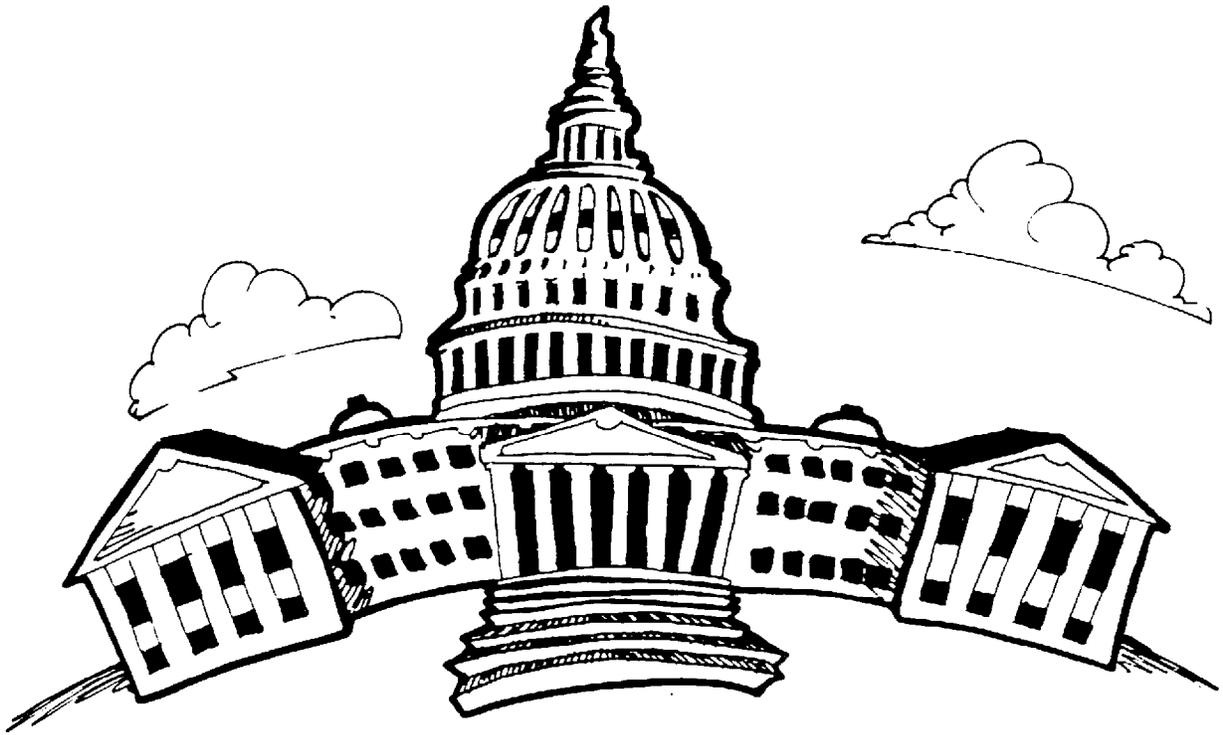


ETHICS



An Employee Guide

ETHICS - AN EMPLOYEE GUIDE

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STATUTORY PROHIBITIONS

The statutory prohibitions are found at 18 U.S.C. §201-209. Carrying civil and/or criminal penalties for noncompliance, these statutes serve as the basis for many of our conflict of financial interest and standards of conduct prohibitions. The statutes of most significance to us are:

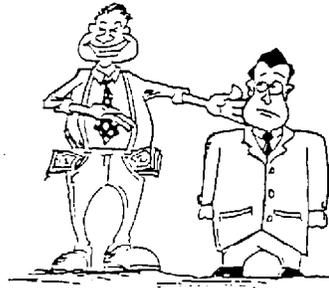
18 U.S.C. §203 COMPENSATION FOR REPRESENTATIONAL ACTIVITIES

Generally, this statute states that you may not accept or solicit compensation for representation of another person or organization before any government agency -- if the representation is in connection with a "particular matter" in which the government is involved or has an interest.

This statute:

- **Applies** whether or not the compensation is received directly;
- **Applies** whether or not the representational services were rendered by the employee or by another person; and
- **Does not apply** in connection with the proper discharge of official duties.

The term "particular matter" includes any ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other similar activity, such as a case, audit, review, study.



Example 1:

Randall, a manager with the Bureau of Land Management has an approved part-time job as a forester with the consulting firm, The Deciduous Group, which has many contracts - one of which is with the U.S. Forest Service. Randall may work for Deciduous but may not accept compensation for any representational services provided by any Deciduous employee to the Forest Service. Further, he may not provide direct representational services for Deciduous in connection with particular matters they may have before the Forest Service or other government agencies if the government has an interest. Additionally, the firm may not be substantially involved with the Department of Interior, as determined by his Bureau and Randall may not be involved, in his official capacity, in any activities that could affect the financial interests of Deciduous (18 U.S.C. §208).

18 U.S.C. §205
REPRESENTATIONAL ACTIVITIES

Generally, this statute prohibits you from representing anyone other than yourself or a family member before a court or government agency in a particular matter in which the United States is a party or has an interest.

This statute:

- | | |
|--|--|
| <ul style="list-style-type: none">● Applies to both paid and unpaid representation.● Applies whether you are on or off duty.● Does not apply in connection with the unpaid representation of any person subject to disciplinary, loyalty, or other personnel administration proceedings | <ul style="list-style-type: none">● Does not apply in connection with the proper discharge of official duties.● Does not apply in connection with the representation of immediate family members in matters which are not under the employee's official responsibility or in which the employee did not participate personally and substantially. |
|--|--|

On August 6, 1996, the law was to be changed to allow Executive branch employees to represent certain nonprofit organizations before the Government. The nonprofit organizations must have membership composed mainly of current Federal employees or their spouses or dependent children.

Example 1:

Alison, a procurement clerk with the National Park Service, has an approved part-time job preparing income tax reports for other people. If a tax report which she prepared is audited by the Internal Revenue Service, 18 U.S.C. §205 would prohibit her from representing her client during that audit. But, if the tax report was prepared for herself, her parents, or another immediate family member this prohibition would not apply.

Example 2:

George, an Education Specialist with the Bureau of Indian Affairs, wants to represent a local nursery school owned by his wife, in proposed contract negotiations to provide preschool services to the Indian Health Service. George may not represent the nursery school in its contract negotiations with any Government agency. Further, under procurement regulations, the federal government may not contract directly with federal employees except for compelling reasons. Therefore, the IHS could not contract directly with George in an attempt to get around the prohibition.

**18 U.S.C. §208
CONFLICT OF INTEREST**

Generally, this statute prohibits you from personally and substantially participating, in your official capacity, in any "particular matter" in which you have a direct or indirect financial interest.

Usually "particular matter" refers to cases, projects, audits, reviews, studies, or other work activities which are specific in nature. That is, they have a beginning, middle, and end. But it also refers to general rulemaking, general legislation, and the formulation of general policy matters.

You may not make decisions or recommendations, nor take any action on any matter, when that action is likely to have a "direct and predictable effect" on your financial interests.

Further, the financial interests of: (1) your spouse; (2) your minor child(ren); (3) your general partner; (4) any organization in which you are serving as an officer, trustee, general partner or employee; and/or (5) any person or organization with whom you are negotiating for employment is "imputed" to you. That is, their financial interests are treated as if they were your own.

Example 1:

On her own time. Ann is an officer in a professional organization which submitted a financial report to her Bureau. Ann's supervisor has asked her to review the report and make recommendations. She should advise her supervisor that she may not do so under the conflict of interest prohibitions which prohibit her from making decisions, recommendations, or taking an action that can affect the financial interests of an organization in which she serves as an officer.

Example 2:

Ned, a contract administrator with the Minerals Management Service, wishes to negotiate for non-Federal employment with the onsite contractor. Because the contract has already been awarded, Ned does not need to be concerned with the prohibition against any negotiation for non-Federal employment with a competing contractor. He may not, in the course of his duties, participate in decisions or recommendations pertaining to that contractor at the same time he is negotiating. He should sign a recusal (disqualification) and give it to his supervisor, who in turn would agree not to give Ned any assignments that would put him in violation of this criminal statute.

This statute:

- **Applies** whether the interest is direct or indirect; and
- **Applies** whether you are on or off duty.

**18 U.S.C. §209
DUAL COMPENSATION**

Generally, this statute prohibits you from accepting money or anything of value from an outside source for doing or not doing your government job properly.

This statute:

- **Does not apply** to personal gifts from relatives and close friends; and
- **Does not apply** to compensation contributed out of the treasury of any state, county, or municipality.

Example 1:

As part of her Bureau of Land Management responsibilities, Fran straightened out a problem with a lease application. In gratitude, the applicant sent her a \$100 gift certificate. She may not accept this gift because it would be considered outside payment for having properly done her job.

Example 2:

As a senior project manager with Bureau of Indian Affairs, Harold has been working closely with several Pacific Northwest Indian tribes. While attending a ribbon cutting ceremony at a new elementary school, the tribe presented him with a gift box of salmon fillets as thanks for approving the plans for the school. Harold should decline the gift, if he can do so without causing offense or embarrassment, because there is a direct relationship between his official actions and the offer of the gift. If that is not possible, in this case because it is part of a public ceremony, he should accept on behalf of his bureau and, upon his return to the office, either share the fish with the rest of the office or turn the gift over to his property officer for disposition. (See Pages 40-48 for Bureau specific authorities.) (See also, 5 CFR § 2635.205 Proper disposition of prohibited gifts.)

Example 3:

Doug has just accepted a senior position with the Office of the Solicitor. As part of his new responsibilities, he will make decisions that will directly affect his former employer, Contiguous Land Co. Doug should not accept a "golden parachute" or special compensation package from Contiguous for going to work for the government. This would give the appearance that the compensation was for his federal employment rather than for his previous employment with Contiguous. Further, he should not make prior arrangements to return to Contiguous after his government service is completed, nor should he negotiate for future employment with the company while he is officially dealing with issues of interest to Contiguous. (See Page 30, Negotiating For Non-Federal Employment for more information.)

