Federal, some issues with ethical implications linger due in part to the fact that what were acceptable practices from “volunteers” are no longer allowable for Federal employees. FEMA is now conducting regular ethics training session for these medical personnel.
- At the Joint Field Offices there may be as many as 30 different agencies and they may all be consulting with their respective Office of General Counsel on ethics and other matters. However, the person with the ultimate authority over the activities of the Joint Field Office is the Federal Coordinating Officer and his “attorney” is the FEMA Office of General Counsel. The ultimate result is that there is inconsistency in the application of ethics rules.
- The largest problem by far involves contractors. Almost half of the people on the disaster scene are contractor employees acting on behalf of the United States Government. However, these people are not subject to any of the ethics rules. In addition, many seeking and post-employment issues arise as Federal employees seek to move between Federal employment and employment with contractors.

- Gifts, especially discounts, created problems for FEMA because while certain entities may not have been prohibited sources for FEMA, they were prohibited sources for the Department of Homeland Security.

Panel 4—Gift Acceptance, Fundraising, and Use of Voluntary Services in Emergencies

Agencies with significant experience handling various types of emergencies, small and large, discussed the issues they faced, the determinations they made, and the policies and programs they established to prepare for and deal with such emergencies.

KATHLEEN SPEAR

*Attorney-Advisor, Office of the General Counsel
National Aeronautics and Space Administration*

Ms. Spear began by addressing the inherent risk associated with carrying out the mission of the National Aeronautics and Space Administration (NASA). Given the unique risks involved in human space exploration, NASA must be prepared for immediate response on many levels.

Ms. Spear discussed the Challenger disaster and the impact it had on a national level. Challenger carried the first teacher to be sent into space. Consequently, many school children and families across the country were not only watching as the disaster occurred, but also closely followed the recovery efforts. Due to this national attention, the biggest ethics question NASA officials faced was gift acceptance. According to Ms. Spear, many small gifts were received from across the country as children emptied their piggy banks and sent their allowances in order to “help NASA rebuild its program” -- these small gifts ended up totaling more than \$300,000. Unfortunately, NASA gift acceptance authority only allows for unconditional gifts. Ethics officials were concerned that all of the gifts would have to be returned. Fortunately for NASA, Congress passed a limited statute that allowed NASA to accept the gifts.

Ms. Spear then discussed the Columbia disaster response. In the immediate wake of the accident, NASA attorneys coordinated response efforts with state and local authorities. Soon after, the White House invoked the Stafford Act. NASA then set up an Accident Investigation Board, as well as other teams to address the panoply of issues that arose. Ms. Spear noted the importance of anticipating the interests of various oversight authorities and the public in the wake of disasters and other emergencies. NASA prepared itself to respond to Congressional inquiries and Freedom of Information Act requests. A concerted effort was also made to report findings to Congress and the public as soon as possible.

Ms. Spear also emphasized the importance of establishing lines of communication prior to disasters. NASA, she said, has an agency-wide ethics team that holds monthly teleconferences. This pre-established line of communication was one less problem they had to deal with in the aftermath of a disaster.

Ms. Spear remarked that one exceptional outcome of the Columbia disaster was the creation of NASA's "Family Assistance Fund." The fund was initially intended just for the families of the Columbia victims but eventually was expanded to cover other disasters and personal crises. The fund was set up through the Federal Employee Education and Assistance Fund (FEEA). Under the authority of 5 C.F.R. section 950.102(d)—the CFC rules—an advisory board of NASA employees was established to coordinate with FEEA in reviewing applications for assistance. Donations to the fund are made both directly and through the CFC.

Ms. Spear indicated that, in general, employees were not really clear on the specifics of policies surrounding the fund. Consequently, NASA created a policy memo that explains in detail what is and what is not acceptable. Ms. Spear emphasized the need for an agency to anticipate needs prior to a disaster and to consider whether a similar fund for the benefit of its employees should be set up.

Ms. Spear highlighted another initiative undertaken by one of NASA's field centers in response to Katrina. The program, "Families Helping Families," matched up families from one field center with affected employees and their families in the Gulf region. This system helped NASA avoid grass roots fundraising and some fiscal law concerns with transporting large amounts of donated goods across the country. It also fell within applicable exceptions to the Gifts Between Employees rules in the Standards of Ethical Conduct.

Ms. Spear closed her presentation by summarizing the lessons NASA has learned through its various experiences with disaster response:

- Set up funds in advance to handle both large and small disasters;
- Create a matching program as an effective option, if possible;
- Use existing communications structures; and
- Establish an internal Web page with information on lessons learned.

ERIC RISHEL

Senior Attorney, Office of the General Counsel

Department of Defense

Mr. Rishel began the presentation by focusing on the unique aspects of gifts that are offered and accepted in the context of an emergency or disaster. Gifts offered to Federal personnel in the wake of a disaster are, he suggested, gifts that are typically motivated by things like compassion, a desire to offset losses, to offer gratitude, or to honor deserving personnel. Mr. Rishel argued that the motivation behind the gifts is what makes the ethics issues especially hard to deal with.

Mr. Rishel then discussed the differences between two groups of gift recipients and the motivations that may lie behind the offer. Gifts for victims of disasters like Hurricane Katrina, plane crashes, floods, fires, earthquakes, the 9/11 attacks, wounded

service members, and the families of the wounded tend to be motivated by compassion and a desire to help offset the losses that were sustained by the victims. Gifts for “heroes,” such as service members, firemen, first responders, spontaneous heroes, and families of the above tend to be motivated by gratitude, a desire to honor and to encourage that behavior in others.

Mr. Rishel observed that ethics counselors must differentiate gifts offered to agency personnel from those offered to the agency from outside sources, as well as deal with employees’ efforts in the workplace to solicit gifts and to raise funds. To that end, it is wise to develop protocols that outline when a gift is acceptable so issues can be addressed in a consistent manner.

Mr. Rishel suggested that ethics counselors must be able to provide answers and explanations to those who donate gifts, as well as to recipients, especially when the public is involved. He suggested that if it is perceived that an agency is unreasonably restricting service members or other “heroes” from accepting gifts, the agency can be faced with adverse press and public attention. To avoid this, it is very important to explain why a gift can or cannot be accepted. Likewise, it is important that ethics counselors not only identify “safe harbors,” but that they avail themselves of “flexibilities” in regulatory or statutory interpretation, where appropriate.

Mr. Rishel acknowledged that the motivation of donors is not always good. Some gifts are offered by a donor whose intention may be to use the gift as a marketing tool, as a contract lead, or for corporate goodwill. For example, some companies offer to donate goods or services in exchange for the use of agency personnel in advertising campaigns, or solely to get their foot in the door for a contract.

Mr. Rishel then discussed a number of relevant exclusions and exceptions that could be considered when conducting an analysis on gift acceptance. He provided illustrative examples of common gift acceptance situations the Department had faced and suggested possible solutions. These examples included offers of discounts to limited groups of employees, offers of free legal services, and offers of free rehabilitation services for wounded personnel.

Mr. Rishel offered examples of the various gift exceptions the Department of Defense employed to arrive at what they believed to be the best result. He noted that sometimes in order to accommodate the gift, they had to take a non-intuitive approach to some of the exceptions. He also noted that sometimes the offer of the same gift to the same group of employees had to be analyzed differently depending on the source of the gift. For example, greater flexibility in the use of certain exceptions or exclusions, while justified in situations involving non-prohibited sources, might not be advisable for gifts from prohibited sources.

Mr. Rishel said some of the most vexing gift questions arose in the context of specific gifts being offered to specific individuals, and in situations where the donor generally wanted to be able to direct the gift to specific groups or individuals. He also

noted that use of statutory agency gift acceptance authority was problematic for goods that were for the benefit of individual employees. In those situations he suggested agencies, with the appropriate authority, might refer those donations to employee welfare groups or to other charitable organizations for disbursement.

Mr. Rishel closed his presentation by suggesting that regulatory relief be considered in the form of a new exception in 5 C.F.R. section 2635.204. He stated such an exception might apply to gifts motivated by compassion, gratitude, or a desire to honor. Such an exception should not, however, be available when a gift is given by someone who may be substantially affected by the performance of the recipient's official duties. Neither should it be used for gifts given based on the rank, position, or duties of the recipient, or those given to compensate personnel for performing their official duties.

WILSIE MINOR

*Deputy General Counsel for Litigation
Corporation for National and Community Service*

Ms. Minor began by briefly discussing the history of the Corporation for National and Community Service (Corporation). She explained that the Corporation was created to give a home to AmeriCorps and the Commission on National Service, as well as to incorporate both the Vista and Senior Corps programs. The primary mission of the Corporation is to award grants to promote volunteer and community service throughout the United States.