EXECUTIVE ORDER 12674

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, Federal employees shall respect and adhere to the fundamental principles of ethical service:

- Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, 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.
- Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
- Employees shall put forth honest effort in the performance of their duties.
- Employees shall not use public office for private gain.
- Employees shall act impartially and not give preferential treatment to any private organization or individual.
- Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- 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.
- 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.
- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

STANDARDS OF CONDUCT

The standards of conduct apply to all government employees. They are based in statute and Executive Order 12674, as amended by E.O. 12731. They are applied to all Federal employees by regulations.

5 CFR §2635 Subpart B ACCEPTANCE OF GIFTS FROM OUTSIDE SOURCES

As a general rule, you may not solicit or accept gifts from prohibited sources.

Gifts include any tangible or intangible items, such as favors, gratuities, loans, entertainment, travel, or travel related expenses.

Prohibited sources include any person, company, or organization that:

- Has business with the Bureau or Office;
- Is seeking to do business with the Bureau or Office;
- Conducts operations that are regulated by the Bureau or Office; or
- Has any interests that may be affected by the employee's official duties.

It may also be:

- Any professional, technical, or trade association, the majority of whose members represent prohibited sources;
- An outside organization which seeks to influence the Department; or
- A newspaper/media reporter.

This rule:

- **Applies** whether **ON** or **OFF** duty;
- **Applies** to direct or indirect acceptance of the gift.

Exclusions:

Some things are excluded from the definition of a "gift." For example:

- Coffee, donuts, and other modest food items not offered as part of a meal;
- Greeting cards and presentational plaques, certificates, and trophies;
- Prizes in contests open to the public;
- Commercial discounts available to the general public;
- Commercial loans, pensions, and similar benefits; or
- Anything for which you paid market price.

Exceptions:

There are some limited circumstances under which the regulations allow you to accept gifts from prohibited sources. These exceptions to the regulation include:

- **Unsolicited** gifts valued at \$20 or less (market value) per occasion from a single prohibited source. However, gifts from any single prohibited source may not exceed \$50 in any given calendar year. You may not accept cash or other monetary instruments under any circumstances.
- Waiver of conference fees or acceptance of meals when you are **speaking at widely-attended gatherings** in your official capacity (e.g., a gathering attended by representatives from many public and private organizations).
- **Discounts and similar benefits** that are offered to the public, other groups that you belong to, or a widely diverse group of government employees. You may not accept the gift if it is being offered only because of your official position with the Department.
- Gifts based on **outside business or employment relationships** (e.g., because of your outside affiliations, outside work, or other affiliations).
- Gifts given by **friends or relatives** when the reason for the gift is based on the personal relationship.

However, if the gift is given for **business reasons** or is paid for by a prohibited company, it is not covered by this exception.

Also, if you make significant decisions or recommendations about the other person's company, then accepting gifts from them may still give the appearance of a conflict of interest. If so, you should decline the gift, even though it is a personal gift from a friend or relative.
- **Awards and honorary degrees.** Requires Ethics Office approval for awards of cash or tangibles valued at more than \$200 and for honorary degrees.
- Gifts from a **political organization** (for employees appointed by the President with the advice and consent of the Senate).

Ask your ethics counselor for current information on the Department of the Interior exception for gifts from representatives of recognized Indian Tribes, Alaska Native Villages or Regional Corporations, or Insular area governments.

YOU MAY NOT ACCEPT A GIFT IF IT WOULD BE A REAL CONFLICT OF INTEREST OR VIOLATE ANY STATUTE OR REGULATION.

Example 1:

The onsite contractor wants to give an outboard motor to the contract manager who is retiring. The going away party is to be held after the employee leaves government service. Once the employee leaves government service the gift rules no longer apply, so as long as this is not a gift given because of a specific official act that was taken prior to leaving, the gift is acceptable.

Example 2:

Bryce has been notified that he is to receive an award from the National Wildlife Federation. The award in question is a statuette of an endangered whooping crane valued at \$300. It is being presented to him for his contributions in the field of law enforcement. Because the gift is valued at more than \$200, his ethics counselor must confirm that the National Wildlife Federation program has given awards on a regular basis in the past and that selection of award recipients was made pursuant to written standards. If so, it is permissible for him to accept.

Example 3:

Alison has been offered free tickets to attend a banquet sponsored by the Oil and Gas Association. She is not a member of the Association and is being invited because of her official position. She may pay for her own ticket or, if the event meets the criteria for a "widely attended event" under the gift rules, she may attend. Otherwise, she may not accept the invitation.

Example 4:

A Park Superintendent attended a luncheon sponsored by a civic group. He paid for the luncheon out of his personal funds and attended on his own time. There was a door prize/drawing and his name was selected. The prize was for \$1,500 worth of advertising in a local publication. He wants to donate the prize to the local Friends of the Park Association. This is acceptable because a gift received in a contest that is open to the general public is not covered under the gift acceptance prohibitions. Since he attended as a private citizen the prize is his to do with as he pleases.

Example 5:

An Indian Tribal Council sent a BIA supervisor a dozen lovely yellow roses for her birthday. She wanted to take them home since they are perishable and not really returnable. Because the tribe is a prohibited source, and the roses were valued at more than \$20, the gift rules apply. Since the roses are perishable, she should leave them at the office in a common area for all to enjoy.

Example 6:

Betty received an invitation to attend a banquet for the Scuba Diving Association of Bermuda. The invitation was sent to her at the office, using her official title. Because she is from Bermuda and was invited to attend in previous years before becoming an MMS official, we may assume that she is not being invited because of her official position and may attend. If this had been an organization that was inviting her because of her position, the rules on accepting an invitation to a widely attended event may apply.



**5 CFR §2635 Subpart C
GIFTS BETWEEN EMPLOYEES**

Federal employees are limited in the exchange of gifts among themselves.

You may not:

- Directly or indirectly give a gift to, or make a donation toward, a gift for an official superior. An official superior is someone who is above you in the chain of command and/or can affect your performance appraisal, awards, or job assignments;
 - Solicit a contribution from another employee for a gift to an official superior - either yours or the other employee's; or
 - Coerce the offering of a gift.
- Items, other than cash, with an aggregate market value of \$10 or less per occasion;
 - Items such as food to be shared in the office among several employees;
 - Items given in connection with the receipt of personal hospitality of a type customarily given on such occasions; and
 - Leave transferred under an approved agency leave sharing plan.

Exceptions

- There is a personal relationship between you and the other employee that would justify the gift.
- On an infrequent basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - Personal hospitality provided at a residence;
- Gifts suitable to the occasion may be given or exchanged:
 - In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or
 - Occasions such as retirement, resignation, or transfer that end a subordinate-official superior relationship,.

Example 1:

Helen gave her supervisor a mug for Boss' Day. If the value of the mug is less than \$10 then she may keep it because Boss' Day is an infrequent event. If it is valued at more than \$10 it would be in violation of the regulation because the exception for special infrequent occasions would not apply.

5 U.S.C. §7342
GIFTS FROM FOREIGN SOURCES

You may not accept or encourage the tender of a gift from a foreign government.

Exceptions:

- Gifts of minimal value (\$245 or less);
- Transportation taking place entirely outside the United States;
- Educational scholarships;
- Medical treatment; or
- On any occasion where refusal would cause embarrassment either to the United States or to the Government which is offering the gift. (Under this situation you may accept the gift on behalf of the United States. The gift of more than \$245 must then be turned over to the appropriate property officer for proper disposition.)



This rule:

- **Applies** whether you are **On** or **Off** duty;
- **Applies** to your spouse and dependents, whether or not they are Federal employees;
- **Applies** to any unit of a foreign government, whether it is at the national, state, local, or municipal level; and
- **Applies** to international or multinational organizations made up of Government representatives and the representatives of such organizations.

Example 1:

While in Australia attending an international conference on Mining Law, Sally, an attorney with the Solicitor's Office, was given a handcrafted boomerang valued at \$200 by a representative of the Australian government. She may accept because the gift is valued at less than \$245.

Example 2:

Wanda, a USGS seismologist was invited to fly in local aircraft to several locations in Indonesia. She may accept the transportation taking place entirely outside the United States under the Foreign Gifts Act. But if the Indonesian government offers to pay her way from the U.S. to Jakarta, she must request approval under 31 U.S.C. 3153. (See Page 11, Acceptance of Travel and Related Expenses.)

5 CFR §2635 Subpart B
ACCEPTANCE OF TRAVEL AND RELATED EXPENSES

Generally, all official travel must be paid for from appropriated funds.

Normally those funds are from your bureau, office, or department. However, under some circumstances it is acceptable for your travel to be paid out of the appropriated funds of another government agency, and under certain circumstances your bureau, office, or department may be reimbursed by an outside source.

Exceptions

31 U.S.C. §1353

- This authority allows executive departments to accept reimbursement from non-Federal sources for an employee's transportation expenses to certain functions related to the employee's official duties.

A non-Federal source may include any individual, private or commercial entity, or nonprofit organization or association. It extends to any state, local, or foreign government.

- For your office or bureau to accept reimbursement, the following conditions must be met:

- Travel may not be for events required to carry out the Department's statutory and regulatory functions, e.g., investigations, inspections, audits, or site visits;

- Payment must be for your attendance at a conference, meeting, seminar, training course, speaking engagement, or similar event sponsored by an outside source, that takes place away from your official duty station;

- Payment is for travel related to official duties;

- Payment is not from a non-Federal source that may be substantially affected by the performance or nonperformance of your duties; and

- You must have a travel authorization (Form DI-1020) that has been approved by the same official that approves your travel.

- This is the preferred authority to use if reimbursement is offered by an outside source.