Ms. Minor spoke of the Corporation's statutory gift acceptance authority. She noted that it is unusual in several aspects: it allows for the acceptance of cash donations, voluntary services and conditional gifts. The Corporation is required by the statute to have rules in place governing the use of the authority to prevent the acceptance of gifts that would reflect unfavorably on the Corporation. Consequently, they do not accept gifts from certain types of organizations, such as those that are associated with alcohol, tobacco or firearms. Neither do they accept gifts from prohibited sources.

Given that the Corporation has the authority to solicit and accept cash donations, Ms. Minor explained that they have created a Web site where the public can make direct cash contributions to support Gulf Coast recovery. The Corporation does a prohibited source check on all donations made. For those gifts that can be accepted but for which "strings" are attached, the Corporation is very careful about what types of conditions they allow to be placed upon the donations and what types of recognition they will give an organization. For example, if a donor wants to direct its gift to a particular region of the country, the Corporation would be willing to accommodate that. They would not, however, allow a donor to direct the donation to a specific organization. Likewise, if a donor would like to have a link posted to its Web site in recognition of its donation, the Corporation would not allow that link to go to the organization's marketing page.

While the Corporation has the authority to accept donations of voluntary services, Ms. Minor said they have rarely had such offers. The Corporation has a different link to volunteers by way of its actual mission. The Corporation not only provides grants to volunteer organizations, but it also has the National Civilian Community Corps (NCCC), which it deploys to areas to assist in disaster recovery. Ms. Minor noted that some 80 percent of NCCC members were in the Gulf Coast region assisting in the recovery efforts. In addition, the Corporation set up the Katrina Resource Center. This Center has matched up or referred some 350 groups of volunteers with the appropriate state commissions where their services could be paired with relief organizations in the Gulf Coast region.

EDWARD BROYLES

*Acting Associate General Counsel
Federal Emergency Management Agency
Department of Homeland Security*

Mr. Broyles noted that by virtue of working for FEMA, all of the panel presentations struck a familiar chord. Donations, voluntary services and the flood of paperwork that attends to those items are all familiar to FEMA, which has been involved with every aspect of relief and recovery.

Mr. Broyles explained that while the Department of Homeland Security has general gift acceptance authority, it is too narrow for FEMA's purposes. However, FEMA itself has broad authority under the provisions of the Stafford Act to accept gifts for purposes of disaster assistance.

Mr. Broyles described how in early September of 2005, FEMA recognized that it was not adequately prepared for the onslaught and public outpouring of grief and money in response to Hurricanes Katrina and Rita. They did not have an accounting system in place for receiving cash. In the past, he explained, FEMA had simply referred donors to the American Red Cross, the Salvation Army, to the Corporation, or to some other entity that was used to dealing with this type of offer. But in the wake of Hurricane Katrina, they had to set up some schematic for dealing with literally hundreds of phone calls and e-mails offering assistance.

Consequently, FEMA set up an "in-take system" through the field offices and headquarters. Offers received at these various locations were then sent through FEMA's Office of General Counsel for a quick vetting for prohibited sources and to make certain there were no strings attached. The types of offers ranged from that of technical advice and telecommunications services, to discounts on merchandise, to individual cash gifts for affected employees. FEMA developed a model donation agreement that it distributed to all field offices for use during in-take. These agreements included conflict of interest considerations, as well as waivers to all rights to payment.

Mr. Broyles said that he is hopeful that the systems that were put in place will work better next time—with better lines of command and an interagency working group

in place to coordinate solicitation, acceptance, and processing of gifts. He noted that the process still needed better coordination among agencies and among FEMA's own activities, and better communication between FEMA headquarters and the field. As an adjunct to this, Mr. Broyles suggested that better training was needed. He also suggested to the group that there were many opportunities for agency ethics officials to volunteer to work for FEMA in a disaster, either at headquarters or in the field.

Mr. Broyles further clarified that in times of national disasters, it is the Federal Coordinating Officer for the given disaster location who is in charge of managing that location. He suggested that if anyone has a question about to whom inquiries should be directed, they should either call FEMA's Office of General Counsel or contact the FCO in the affected area.

Panel 5—Federal Employee Education and Assistance Fund

The Federal Employee Education and Assistance Fund is one example of a mechanism through which agencies can, in advance of an emergency or disaster, provide for the welfare and benefit of their employees.

STEPHEN BAUER

Executive Director

Federal Employee Education and Assistance Fund

Mr. Bauer began by providing the participants with a brief history of his organization. The FEEA was founded in July 1986, by the leaders of the Senior Executives Association (SEA), the National Treasury Employees Union (NTEU), the National Federation of Federal Employees (NFFE), and the National Council of Social Security Management Associations (NCSSMA). Leaders from the organizations serve on FEEA's board of directors. Since that time, FEEA has expanded its Board to include representatives of numerous other Federal employee associations.