It is not permissible for YOU, personally, to accept reimbursement for travel and related expenses from an outside source. Only your bureau or office may accept reimbursement. It is permissible for you to accept "payments-in-kind," such as actual airline tickets, meals at a banquet, or hotel accommodations. There is no dollar limit to the payment-in-kind that can be accepted.

5 U.S.C. §4111

- This authority allows executive departments to accept reimbursement from non-profit, tax exempt organizations, for transportation expenses to certain functions related to the employee's official duties.
- This authority does allow employees to accept payments-in-kind but not reimbursement from the non-profit organizations.
- Travel payments must be connected with your attendance at a training seminar or conference at a non-government facility.
- Conditions that must be satisfied before travel payments may be accepted by the agency under this authority:

The source of the travel payment must be a non-profit, tax exempt organization covered under 26 U.S.C. §501(c)(3) of the Internal Revenue Service (IRS) Code. Generally, these organizations have restricted lobbying activities so they may not take actions to substantially influence legislation.

To find out whether a particular non-profit organization is covered, you may call the Department Ethics Office on (202) 208-5916, or the IRS reference desk at (202) 566-3770.

- Once your travel is approved, you must keep records in the office file that the travel payment was accepted under the authority of 5 U.S.C. §4111.
- Reimbursement must not cause a real or apparent conflict of interest. If acceptance of travel payments from a non-profit source cannot meet this criterion, then the offer should be politely refused.

BUREAU AUTHORITIES

- There are other statutory authorities which allow bureaus to accept gifts of travel, food, and lodging, in connection with programs for the advancement of the American Indians, the National Park Service, the Fish and Wildlife Service, or other bureau specific programs that are not covered under 31 U.S.C. §1353. See the section in the back of this handbook for specific bureau authorities.



FREQUENT FLYER BONUSES

There is no requirement that any employee participate in any frequent flyer program. But, if an employee joins a frequent flyer program and any flight mileage paid for by the government is credited toward that account, then that mileage is the property of the government and may not be used for personal travel. Employees who commingle personal and official mileage in the same account **MUST** keep accurate records in order to use personal miles for personal travel.

An employee may not use frequent flyer bonus miles accrued on government travel for personal upgrades, nor may you upgrade official travel without approval from the Assistant Secretary - Policy, Management, and Budget.

Example 1:

Ashley only travels for the NPS once or twice a year. She has been putting her frequent flyer mileage into her personal account along with mileage gained on her personal travel. Now she has enough frequent flyer bonus miles for a free trip and she wants to take a vacation to Hawaii. Ashley may not cash in any of the bonus points earned on official travel for a personal trip. She may only cash in the official bonus points for official travel or preapproved upgrades to premium class. If she has enough personal bonus miles, she may use them for her personal travel.

Example 2:

Returning home from a week long conference, Ted, an OIG inspector, had checked in at the airport and was awaiting his flight when the reservation attendant announced that the flight was over booked and that anybody who would give up their tickets on the flight would be assured a seat on the next flight and would receive a free flight coupon for future travel. Because the government's business would not be interrupted, Ted may take himself out of travel status and accept the offer, if he wishes. Taking the free flight coupon would be acceptable because it is an offer made available to the general public. (See Page 6, Acceptance of Gifts From Outside Sources) However, he may not claim per diem or hotel expenses during the time he is not in travel status. Also, should he be injured while on his own time, he may not be covered under Worker's Compensation regulations.

Example 3:

On an official trip, paid at government expense, Kyle personally paid for an upgrade to first class. As a result, he accrued double frequent flyer points. Since the government paid for the base ticket, and the trip was for official business, the bonus points accrued belong to the government.

However, you may accept any benefits or upgrades which do not reduce the mileage in the government account, provided such benefits or upgrades generally are available to the public.

Miles may be accrued in the government account until there are enough for a free flight. The miles should then be cashed in and the free flight coupon used for the next **official government flight**. Official mileage may never be used toward a personal trip.

Employees who use official frequent flyer bonus coupons for personal use are required to reimburse the government for the full fare value of the tickets.

5 CFR §2635 Subpart H OUTSIDE WORK

Outside employment is permitted to the extent that it is not prohibited by statute or bureau/office policy.

It must not prevent you from devoting your primary interests, talents, and energies to the accomplishment of your work for the Department, or create a conflict or apparent conflict between your private interests and your official responsibilities.

- Prior approval to engage in outside work is required by Department regulations for paid or unpaid work with a prohibited source. Before you begin any such outside work check with your supervisor who will advise you as to any statutes or regulations which may apply to your situation or to a need to touch base with your local ethics counselor.
- Bureau directors may establish additional procedures requiring prior formal approval for other outside work (please see your bureau policy manual for additional information.)
- All outside work must take place wholly outside official duty hours or while you are on authorized leave. Leave without pay generally will not be granted for the purpose of private employment, with the exception of service with non-Federal public or quasi-public organizations.
- Several bureaus have bureau specific regulations that limit their employees' outside work. Please refer to the section on Ethics Officials and Bureau Specific Prohibitions beginning on Page 40, for regulations pertaining to your bureau/office.
- Certain noncareer employees are limited in the amount of outside income that they may earn. (See 5 CFR §2635.804)

Example 1:

Rachel wants to do a two week consulting job while she is on annual leave. This is acceptable. Additionally, if she is on a "flexi" schedule she may arrange her work day to meet her outside work requirements. However, she may not take leave-without-pay in order to engage in outside work.

Example 2:

Nat wishes to engage in outside work as an expert consultant for a law firm. He notifies his supervisor, who advises him that there are potential violations of 18 U.S.C. §§203, 205, 208 and E.O. 12674. To make sure that he does not violate any criminal statutes, his supervisor explains that he may not represent the law firm, nor its clients, in any proceeding involving the government (See Page 18, Testimony); he may not serve as an expert witness on behalf of the law firm's clients in any proceeding involving the government; he may not provide consulting services on matters involving his bureau; and, he may not take any official actions which might involve the law firm or its clients. He may consult on matters not involving the government or his official responsibilities.

5 CFR §2636 HONORARIA

The Supreme Court decision of 1995 found the honoraria prohibitions in the Ethics Reform Act of 1989, for employees GS-15 and below, to be unconstitutional. Subsequent Department of Justice opinions found that the remainder of the honoraria prohibitions under the Act to be unenforceable. Thus, the prohibitions at 18 U.S.C. § 201-209 and 5 CFR 2635, Standards of Ethical Conduct prevail.

5 CFR § 2635 Subpart H TEACHING, SPEAKING, & WRITING

At no time may you accept compensation from outside sources for teaching, speaking, or writing that is related to your official duties. This prohibition will not change regardless of the Supreme Court decision on honoraria.

Teaching, speaking, or writing is "related to your official duties" if:

- The invitation was extended directly or indirectly by someone who has interests that may be substantially affected by the performance or nonperformance of your official duties;
- The invitation to teach, speak, or write was extended primarily because of your official position with the Department;
- The subject matter deals significantly with any ongoing or announced policy, program, or operation of the Department.
- The information to be presented draws substantially upon nonpublic information; or
- The activity is undertaken as part of your official duties;

NON-OFFICIAL EXPRESSION

A concept related to **HONORARIA** is that of non-official expression. The policies regulating non-official expression set guidelines for the content of certain presentations.

If you are writing or speaking on a topic which is generically related to your work and you are expressing yourself as a private citizen, not as a representative of the Department, it is considered to be non-official expression, regardless of whether you are receiving payment for it. Individual Bureau guidelines govern any requirements for prior approval.

Example 1:

Harvey wants to write an article about the Clinton Administration for his hometown paper. He may write the article and express his personal views. He may not use his official title. Reference to his position and years with BLM may be referenced in a biographical blurb accompanying the article. He may not use any proprietary information or other information that would not be made available to the public if they asked for it.

Example 2:

Marlene has been asked to speak and wants to know if she can request that the honoraria be given to the Red Cross. She has been asked to speak in her official capacity, thus she may not solicit, accept, nor direct an honoraria. If the sponsor of the meeting at which she is speaking voluntarily chooses to give the money to the Red Cross, that the Red Cross could accept it, but that she should not direct the sponsor to donate it.

Example 3:

On his own time, Darren has written an opinion piece for the Christian Science Monitor. They would like to publish it and pay him \$100. The piece is about the environment. He is an analyst with the BLM and the piece is not about his work or the BLM. He may accept, provided the piece is not about the specific programs and policies of the BLM. The BLM Public Affairs Office should review it to make sure it that he has not used any non-public information. He may use the name of the BLM as a reference in a biographical blurb, but should make sure that it states that the views are his and not the BLM.

Example 4:

An employee who normally works in the Indian Child Welfare office implementing the Indian Child Welfare Act (WICA) would like to teach a course about the WICA program for the university. She may not accept payment from an outside source for performing her official responsibilities. Therefore, if the course she wants to teach is all about her official duties, then she may not, but if she wants to teach a generic subject, not specifically related to her official responsibilities, she may do so.



5 CFR §2635 Subpart H OUTSIDE ACTIVITIES

Outside activities are those that are not on a standardized schedule. Many times they are volunteer activities. The same requirements for prior approval, approved leave, representational services, teaching, lecturing and writing, participation in outside organizations, and serving as an agent apply to outside activities as they do for outside work.

ENDORSEMENTS

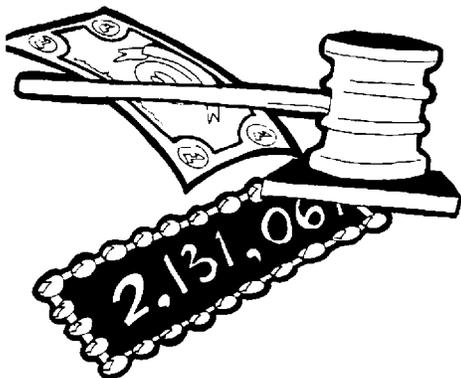
You are prohibited from endorsing, in an official capacity:

- the proprietary products or processes of manufacturers; or
- the services of commercial firms for advertising, publicity, or sales purposes (See also Page 25, Use of Official Title).

You should limit your official support to:

- charitable and other fundraising activities administered by the Office of Personnel Management under its delegation from the President; and
- to those other programs authorized by the Secretary of the Interior.

You may endorse any outside program in your private capacity, provided that you do not use your official title or position with the Department.



FUNDRAISING

You may not take any action in your official capacity which may result in or create the appearance of:

- Using public office for private gain (the term private gain means anyone's private gain including an outside organization's);
- Losing independence or impartiality; or
- Causing the public to lose confidence in the integrity of the Government.

Raffles, lotteries, bake sales, carnivals, athletic events, or other fundraising activities not specifically provided for by regulation are prohibited. (See Page 19, Gambling on Government Premises.)

You may engage in fundraising activities as a private citizen, provided that you do not use your official title or position to further the fundraising event. Further, you may not solicit funds or other support from subordinates or from prohibited sources.

See the section on Political Activity beginning on Page 20 for prohibitions against raising funds on behalf of partisan political candidates.

SERVING AS AN OFFICER IN AN OUTSIDE ORGANIZATION

You may serve as an officer in outside organizations under one of three different circumstances:

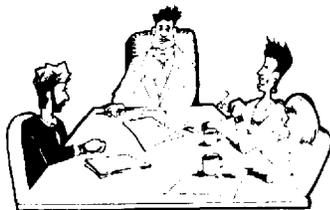
- If you are participating in the outside organization in your **private capacity** and not on government time, no prior notice or approval is necessary;
- Your bureau/office may require that you participate in the outside organization or serve as an officer in your **official capacity** as a representative of the DOI; or
- Your supervisor may allow official time for you to attend outside functions, such as conventions or meetings, when it is in the best interest of the government. If you are already serving as an officer in your private capacity, the conflict of interest statutes will apply as if you were acting in your official capacity since you will be on official time for the duration of the event. When event has ended, the rules that pertain to your activities in your private capacity go back into effect.

When official time is granted to you for service in a private sector organization, especially service as an officer, the primary beneficiary must be the programs and operations of the Department.

The private sector organizations that are of concern in this part are those that do or seek to do business with the DOI; that are regulated by the DOI; that wish to affect the policies or programs of the DOI; or that can be affected by the performance or nonperformance of your official responsibilities.

Prior to becoming an officer in the outside organization in your official capacity, you must:

- Have a written Memorandum of Understanding (MOU) between your bureau and the organization in which you will serve as an officer;
- Have an 18 U.S.C. 208(b)(1) Waiver in place before making any policy or fiduciary decisions or taking any actions as an officer. This is mandatory to eliminate a conflict of interest under 18 U.S.C. 208.
- Obtain prior approval from the Bureau Ethics or Deputy Ethics Counselor; and
- Secure training from the Bureau Deputy Ethics Counselor prior to accepting the position.



**5 CFR §735.201
GAMBLING ON GOVERNMENT PREMISES**

Gambling is prohibited at all times on Government premises. This includes raffles, lotteries, numbers rackets, football pools, etc.

Example 1:

Tom, Dick, and Harry, Bureau of Reclamation employees, are running a football pool out of their office. It is not a very big pool, but they are trying to drum up more interest, so they approach their supervisor to see if he would like to take a chance. No, he does not want to take a chance. He also advises the trio to cease this activity on government premises and that failure to do so may result in disciplinary action or criminal prosecution.

**43 CFR 2.80
TESTIMONY**

- You may not testify, in your private capacity, in any judicial or administrative proceeding in which the U.S. is a party or has a direct or substantial involvement without prior approval from management and the Designated Agency Ethics Official (DAEO).
- If you are asked to voluntarily give testimony in your private capacity, and the DAEO determines that it is not in connection with a particular matter of interest to the United States, then you may proceed.

not been granted by your appearance date, you must appear in compliance with the subpoena. You should explain to the court that approval has not yet been granted. But, if the court wants you to testify anyway, then you may only speak to facts in the matter, not speak on behalf of your bureau or the Department, and avoid giving your opinion as an employee of the Department.

- Departmental procedures are set out in 43 CFR §2.80.

Note: Because of recent judicial action this guidance may change. To determine the latest guidance or to request approval from the DAEO please write or call either your servicing Solicitor's Office or ethics official.

- If you are subpoenaed to testify in any matter that the government has an interest in, or is a party to, you MUST notify the DAEO immediately and request approval. If that approval has



**5 U.S.C. §7324-7327
POLITICAL ACTIVITY**

In February 1994, new amendments to the Hatch Act went into effect. Career Senior Executive Service employees, Administrative Law Judges, and members of the Contract Appeals Board are not covered by the amendments. They remain covered under the pre-existing requirements ("Old Hatch Act Provisions"). For the remainder of the employees at the Department of the Interior, these amendments allow greater political activity.

General Provisions That Apply to All Employees

You may:

- Run for public office in nonpartisan elections;
- Register and vote in any election;
- Express your personal opinions, privately or in public, on political subjects and/or candidates, as long as it is clear that it is your **personal opinion**;
- Attend a political convention, fund raising function, or any other such gathering;
- Sign a political petition; or
- Make a financial contribution to a political party or organization.
- Campaign for or against referendum questions, constitutional amendments, municipal ordinances, etc.

You may not:

- Run for public office in partisan elections;
- Use Government funds to support political activity;
- Directly or indirectly solicit campaign contributions from the general public;
- Solicit/receive federal property or campaign contributions in federal buildings;
- Solicit or accept a campaign contribution or campaign support in exchange for a promise to appoint someone to a federal job;
- Promise or withhold federal benefits (jobs, grants, contracts, etc.) based on political support or nonsupport;
- Penalize employees or withhold employment in order to induce them to make a political contribution or participate in political activity.



New Hatch Act Amendments

Employees, including those at the Executive level, Schedule C, non-career SES, full time and part time, and special government employees, are covered under the new amendments.

You may:

- Take an active part in or manage a political campaign while on non-official (off duty) time.
- Take an active part in political activities off government premises.
- Attend and speak at political fundraisers on off-duty time, but may not solicit contributions, funds, or services.
- Publicly endorse candidates in your private capacity;
- Travel to campaign and political events on personal time.
- Work for (be employed by) or be paid by a campaign or political committee on their own time.

You may not:

- Wear a uniform or official insignia identifying the individual's office or position when participating in political activities.
- Engage in political activities using a Government vehicle.
- Use your Government office to hold any meetings with campaign staff and may not attend such meetings held by PAS during duty hours.
- Attend political events while on official time.
- Write or assist others in writing political speeches on official time.
- Make calls and set up appointments for a political campaign or committee activity during duty hours, or use Government facilities, equipment, or supplies.
- Non-career SES and Schedule C employees may not mix official and political travel without written justification and prior authorization.
- Require subordinate government employees to work on campaign activities.

Note: An election is partisan if any candidate for an elected public office is running as a representative of a political party *whose presidential candidate received electoral votes in the last presidential election.*

Presidential Appointees With Advice And Consent Of Senate (PAS)

Because Presidential appointees with the advice and consent of Senate are considered to be on duty 24 hours a day, there are slight differences in the application of the requirements.

PAS Employees MAY:

- Take an active part in or manage a political campaign while on official duty.
- Take an active part in political activities in premises occupied in the discharge of official duties.
- Participate in political activities while wearing a uniform or official insignia identifying the individual's office or position.
- Attend and speak at political fundraisers but may not solicit contributions, funds, or services.
- Publicly endorse candidates in their official capacity.
- Travel to campaign and political events on official time.
- Use their Government office to hold occasional campaign meetings.
- Attend political events while on official time.

- Write political speeches on official time.
- Mix official and political travel. Must split costs and time for mixed travel between official and political. The costs will be allocated between the Government and the political sponsor.

PAS Employees MAY NOT:

- Work for (be employed by) or be paid by a campaign or political committee.
- Use non-PAS assistants or other staff to make calls and set up appointments for a political campaign or committee activity during duty hours.
- Engage in political activities using a Government vehicle. (Secretary excepted under certain circumstances.)
- Require subordinate government employees to work on campaign activities.

Example:

Sharon, a PAS employee, has been invited to co-sponsor a fundraising event on behalf of Senator Jones. Sharon must decline to be the co-sponsor. She may attend as an honored guest and speak at the fundraiser, but she may not have her name or title used in conjunction with the request for donations, nor may she solicit contributions of any kind in any remarks she may make.

**Career Senior Executive Service Employees, Administrative Law Judges,
and Contract Appeals Board Members**

Career Senior Executive Service Employees, Administrative Law Judges, and Contract Appeals Board Members continue to be covered under the "Old" Hatch Act provisions. The amendments do not apply to them. In addition to the provisions that apply to all employees (See Page 20), these employees **may not**:

- Serve as an officer of a political party or Political Action Committee;
- Solicit votes in support of, or in opposition to, a candidate for public office in a partisan election, or a candidate for political party office;
- Serve as a delegate, alternate, or proxy at a political convention; or
- Take an active part in political management or in partisan political campaigns;
- Drive voters to the polls on behalf of a political party or a candidate.

Locality Rules

A special rule applies to local elections in certain communities in the Washington D.C. metropolitan area, and in a few designated municipalities in other parts of the country where a large number of voters are Federal employees. Employees in those designated communities may run as independent candidates for election to partisan political office in elections for local offices of the municipality or political subdivision; and accept or receive political contributions in connection with the local elections of the municipality or political subdivision. The communities to which the rule does apply are:

MARYLAND: Annapolis, Ann Arundel County, Berwyn Heights, Bethesda, Bladensburg, Bowie, Brentwood, Calvert County, Capitol Heights, Cheverly, Chevy Chase, village of Martin's Addition, Chevy Chase View, College Park, Cottage City, District Heights, Edmonston, Fairmont Heights, Forest Heights, Frederick County, Garrett Park, Glenarden, Glen Echo, Greenbelt, Howard County, Hyattsville, Kensington, Landover Hills, Montgomery County, Morningside, Mount Rainier, New Carrollton, North Beach, North Brentwood, North Chevy Chase, Northwest Park, Prince Georges County, Riverdale, Rockville, Seat Pleasant, Somerset, Takoma Park, University Park, Washington Grove.