Mr. Bauer noted that the FEEA is modeled after the military relief agencies that provide assistance to uniformed members of the armed services. FEEA is the only non-profit organization that provides scholarships and emergency financial assistance solely to civilian employees of the Federal Government. FEEA offers scholarships and emergency financial assistance to civilian Federal and postal employees and their qualifying family members. Emergency loans and grants are available to help employees who fall behind on basic living expenses (mortgage/rent or utilities) due to unforeseen emergencies. FEEA's Scholarship Program is an annual, merit-based contest open to civilian federal and postal employees, their spouses, and college-age children.

Mr. Bauer highlighted some of the occasions of national interest where FEEA has provided short- and long-term assistance to employees and their families. For example, after the Oklahoma City bombing, the FEEA set up the Oklahoma Fund for the 200 children who lost their parents in the bombing. This fund provides full scholarships for

all 200 children at the college of their choice. After Hurricane Andrew in 1992, which wiped out Homestead AFB in Florida, the FEEA arrived with “cash in hand.” In about a one-week period, they gave out \$20K to about 500 employees to help them buy water, generators, etc. In the latest disaster, Hurricane Katrina, the FEEA has helped 4,000 employees and distributed \$1.7M thus far.

Mr. Bauer explained the various ways that FEEA is able to provide assistance to Federal employees. One way is through agency-specific funds. These funds are established by an agency to assist any of its employees. The first agency to have such a standing fund was the Department of Commerce. Its fund was established after Secretary Ron Brown’s plan crashed. Through this fund, which received donations directly from Commerce employees, FEEA was able to help out the families of the employees who had perished in the crash. Mr. Bauer noted, however, that not all agency-specific funds are emergency driven. The Executive Office for the U.S. Attorneys set up its fund with FEEA without experiencing an emergency or disaster.

Mr. Bauer outlined the process by which agencies may establish funds specifically for its employees. The agency must establish an MOU with FEEA. Typically the agency will have a group of employee volunteers serve on an Advisory Board, which interfaces with FEEA and offers suggestions about who should be helped and under what circumstances. However, FEEA makes the final decision and distributes the funds.

As for the donation process, Mr. Bauer stated that agency employees can either donate money to the fund through CFC or, as is done at NASA, through a payroll deduction that goes directly to the fund. While FEEA is a CFC participating organization, it is FEEA’s understanding that when agencies establish Advisory Boards to interface with the FEEA, those boards may qualify as organizations subject to the exception at 5 CFR section 950.102(d). Consequently, the activities of those Boards would be subject only to the policies and procedures established by the agency head for conducting solicitations for the fund and would not be subject to the CFC regulations.

Panel 6—Working with Outside Organizations

While the Stafford Act provides the authority and a formal mechanism for interacting and coordinating with established disaster relief organizations, this panel illustrates both the importance and the challenges of accepting and coordinating the services of volunteers and voluntary organizations.

DIANE DONLEY

*Field Attorney, Office of the General Counsel
Federal Emergency Management Agency/
Department of Homeland Security*

Ms. Donley underscored the notion that outside organizations are an essential part of responding to an emergency. She then addressed the legal authority that permits the Federal Government to utilize the services of volunteer organizations and addressed the challenges of coordinating such efforts.

Ms Donley informed participants that in a disaster, one of the first requirements is to effectively use and coordinate the services of the more than 40 relief organizations that respond to a disaster. The job of using and coordinating these services is mammoth and is made possible, in large part, by the Stafford Act because it provides a funding source. For example, Ms. Donley explained that section 309 of the Stafford Act allows the President to enter into agreements with, and thereby utilize the personnel, services, and facilities of, the American Red Cross, Salvation Army, Mennonite Disaster Service, and others, and to coordinate their activities. The Act provides for relief during and after an emergency in the form of distributing medicine, food, and supplies, and providing housing and essential services.

Ms. Donley stated that, while there are a number of relief organizations, FEMA primarily works with the American Red Cross, as it is the only organization with enough chapters nationwide to handle mass care services, e.g., shelter, feeding operations, working with other volunteer organizations, etc. She also clarified that while only a few organizations are named specifically in the Stafford Act, this does not confer upon those organizations any special status.