VIRGINIA: Alexandria, Arlington County, Clifton, Fairfax County, Town of Fairfax, Falls Church, Herndon, Loudon County, Manassas, Manassas Park, Portsmouth, Prince William County, Stafford County, Vienna.

OTHERS: Anchorage, Alaska; Benecia, California; Bremerton, Washington; Centerville, Georgia; Crane, Indiana; District of Columbia; Elmer City, Washington; Huachuca City, Arizona; New Johnsonville, Tennessee; Norris, Tennessee; Port Orchard, Washington; Sierra Vista, Arizona; Warner Robins, Georgia.

18 U.S.C. §1913
LOBBYING ACTIVITY

You are prohibited from using APPROPRIATED FUNDS to lobby a Member of Congress on matters of personal interest. This includes matters of concern to any outside organization in which you are a member or officer.

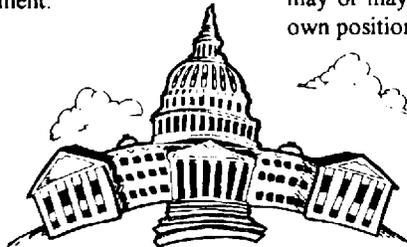
- You may not use appropriated funds to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence a Member of Congress in any manner, on a matter of **personal interest**.

That is - you may not sit at your desk, using government time, tele-phone, paper, furniture, equipment, or supplies to lobby for or against any bill or resolution in which you have a personal interest.

- You are required to refrain from using your official position to further your **personal views** by promoting or opposing legislation relating to programs of the Department.

- However, you always have the right to petition Congress, either individually or collectively, on any subject. Your right to petition Congress, a Member of Congress, or to furnish information to either House of Congress, shall **NOT BE INTERFERED WITH OR DENIED** as long as you do it as a private citizen, on your own time, and with your own supplies or equipment.

- This does not prevent you from communicating with any member of Congress or from responding to a request from Congress, on any official matter in your official capacity, when you are responding on behalf of the Department. Under these circumstances you will be expressing the position of the Department which may or may not be the same as your own position.



Example:

June, a petroleum engineer with the MMS, is the secretary for an intergovernmental association. It is her job to put out a quarterly newsletter. She does this as part of her official responsibilities. She proposes to put an article in the next newsletter encouraging readers to write to their Senate and Congressional Representatives regarding impending legislation on offshore oil leasing. Her supervisor stops her and explains that to do so would be improperly using official time and equipment (appropriated funds) for lobbying purposes.

5 CFR §2635 Subpart G USE OF OFFICIAL TITLE

You may use your official title when:

- You are acting in your official capacity as a representative of the Department. This may be on written documents, in verbal introduction, or other forms of address.
- Your title is such that it would customarily be used in social introductions or exchanges on nonofficial occasions. For example, the Honorable Mr. Jones, or Superintendent Smith.
- It is for a biographical summary. For example, "Mr. Green has been Chief of the Environmental Assessment Branch for five years."

Example 1:

Florence, an employee with the OSM, has approved outside work teaching an introductory public administration class at the local community college. The University is putting out their catalogue and wants to use her government title. They may only do so if it is put in a biographical context, not if they are listing her only by name, title, and government affiliation.

You may not use your official title:

- In your private capacity, such as in a letter to the editor, a personal letter to a member of Congress, an article or book, a Directory, or on the letterhead or signature block of a private organization's stationery.
- To endorse, **in an official or private capacity:**
 - the proprietary products or processes of manufacturers; or
 - the services of commercial firms for advertising, publicity, or sales purposes.

UNAUTHORIZED PROCUREMENT ACTIONS

Employees may not procure goods and services for the government, or obligate government funds, without appropriate authorization.

Employees lacking the authority to obligate funds for the procurement of goods and

services should contact their Administrative Office/Procurement personnel for assistance.

Employees who incur such unauthorized expenditures without authorization may be held personally responsible for payment.

Example:

A sales representative from the Whiz Bang Software company called Mabel's office at the NBS, to offer a reduced rate on an upgrade to a graphics software package. It's an upgrade that is sorely needed, but the price is only good if she orders today. She should refer the sales representative to her procurement office.

5 CFR §2635 Subpart G
MISUSE OF GOVERNMENT TIME, EQUIPMENT, AND INFORMATION

It is each employee's responsibility to protect and conserve Government time, property, and information, and to use them economically and for official purposes only.

Misuse of Government Time

- You may not use official time other than in an honest effort to perform official duties.
- You shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties.

Misuse of Nonpublic Information

- You may not engage in a financial transaction using "insider" or nonpublic information, nor allow the improper use of nonpublic information, which is not available to the public, to further your own private interest or that of another.

Penalty and Franked Mail and Official Stationery

- You are prohibited from using official Government envelopes (with or without applied postage) or official letterhead stationery for personal business. This includes mailing your SF-171 job applications. Willful violation of the prohibition against using franked (postage paid) envelopes must, by law (18 U.S.C. §1719), result in a fine of not more than \$300.
- You are also prohibited from receiving personal mail at the office.



Example 1:

The local congregation is building a new wing on the church and is trying to raise money. The fundraising chairman sent out a solicitation for donations in official government franked envelopes that he took from the office. There is a \$300 fine for each envelope that he misused.

Example 2:

Lisa wants to write an article for a professional journal based upon materials that she has developed on the job. As long as the materials would be made available to the public and do not contain any proprietary information, she may use the information.

Theft, Embezzlement, or Misuse of Government Property

- You shall not convert for personal use, even temporarily on loan, any Government property or equipment. Nor may you use Government purchasing authority for personal acquisitions (including your official Diners Club Card), even though you reimburse the Government.
- When leaving government service, you may not remove government property or files; nor may you use government copiers to make copies of files to take with you.

Example 1:

Harvey, an OSM employee, is on travel when he realizes that it's his wedding anniversary. His personal credit cards are already maxed so he uses his official government credit card to order flowers. He thinks that because he will pay the bill immediately upon his return home that there will be no problem. Harvey is incorrect. The official government credit card is only for official travel and related expenses. He may not use the card for any personal purchases, even though he is on travel at the time he makes the purchase.

Example 2:

Ozzie, a contract specialist, is having trouble figuring out his income taxes. He loads a tax software package on his PC at work and does his taxes on his lunch hour and after work and then he removes the tax package. Ozzie is still in violation of the prohibition against using government property for personal use and may be subject to disciplinary action.

Example 3:

Suzy, a clerk/typist with the MMS, wants to enter a contest sponsored by the local radio station. The prize is lunch for everyone in the office catered by a local fast food restaurant. To participate, all contestants must FAX their entry on office letterhead stationery to the radio station. Suzy may not use official government stationery or the government FAX machine to enter the contest. If the contest did not require the use of official supplies and equipment, for example, if she could simply call from home, she could enter. In that case, the radio station and the fast food restaurant are not prohibited sources so she and her office mates could accept the prize if offered.

- Further, you may not misuse government equipment for personal use (e.g., you may not use FAX machines for ordering take-out pizza, computers for keeping church records, copiers for copying personal tax returns, or telephones for conducting outside work activities.)

Misuse of Government Motor Vehicles or Aircraft

- You may not willfully use or authorize the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes.

**5 U.S.C. §3110
NEPOTISM**

Nepotism, or showing favoritism on the basis of family relationships is prohibited.

You may not appoint, employ, promote, or advance your relative. Further, you may not advocate appointment, employment, promotion, or advancement, in or to a position in the Department (not just your bureau) over which you exercise jurisdiction or control for your relatives. This applies to any individual who:

- Is your relative;
- Is the relative of any other public official in your bureau or the department, if that public official has advocated the action; or
- Is the relative of any public official who exercises jurisdiction or control over your bureau or department, if that official has advocated the action.

Relative means an individual who is related to an employee as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Exceptions:

- A preference eligible (veteran) who is within reach for selection from an appropriate certificate of eligibles may be selected under certain circumstances;
- To meet urgent needs resulting from an emergency situation which is an immediate threat to life or property;
- To meet special scientific needs; or
- At isolated field stations or where there is a shortage of quarters.

An employee may supervise a relative when management:

- Finds that all merit-related provisions of Federal law have been observed;
- Determines that such supervision would result in a net benefit to the Government; and
- Assigns a non-related individual as manager to conduct performance evaluations and recommend promotions or advancements.

Example 1:

Bertha, a senior official with the Office of the Secretary, has a new son-in-law who has just graduated from the state university with a degree in literature and is looking for a job. Bertha calls a friend in one of the bureaus and asks him to find a job as a writer/editor for the young man. The friend should advise Bertha that she is prohibited from recommending the appointment of her son-in-law.

Example 2:

Dawn, a college sophomore, wants a summer job with the Bureau of Reclamation where her mom works. Mom offers to drop Dawn's SF-171 off in the personnel office on her way to work. Because Dawn's mother is not advocating that she be hired, it is permissible for her to drop off the job application. It would also be permissible for her to pick up blank application forms and other hiring literature for Dawn.

Example 3:

Forest fires, raging out of control in the National Park, are threatening a nearby town. Additional fire fighters are needed immediately. Larry, Darrell, and Darren, sons of a Park employee, are given an emergency appointment and hired on the spot to help fight the fire. However, as soon as reinforcements are available or the emergency passes, the appointment is terminated.



**5 CFR §2635 Subpart F
NEGOTIATING FOR NON-FEDERAL EMPLOYMENT**

You may not negotiate for future or outside employment with any outside party that you deal with in your official capacity, without prior approval from your supervisor.

Negotiating has begun when:

- You or your representative approach a prospective employer, orally or in writing, regarding future employment and that approach is met with an interest in further discussions; or
- A prospective employer approaches you or your representative, orally or in writing, regarding future employment and you agree to begin employment discussions. If you are not interested in negotiating - just say NO.

Negotiating has ceased when:

- You or the prospective employer rejects the possibility of employment and all discussions of possible employment have ended; or
- Two months have passed after you sent an unsolicited resume or employment proposal, provided you have received no indication of interest in employment discussions from the prospective employer;
- A response that defers discussions until the foreseeable future does not mean that the unsolicited employment overture, proposal, or resume has been rejected.

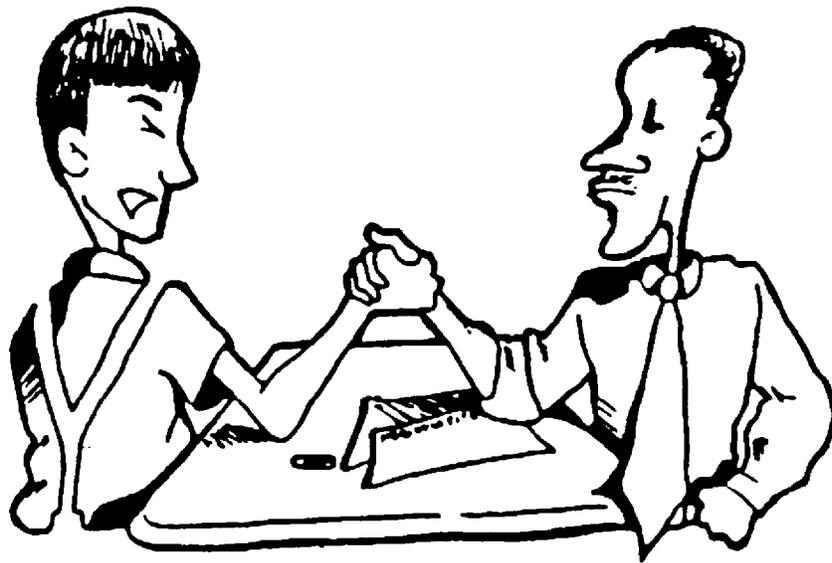
Disqualification while seeking employment

- Obligation To Disqualify. If you can affect the financial interests of a prospective employer by performing or not performing your official responsibilities, you must disqualify yourself before entering into negotiations.
 - Documentation of Disqualification. You disqualify yourself by not participating in any particular matter which may affect the prospective employer. You must notify your supervisor of your intent to disqualify yourself, but you do not have to provide a written record of your disqualification unless requested to do so by your supervisor.
- Disqualification upon conclusion of negotiations**
- Offer Accepted. If you are successful in your negotiations and accept a position either as outside employment or as future full time employment, you must continue to disqualify yourself until leaving the government.
 - Offer rejected or not made. If you do not secure outside employment, your disqualification may be discontinued.

Note: Negotiation is not limited to discussions of specific terms and conditions of employment in a specific position, it may be general in nature. However, it does not include communication for the sole purpose of requesting a job application.

Example:

Sandy, an attorney in the Office of the Solicitor, wishes to negotiate for future employment with Ramshackle and Glutt, Inc., a company which she deals with in her official capacity. She may not negotiate until she has filed a recusal (disqualification) with her supervisor stating that she will make no decisions or recommendations which pertain to that company or take any actions that may affect the company until negotiations are completed and she has no possibility of a job with the company. In the meantime, her supervisor must agree not to give her any assignments which would put her in violation of a criminal statute. If Sandy is deeply involved in any matter pertaining to the company, and the supervisor needs her to finish the work before allowing her to recuse herself, her supervisor may refuse to agree to the disqualification until the matter is completed, at which time Sandy may initiate negotiations.



**18 U.S.C. §207
POST EMPLOYMENT**

None of the prohibitions under this section prohibit you from leaving the Federal government and going to work for any outside employer.

There are currently eleven prohibitions which may affect former Department of the Interior employees. Five are found under 18 U.S.C. §207, one is under the Procurement Policy Act Amendments and the remaining five are found in Executive Order 12834. The employee's rate of pay and the nature of his/her appointment or work prior to leaving government service determine which prohibitions apply.

If at the time of leaving government service you are paid at a rate that is:

- Less than an Executive Level V, (\$108,400) you are subject to three post employment prohibitions - 18 U.S.C. §207 (a)(1), (a)(2), and (b);
- Equal to or more than Executive Level V, (senior employee) and are not a senior appointee, then you are subject to five prohibitions - the three above plus 18 U.S.C. §207(c) and (f) (Senior Employees);
- All full-time, non-career Presidential, Vice-Presidential, or agency head appointees (senior appointees) are subject to seven prohibitions - the five above plus two under Executive Order 12834.

Also, there are two prohibitions which limit activities of former trade negotiators, regardless of their pay level.



RESTRICTIONS APPLICABLE TO ALL FORMER EMPLOYEES.

PERMANENT BAR (18 U.S.C. §207(a)(1))

After leaving government employment, you may not serve as another person's representative, before the Government on a case, contractual matter, or other similar application, in which you participated **personally and substantially** while you were a Government employee.

Switching Sides

There are two important limitations to this prohibition on "switching sides."

First, former employees are not restricted unless the matter in which they previously participated was:

- a particular matter involving specific parties; and
- is the same matter in which they now attempt to represent another before the Government.

Second, this bar requires that the former employee had been involved in the matter personally and substantially. Thus, where an employee's prior involvement in the particular matter was limited, he/she is not restricted by this prohibition.

Representation

The kind of representation that is restricted includes not only acting as another person's attorney or agent, but any other kind of representation or communication (oral or written), with intent to influence the United States. This also includes promotional and contract representatives.

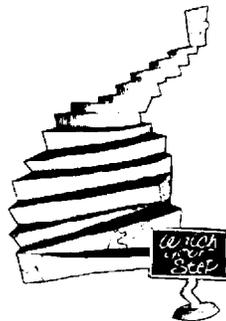
TWO-YEAR BAR (18 U.S.C. §207(a)(2))

This is basically the same as the permanent bar - except that it applies for only two years and covers only those particular matters that were actually pending under the former employee's official responsibility in his/her last year of service.

Your official responsibility is usually defined by statute, regulation, written delegation of authority, or job description.

ONE-YEAR BAR ON AIDING AND ADVISING (18 U.S.C. §207(b))

No former employee may knowingly represent, aid, or advise any other person concerning any ongoing trade or treaty negotiation in which he/she participated personally and substantially during the last year of his/her Government service. This bar remains in effect for one year after the employee leaves government service.



ADDITIONAL RESTRICTIONS APPLICABLE TO FORMER SENIOR EMPLOYEES

For 18 U.S.C. §207(c), (d), and (f), the one-year period is measured from the date when an employee **ceases to be a senior employee**, not from the termination of Government service, unless the two occur simultaneously.

ONE-YEAR BAR ON COMMUNICATION WITH ONE'S FORMER AGENCY (18 U.S.C. §207(c))

For one year after leaving senior service, no former "senior" employee may knowingly make, with the intent to influence, any communication to or appearance before the department or agency in which he/she served in the one-year period prior to termination from senior service. This prohibition only applies **if the appearance is made on behalf of another person** in connection with any matter in which the former senior employee seeks official action by his/her former department or agency.

Within the Department of the Interior the term "department or agency" is defined as follows:

- the Department of the Interior consists of the Offices of the Secretary, Solicitor, and Inspector General.
- Each Bureau shall be designated as a single component for the purpose of determining the scope of 18 U.S.C. §207(c).

- All designated components under the jurisdiction of a particular Assistant Secretary shall be considered a single component for purposes of determining the scope of 18 U.S.C. §207(c) as applied to senior employees serving on the immediate staff of that Assistant Secretary.

The Secretary, Deputy Secretary, Solicitor, Inspector General, and the six Assistant Secretaries are not eligible to benefit from the narrowing effect (outlined above) of the component designations. Incumbents in these positions are subject to the one-year bar that restricts them from contacting any agency or unit of the Department of the Interior.

ONE-YEAR BAR RELATING TO FOREIGN ENTITIES (18 U.S.C. §207(f))

For one year after leaving senior service, former senior employees, not covered by Executive Order 12834, may not knowingly aid, advise, or represent a foreign entity, with the intent to influence the official actions of any employee of any United States agency or department.



E.O. 12834
RESTRICTIONS APPLICABLE ONLY TO
SENIOR APPOINTEES and FORMER TRADE NEGOTIATORS

FORMER SENIOR APPOINTEES

All full-time, non-career Presidential, Vice-Presidential, or agency head appointees (senior appointees) whose basic rate of pay is not less than the rate for Executive Level V, may be subject to the following prohibitions. All senior appointees are prohibited for five years:

- from the termination of employment as a senior appointee from lobbying any officer or employee of the agency in which they served;
- after termination of employment in the Executive Office of the President from lobbying any officer or employee of any other executive agency with respect to matters in which they had personal and substantial responsibility as senior appointees in the Executive Office of the President; and
- after termination of personal and substantial involvement in a trade negotiation from representing, aiding, or advising any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency in carrying out his or her official duties.

After leaving government service, former senior appointees are prohibited from engaging in any activity on behalf of any foreign government or foreign political party requiring registration under the Foreign Agents Registration Act of 1938, as amended.

FORMER TRADE NEGOTIATORS

Every trade negotiator who is not a senior appointee, appointed after January 20, 1993, who personally and substantially participated in a trade negotiation as an employee of an executive agency, is prohibited for five years after termination of personal and substantial involvement in that trade negotiation, from:

- representing,
- aiding, or
- advising

any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency in carrying out his/her official duties.