VINCE PEARCE

*Office of the Secretary
Department of Transportation*

Mr. Pearce informed the group that he had been responsible for coordinating the Department of Transportation's activities in fulfilling its responsibilities for Emergency Support for transportation under the National Response Plan. In performing these duties he worked out of the National Response Coordinating Center at FEMA headquarters.

In response to Katrina, volunteers from all over the world offered services. The volunteers consisted of: the American Red Cross, major corporations, individual and small groups, international organizations and governments, and what Mr. Pearce referred to as, "the unknowns." Mr. Pearce commented that given the magnitude of the disaster, FEMA's volunteer mechanism was not properly scaled to respond to the level of offers

being made. Likewise, the volunteer process was not tailored to receive many of the types of offers that were coming in, and some of the offers simply did not come in at the right time.

American Red Cross

Mr. Pearce described the working relationship with the American Red Cross. The American Red Cross was a key partner with the Department of Transportation in evacuating victims from the region. Simply put, all the transportation in the world is of little value without shelter, and the Red Cross provided the shelter. Unlike other disasters, the evacuation for Hurricane Katrina was the first Federal evacuation effort. Under the National Response Plan a mechanism was created to allow for greater direct communication between partners. Consequently, the Department's interaction with the Red Cross in coordinating this effort was a face-to-face interaction that took place at the National Response Coordination level. This direct coordination was critical.

Major Corporations

As there were no tactical points of contact established to accept offers, corporations called or e-mailed Departments directly. Mr. Pearce noted that this increased the time required for services to reach the intended groups. To rectify this, a plan is now underway to pre-identify tactical points of contact. As far as challenges go, Mr. Pearce stated that the biggest challenge with offers from the corporations was how best to integrate their services with ongoing contractual efforts. To that end industry associations were invaluable in helping to coordinate the services of their members.

Individuals and Small Groups

Mr. Pearce commented on the tremendous generosity and outpouring of support that came from individuals and small groups of volunteers. They were a major source of assistance, but they also presented some challenges. While there were numerous generous offers, there were also some impractical ones—antique and two-seater aircraft, for example. In assessing an offer, the financial cost, physical constraints, and humanistic considerations had to be weighed. For example, it was decided to decline an offer of using prison buses to evacuate people from the Superdome.

International Donations

According to Mr. Pearce, offers from international sources came in on a daily basis. Some offers caused regulatory problems, others came with interesting requirements, and some were loans. Ultimately, the President issued a blanket order accepting all offers, although not all were used.

The “Unknowns”

Mr. Pearce spoke of individuals and groups of people who either self-mobilized or were otherwise not affiliated with or integrated into existing relief organizations. These “unknowns” wanted desperately to help and often made magnificent offers. However, their best intentions were not always coupled with good planning. Also, since they were not affiliated with established organizations, this sometimes created more problems. For example, evacuations that had been coordinated with various shelters outside the disaster area would unexpectedly be filled by these self-mobilized groups and the scheduled evacuees would have to be diverted to another location. This created some logistical nightmares that would have otherwise been avoidable.

In closing Mr. Pearce summed up the experience by saying, “Volunteerism comes in many forms--some more useful than others.”

Panel 7--Preparing Your Program for an Emergency: Ideas to Consider

The purpose of the panel was to provide agency ethics officials with preparatory tips that may ensure the consistent functioning of their ethics programs during times of emergency.

DALE CHRISTOPHER
Senior Management Analyst
Office of Government Ethics

MEGAN GRANAHAN
Management Analyst
Office of Government Ethics

Financial Disclosure

The first program area discussed was financial disclosure. Agencies were prompted to consider developing alternative procedures for use by individual employees, or certain groups of employees, in an emergency. Possible alternatives include a certification of no conflict or an abbreviated disclosure requirement. However, agencies were cautioned against developing an alternative procedure simply to avoid administrative burdens. They were advised that any procedure developed should be meaningful, useful, and sufficient to prevent conflicts of interest. Also, such procedures require OGE approval and should therefore be developed in advance.

In advance of an emergency, agencies were encouraged to determine whether certain positions might be excluded from the filing requirement. For example, some agencies have excluded some of their temporary, Federalized responders. Mr. Christopher also suggested agencies re-examine their confidential filer designations overall. He suggested, for example, that if in a time of emergency some officials could

be excluded from filing or could reasonably file a certification of no conflict, maybe they should not be filing at all.