18 U.S.C. §207 EXCEPTIONS

FOR ALL EMPLOYEES:

There are exceptions to all 18 U.S.C. §207 prohibitions when carrying out official duties on behalf of the United States and for elected officials of a state or local Government.

An exception is provided to all the prohibitions of 18 U.S.C. §207 for former employees employed by a recognized Indian tribe when communicating for the tribe. This applies to ALL former employees, not just former Bureau of Indian Affairs employees. However, the exception requires written notification to the head of the agency (See 25 U.S.C. §450i(j)).

FOR FORMER SENIOR EMPLOYEES:

There are additional exceptions to 18 U.S.C. §207(c) or (d), when communication or an appearance is made in carrying out official duties as an employee of, and made on behalf of an agency or instrumentality of a State or local government, an accredited degree-granting institution of higher learning, or an approved hospital or medical research organization

Example 1:

Lorretta was the lead Office of Inspector General auditor of the 1990 audit of the Beltway Bandit Corporation. Upon leaving government service, Lorretta went to work for Bandit. Her first assignment is to answer the issues raised in the 1990 audit. Lorretta may help the company write their response to the audit, but she may not represent Bandit orally or in writing back to the government. However, she must be careful not to use any nonpublic information gained while she was a Federal employee.

Example 2:

Fred, a procurement official with the Fish and Wildlife Service, was involved with the purchase of a major upgrade to the computer systems from Compulnfo. His involvement with the procurement ended May 1, 1991. After retirement he went to work for Compulnfo. For the remainder of the two years since his last involvement with the procurement, that is until May 2, 1993, he may not represent Compulnfo in negotiations for the contract; work behind the scenes on the contract; or, if Compulnfo is awarded the contract, work on it.

Example 3:

Myra, a senior employee in the Assistant Secretary for Water and Science's Office, left government service six months ago. She was hired to represent a western community in a water dispute and would like to discuss the issue with the Bureau of Reclamation. She was not personally and substantially involved in the matter when she worked for the Department. However, because she was a senior employee when she left the Department, she may not make an appearance before the Bureau of Reclamation until one year has passed.

DISCLOSURE OF FINANCIAL INTERESTS

Employees of the Department of the Interior, including special government employees, may be required to file one or more financial disclosure statements. These statements are one of the primary tools used to determine whether employees are in compliance with the ethics and conduct provisions covering a particular position.

SF-278 - Public Disclosure Report

Who files:

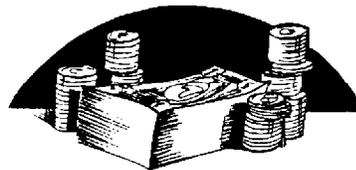
- Officers and employees whose positions are classified at GS-15 or above of the General Schedule, or the rate of basic pay which is fixed under other pay schedules at a rate equal to or greater than the minimum rate of basic pay fixed for GS-15.

When the report is due:

- Within 30 days after assuming a position covered in Section 101 of the Ethics Reform Act of 1989;
- Department regulations require annual SF-278 Reports to be completed and filed with your Office or Bureau by February 1st of each year;
- Within 30 days of termination from a covered position (that is a position that is designated as requiring the filing of the form).

What happens if the report is falsified, submitted late, or never filed:

- An employee who willfully falsifies the information on his or her report, willfully omits information, or willfully fails to file may be subject to civil penalties up to \$10,000 and/or criminal prosecution under 18 U.S.C. §1001 and §3571. Departmental disciplinary sanctions may also apply, up to and including removal from government service.
- An employee who files more than 30 days after the statutory deadline (and any extension periods) is subject to a \$200 late filing fee. This fee may be waived by the Director, Office of Government Ethics.



Compliance with financial disclosure requirements is a condition of employment. Employees who fail to file in a timely manner may be subject to disciplinary action up to and including removal from government service.

**OGE-450 Confidential Disclosure Report
OGE-450A Certificate of No New Interests**

Who must file:

- All regular employees who occupy a position designated as GS/GM-15.
- Regular employees whose positions are designated by their bureau or office as being covered (that is, having duties and responsibilities which could be affected by a conflict or apparent conflict of interest.)
- Regular employees on temporary assignment or detailed to a covered position.

When is the report due:

- Within 30 days of assuming a covered position.
- The Office of Government Ethics requires that the confidential form be filed by all employees in covered positions on an annual basis, due October 31st of each year.

What happens if the report is late or never filed:

- An employee who falsifies information or fails to provide required information may be subject to a civil penalty of not more than \$10,000 and/or criminal prosecution under 18 U.S.C. §1001 and §3571. Departmental disciplinary sanctions may also apply.

PENALTIES

18 U.S.C. §§201-209 Statutory Prohibitions

Civil Penalties:

Whoever engages in conduct constituting an offense, as shown by a preponderance of evidence, may be subject to a civil penalty of not more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater.

Criminal Penalties:

Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

Standards of Conduct

Sanctions:

Employees found in violation of any of the standards of conduct, may be subject to criminal and civil penalties and to appropriate corrective, remedial, or disciplinary action. Such disciplinary action, to be taken at bureau discretion except where mandated by statute, may include, but is not limited to:

- Oral or written warning or admonishment;
- Reprimand;
- Suspension;
- Reassignment;
- Reduction in pay; or
- Removal from government office.

Ethics Officials and Bureau Specific Prohibitions

Departmental Ethics Staff (PEL)

Designated Agency Ethics Official: Mari R. Barr, Deputy Assistant Secretary - Human Resources,
1849 "C" Street, N.W., Washington, D.C. 20240

Deputy Agency Ethics Official: Gabriele J. Paone, 1849 "C" Street, N.W., MS-5221,
Washington, D.C. 20240,
(202) 208-7960

Dept. Ethics Program Coordinator: Mason Tsai, 1849 "C" Street, N.W., MS-5221,
Washington, D.C. 20240
(202) 208-5916

Dept. Ethics Program Coordinator: Linda "TJ" Sullivan, 1849 "C" Street, N.W., MS-5221,
Washington, D.C. 2024
(202) 208-7950

Ethics Operating Program Specialist: Joan Banks, Interior Service Center, 1849 "C" Street, N.W.,
MS-5221, Washington, D.C. 20240
(202) 208-3932

Office of the Secretary (OS)

Ethics Counselor: Mr. Brooks Yeager, Deputy Assistant Secretary -
Policy, Management and Budget, 1849 "C" Street,
N.W., Mail Stop 5413, Washington, D.C. 20240
Phone (202) 208-6182

Office of the Inspector General (OIG)

Ethics Counselor: Inspector General, Room 5359,
1849 "C" St., Washington, D.C. 20240.
(202) 208-5745

Deputy Ethics Counselor: Sharon Eller, Assistant Inspector General for Administration,
Room 5357, 1849 "C" St., Washington, D.C. 20240.
(202) 208-4618

Assistant Ethics Counselor: Tamara Gelboin, Attorney-Advisor, 1849 "C" St.,
Washington, D.C. 20240
(202) 208-4599

Office of the Solicitor (SOL)

Ethics Counselor: John Lesby, Solicitor, 1849 "C" Street, N.W., MS-6352,
Washington, D.C. 20240

Deputy Ethics Counselor: Ed Cohen, Deputy Solicitor, 1849 "C" Street, N.W.,
MS-6352, Washington, D.C. 20240
(202) 208-4813

Deputy Ethics Counselor Robert More, Deputy Solicitor for Administrative Services,
1949 "C" Street, N.W., MS-7456,
(202) 208-6115

Deputy Ethics Counselor: Terrance Wiles, Director of Administration, 1849 "C" Street,
N.W., MS-7129, Washington, D.C. 20240
(202) 208-6115

Assistant Ethics Counselor: Lori L. Jarman, Ethics Program Specialist, 1849 "C" Street,
N.W., MS-7129, Washington, D.C. 20240
(202) 208-6115

U.S. Geological Survey (WGS)

Ethics Counselor: Director, National Center, Mail Stop 100, Reston, VA 20192

Deputy Ethics Counselor: Virginia G. Miles, Ethics Program Officer, National Center,
Mail Stop 603, Reston, VA 20192
(703) 648-7474

Assistant Ethics Counselor: Stephanie E. Parle, Ethics Program Specialist, National
Center, Mail Stop 603, Reston, VA 20192
(703) 648-7422

U.S. Geological Survey Organic Act (43 U.S.C. §31(a))

The Director and members of the United States Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

The Geological Survey issued an "Employee Conduct Handbook" in 1993 that explains the status, regulations, and policies specific to the Survey.

U.S. Fish and Wildlife Service (FWS)

Ethics Counselor: Director, 1849 "C" Street, N.W., Washington, D.C. 20240
Deputy Ethics Counselor: Edward H. Cynar, II, Chief, Div. of Personnel Management,
1849 "C" Street, N.W., Washington, D.C. 20240
(202) 208-6104
Associate Ethics Counselor: Carolyn Palmer, Management Initiative Specialist, Division
of Personnel Management, 1849 "C" Street, N.W.,
Washington, D.C. 20240
(202) 208-4562

Please call your servicing personnel office for the name and number of Assistant Ethics Counselors in field locations.

**Fish and Wildlife Gift Authority
(16 U.S.C. §742f)**

The Secretary is authorized to accept gifts for the benefit of the Fish and Wildlife Service.

Bureau of Land Management (LLM)

Ethics Counselor: Patrick A. Shea, 1849 "C" St.,
MS-5660, Washington, D.C. 20240.
Deputy Ethics Counselor: Carolyn M. Burrell, Assistant Director, Human Resources
Management, 1849 "C" St., NW, Room 5628
Washington, D.C. 20240,
(202) 501-6723
Assistant Ethics Counselor: Deborah Esposito, Personnel Management Specialist,
1849 "C" St. N.W., Room 5071,
Washington, D.C. 20240,
(202) 208-6262

Please call your servicing personnel office for the name and number of Assistant Ethics Counselors in field locations.

The BLM Organic Act (43 U.S.C. §11)

"The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any public land; and any person who violates this section shall be removed from his office."

Specifically this means that BLM employees are prohibited from having a financial interest in **any** concern, i.e., business, corporation, etc., which has leases, rights-of way, etc., on Federal lands as well as holding direct interests in Federal lands.

In order to implement the above restriction, the BLM has established criteria which, if met, identify businesses in which BLM employees cannot purchase a financial interest, i.e., stock ownership, limited partnership, etc. The criteria are 1,000 acres geothermal, 25,000 acres oil/gas, 5,000 acres mining, 200 acres timber, or \$50,000 right-of-way (ROW) rental fees.

It is important to note that the restrictions of the BLM Organic Act (43 U.S.C. §11) are in addition to the restrictions placed on all Federal employees by 18 U.S.C. §208. The restrictions of the BLM Organic Act only apply to the holdings of BLM employees or the substantial holdings of the employee's spouse or dependent child.

There is an exception to the above regulations. A BLM employee (or the spouse of a BLM employee) stationed in Alaska, may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in that state. This exception can be found in 43 CFR §20.735-24(d)(1).

43 CFR §20.735-23(c)(3)

Regular BLM employees are prohibited from working as real estate agents. Employees may continue to hold a real estate license but it must be maintained on an inactive basis. This prohibition can be found in 43 CFR §20.735-23(c)(3).

30 U.S.C. §1211(f)

The Surface Mining Control and Reclamation Act (30 U.S.C. §1211(f)) **absolutely** prohibits any employee who performs duties under the Act from having a financial interest in coal mining operations. (For more information see Office of Surface Mining and Reclamation, 30 U.S.C. 1211(f).)

43 U.S.C. §1737(c)

BLM's Gift Acceptance Authority. Section 307(c) of FLPMA, 43 U.S.C. 1737(c) authorizes the Secretary to accept contributions, or donations of money, services, and property for the management, protection, development, acquisition, and conveying of public lands.

Bureau of Indian Affairs (BIA)

Ethics Counselor: Hilda Manuel, Acting Commissioner of Indian Affairs,
Room 1849 C Street., NW, Room 4160,
Washington, D.C. 20240.

Deputy Ethics Counselor: James Reed, Chief, Office of Personnel, Office of Surface
Mining Reclamation and Enforcement,
1951 Constitution Ave., N.W., Room 334 SIB,
Washington, D.C. 20240.
(202) 208-2965

Assistant Ethics Counselor: Joann Deere, Personnel Management Specialist,
MS-334 SIB, 1951 Constitution Ave., N.W.,
Washington, D.C. 20240.
(202) 208-2074

**Bureau of Indian Affairs Gift Authorities
(25 U.S.C. §§ 451, 465, 487, 500c, 501, 574 and 608)**

Authorizes the Secretary to accept donations of funds or other property for the advancement of the Indian race; to acquire by gift "any interest in lands, water rights, or surface rights to lands, within or without existing reservations ... for the purpose of providing land for Indians;" to acquire by gift any lands or interests in lands within the Spokane Indian Reservation; to accept gifts for and on behalf of natives of Alaska for the purposes of benefiting the Alaska native reindeer industry; to acquire by gift any interest in lands, water rights, or surface rights to lands, within or without existing Indian reservations, for the benefit of Indians in Oklahoma; to acquire lands by donation, for the purpose of consolidation of Indian and privately held lands in land-use districts of the Wind River Indian Reservation in Wyoming; and to acquire by gift any lands or interests in lands within the Yakima Indian Reservation.

Bureau of Reclamation (WBR)

Ethics Counselor: Eluid Martinez, Commissioner, 1849 "C" Street, N.W.,
MS-7518, Washington, D.C., 20240

Deputy Ethics Counselor: Margaret Sibley, Director, Human Resources, Room 394,
Bldg. 67, Denver Federal Center, P.O. Box 25007,
Denver, CO 80225-0007
(303) 236-7464

Assistant Ethics Counselor: Richard M. Riegel, Acting Personnel Officer, Attn. D-4000,
Bldg. 67, Denver Federal Center, P.O. Box 25007,
Denver, CO 80225-0007
(303) 236-2258

Assistant Ethics Counselor: Philip A. Varnak, Chief, Labor and Employee Relations
Branch, Bldg. 67, Denver Federal Center, Attn. D-4200,
P.O. Box 25007, Denver, CO 80225-0007
(303) 236-4000 X422.

Please call your servicing personnel office for the name and number of Assistant Ethics Counselors in field locations.

**Bureau of Reclamation Gift Authority
(42 U.S.C. §7871(b)(9))**

The Secretary is authorized, in connection with water research and development, to "accept financial assistance from any local, state, Federal, or other agency or entity in connection with studies or surveys relating to water problems and facilities."

National Park Service (FNP)

Ethics Counselor: Director, 1849 "C" Street, N.W.,
Washington, D.C. 20240

Deputy Ethics Counselor: Lynn Smith, Human Resource Program Manager, MS-2013,
1849 "C" Street, N.W., Washington, D.C. 20240
(202) 208-4434

Assistant Ethics Counselor: Maureen Foster, Employee Relations Officer, MS-2013
1849 "C" Street, N.W., Washington, D.C. 20240
(202) 208-4434

Please call your servicing personnel office for the name and number of Assistant Ethics Counselors in field locations.

**National Park Service Gift Authority
(16 U.S.C. §6)**

The Secretary is authorized, in the administration of the NPS to accept patented lands, rights of way over patented or other lands, buildings, or other property within the various national parks and national monuments, and moneys donated for the purposes of the national park and monument system.

(16 U.S.C. §18f(b))

The Secretary is authorized to accept donations and bequests of money or other personal property and to hold, use, expend and administer them for museum purposes.

Office of Surface Mining Reclamation and Enforcement (LSM)

Ethics Counselor: Kathy Karpan, Director, 1951 Constitution Ave.,
Rm. 232 SIB, Washington, D.C. 20240

Deputy Ethics Counselor: James E. Reed, Chief, Office of Personnel, 1951 Constitution
Ave., Room 334 SIB, Washington, D.C. 20240, (202)
208-2965.

Assistant Ethics Counselor: Peggy Moran-Gicker, Program Specialist (Personnel &
Ethics), 1951 Constitution Avenue,
Rm. 340 SIB, Washington, D.C. 20240,
(202) 208-2762.

**Conflict of Interest Prohibition
(30 U.S.C. §1211(f))**

No employee of the Office of Surface Mining Reclamation and Enforcement (OSM) or any other Federal employee performing any function or duty under the Surface Mining Control and Reclamation Act of 1977 (P. L. 95-87) shall have a direct or indirect financial interest in an underground or surface coal mining operation. Coal mining operation is defined at 30 U.S.C. §1291 as the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the areas upon which such activities occur. Whoever knowingly violates these provisions shall, upon conviction, be punished by a fine of not more than \$2,500, or by imprisonment for not more than one year, or both.

The Director, OSM, published implementing regulations at 30 CFR Part 706 establishing the methods by which the conflict of interest provisions would be monitored and enforced, including appropriate provisions for filing by covered employees and the review of statements and supplements thereto concerning their financial interests which may be affected. There are no waivers granted to employees under this act of interests determined to be prohibited. The OSM is required to report to the congress as part of its annual report on the actions taken and not taken during the preceding calendar year under this prohibition.

Minerals Management Service (LMS)

Ethics Counselor: Cynthia Quarterman, Director, 1849 "C" St., Room 4210,
Washington, D.C. 20240,
Deputy Ethics Counselor: Robert E. Brown, Associate Director for Management and
Budget (Acting), 1849 "C" St., Room 4224,
Washington, D.C. 20240,
Associate Ethics Counselor: Sandra A. Streets, 381 Elden St., MS-2400, Herndon, VA
20170-4817, (703) 787-1423.
Assistant Ethics Counselor: Mary Ann Seidel, 381 Elden St., MS-2400, Herndon, VA
20170-4817, (703) 787-1401.

U.S. Geological Survey Organic Act (43 U.S.C. §31(a))

The absolute restrictions of the Geological Survey Organic Act were extended to the MMS by regulation. This statute is viewed as generally prohibiting MMS employees from having a direct interest in the mineral wealth of the Federal lands, either directly through a leasehold, or indirectly through ownership of financial interests (securities, limited partnerships, etc.) in companies which lease Federal mineral rights. This provision implicitly prohibits ownership of holdings in petroleum or mining companies or other companies whose activities involve exploration, development and/or production of oil, gas, mineral resources on extensive acreage of Federal lands, through a subsidiary, affiliate, or division, or by the parent company.

MMS Conflict of Financial Interest Policy (MMSM 370.735.2.6)

The MMS Conflict of Financial Interest Policy interprets "interest in the land or mineral wealth: to mean holdings in a company would be prohibited to Royalty Management, Administration and Budget, and Policy and Management Improvement employees, if Federal leases exceed: (A) 100,000 acres of oil or gas producing land, or (B) 20,000 acres of mineral producing land. Employees in Offshore Minerals Management (Offshore) are prohibited from holdings in any company with Federal Offshore leases. There is no prohibition against Offshore employees having financial interests in companies which are strictly onshore. Employees in the Office of the Director are subject to both prohibitions. Financial interests may also be prohibited where there is a direct connection between the company and the employee's official duties or where the potential for an appearance of conflict of interest exists.

Mineral Royalties and Overriding Royalty Interest

Permitting access to private land for mineral exploration and development (i.e., leasing rights to the land) is not subject to the restraints of the Organic Act. However, to eliminate any possibility of the appearance of a conflict of interest in the case of mineral rights on private land that have been leased, all MMS employees are limited in the dollar amount of \$5,000 per company and \$15,000 in the aggregate in royalties they collect in any calendar year.