Mr. Christopher noted that in the wake of Hurricane Katrina, agencies were advised to liberally use their authorities to grant 90-day extensions. Consequently, he suggested that the group consider establishing a lower level delegation of authority for determining things like filing extensions, particularly in times of emergency. Agencies could also delegate the authority to complete technical reviews of financial disclosure reports to non-ethics officials (e.g., supervisors, support staff, etc.).

Ethics Training

Mr. Christopher noted that OGE's training regulation gives agencies ample flexibility in the area of annual training. In an emergency, agencies could use 5 C.F.R. section 2638.704(e)(1) and determine that verbal/live training is not practical for affected employees. Written ethics training would then fulfill the requirements.

Given the "lessons learned" from past emergencies, Mr. Christopher suggested that agencies consider focusing upcoming annual training on emergency response-related ethics issues. He also suggested that agencies identify key decision makers (e.g., those who staff the Emergency Operations Centers) and ensure they are trained on emergency-related ethics issues. Finally, agencies should provide emergency response-related ethics training to any newly Federalized employees and others deployed in disasters and emergencies.

Advice and Counsel

The OGE panelists recommended that agencies compile information from Katrina and other emergencies and place the information in a manual or binder to be used as a reference during an emergency. Agencies could also create a database of advice specifically related to emergencies with shared access. Additionally, agencies could disseminate routine ethics advisories throughout the year, but especially during critical times, such as hurricane season.

In his final remarks, Mr. Christopher urged agencies to "get a seat at the table." That is, they should foster relationships with upper-level management in advance of emergency situations and stress the importance of ethics, even in times of emergency. Agencies should also identify key players traditionally involved in the aftermath of emergencies (employee organizations, fundraising groups, etc.) and educate them on any ethical limitations on their activities.

Conference Handouts

Procurement Division Opinion No. 11, August 1985: Administrator's Use of Gift Authority (40 USC 298a) (forthcoming)

Personal Property Authorities Related to Emergencies and Disaster Relief (September 8, 2005) (forthcoming)

Corporation for National and Community Service newsletter about its response to hurricanes - [CNCS newsletter.pdf](#)

List of Waivers and Dispensations Authorized for Hurricane Rita Response (DHS, October 3, 2005) (forthcoming)

"FEEA Helping Hand" newsletter (Winter 2006) - [FEEA newsletter.pdf](#)

GSA Bulletin FTR 05-06: Reimbursement for Actual Subsistence Expenses and Waivers for Certain Provisions of the FTR for Employees Impacted by Hurricane Katrina (GSA, September 2, 2005) - [GSA bulletin FTR 0506.doc](#)

GSA subject matter experts and points of contact for additional information (GSA, September 13, 2006) (forthcoming)

Highlights of GSA's National Response Plan Implementation, 2005 Atlantic Hurricane Season (GSA, January 19, 2006) (forthcoming)

Letter to FEMA citing 40 USC 549, transferring Federal surplus property to State agencies (GSA, September 26, 2005) (forthcoming)

Memo for Chief Acquisition Officers and Chief Financial Officers, Subj: Implementing Management Controls to Support Increased Micro-Purchase Threshold for Hurricane Katrina Rescue and Relief Operations (OMB, September 13, 2005) - [Increased MicroPurchase Thresholds.pdf](#)

NASA guidance: Policy on Qualified Fundraisers (December 20, 2004) and Authorization of Solicitations for the Family Assistance Fund (December 20, 2004) - [Policy on Qualified Fundraisers.pdf](#) and [Authorization of Solicitations for the FAF.pdf](#)

OPM Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations - [OPM Handbook on Benefits During Emergencies.pdf](#)

Increased Thresholds for Procurements in Support of Hurricane Katrina Relief Efforts (Under Secretary of Defense, Acquisition Technology and Logistics, September 2, 2005) - [Increased Thresholds for Procurements.pdf](#)

List of Powerpoint Presentations

If you would like a copy of these presentations, please contact Cheryl Kane-Piasecki at 202-482-9252 or at clkanepi@oge.gov.

Acceptance of Gifts Related to Emergency Response
Eric Rishel, DOD

Corporation for National and Community Service Gift Acceptance
Wilsie Minor, CNCS

Gift Acceptance from Domestic Sources
Edward Broyles, DHS

HHS Emergency Authorities
Susan Sherman, DHHS

National Guard 101
Thomas Serrano, National Guard Bureau

Preparing Your Program for an Emergency
Dale Christopher, OGE

The National Response Plan
Diane Donley, DHS

Working with Outside Organizations
Diane Donley, DHS

Working with Volunteers during Hurricane Katrina
Vince Pearce, DOT