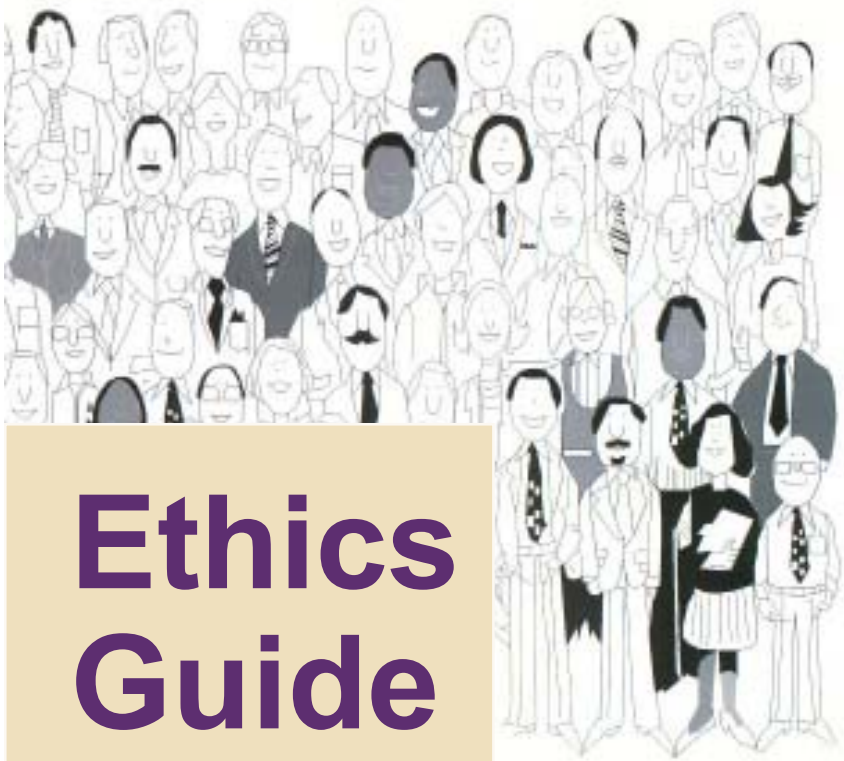
Department Ethics Office

"Making ethics a part of the workplace"

Department Ethics Office
U.S. Department of the Interior
1849 C Street N.W.
Washington D.C. 20240

Helping you with your Everyday Decisions ...



Ethics Guide

For Employees of the Department of the Interior

This Guide belongs to:

_____

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_____

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www.doi.gov/ethics

Notes

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Preface

This publication is a "plain English" guide to the ethics laws and regulations that apply to Department of the Interior employees. It is only intended as a general reference and does not cover all the technical provisions or definitions connected with each topic. Information in this guide may also be updated without notice. Where appropriate, examples are provided to illustrate the application of specific ethics laws, regulations or policies.

If you are confronted by a situation that is covered by one of the topics in this guide, you are strongly encouraged to refer to the actual authority or reference cited with the topic to expand your knowledge and understanding of the ethics law, regulation or policy. If you still have questions concerning any of the topics in this guide, please contact your servicing ethics counselor or the Solicitor's Office. A list containing the principal contacts for ethics matters in each bureau and office is found at the end of this guide.

The Department Ethics Office also maintains a web site that contains a wealth of information on ethics and conduct topics. In many cases, answers to your ethics questions may be found at this site. The ethics web address is: **www.doi.gov/ethics**

September 2002

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Who to Contact If you Have An Ethics Question

The Department of the Interior's ethics program is administered by the Department Ethics Office. This Office is the responsibility of the Designated Agency Ethics Official, the principal ethics official for the Department of the Interior. Working with the part-time assistance of a network of bureau and office ethics personnel, the Department's Ethics Office is able to implement the statutory and regulatory ethics requirements.

Individuals who have ethics questions are encouraged to contact an ethics counselor in their respective bureau or office. However, if they desire, they may contact the Department Ethics Office staff or any staff member of the Solicitor's office to obtain assistance.

Ethics inquiries may be directed to the contacts listed below:

Department Ethics Staff

Shayla Freeman Simmons	Designated Agency Ethics Official
Art Gary	Deputy (Alternate) Agency Ethics Official
Mason Tsai	Senior Ethics Program Specialist
Arthur Bennett	Ethics Training Coordinator
Shareece Gantt	Ethics Program Specialist
Matthew Costello	Ethics Program Specialist

1849 "C" Street, N.W., MS-5221,
Washington, D.C. 20240
(202) 208-7960

Ethics Training Credit

Important! Get training credit for reading this Guide!

If you file a confidential financial disclosure report, you are required to receive at least one hour of ethics training every year. You may be able to satisfy this requirement by reading and becoming familiar with the contents of this guide. Contact your servicing ethics counselor to see if you qualify.

Employee Ethics Training Certification

I have been given a copy of the Ethics Guide for Department of the Interior employees and I understand that I am allowed at least one hour of official time to read and become familiar with contents of the Guide.

I certify that I have reviewed this ethics guide, and I have been advised of the name of my servicing ethics counselor, whom I may contact for ethics advice or counseling. I also understand that by reviewing this Guide, I have satisfied the annual ethics training requirement as required of Federal employees in 5 CFR 2638.

Name(Print):_____

Signature:_____

Office:_____

Telephone:_____ Bureau: _____

Date: _____

Send, email or fax the completed form to your servicing ethics counselor. To find the name and address of your servicing ethics counselor, contact the appropriate ethics official on the next page, or go to the counselor directory on the ethics web site at: www.doi.gov/ethics.

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Executive Order 12674: the Foundation For Ethical Behavior

In the effort to ensure public confidence in the integrity of the Federal Government, Executive Order 12674 (as amended) laid the framework for the ethical behavior required of all Federal employees. As a condition of public service, you are expected to adhere to the fundamental principles of ethical behavior that are listed below:

• Public service is a public trust, requiring you to place loyalty to the Constitution, the laws, and ethical principles above private gain.

• You shall not hold financial interests that conflict with the conscientious performance of duty.

• You shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

• You 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 your agency, or whose interests may be substantially affected by the performance or nonperformance of your duties.

• You shall make no unauthorized commitments or promises of any kind purporting to bind the Government.

• You shall put forth honest effort in the performance of your duties.

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.

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

Who files these reports?

• All regular employees who occupy a position designated as GS-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 are these reports due?

Either the 450 or the 450-A report is due by October 31st of each year, and within 30 days of when an employee assumes a covered position.

What is the difference between the OGE Form 450 and Form 450-A?

The OGE Form 450 is the standard confidential financial disclosure report which must be filed by all Federal employees who are serving in covered positions (positions which require the incumbent to file this particular report). The Form 450-A (OGE Optional Form 450-A) is an optional form which can be used in lieu of completing the Form 450 every year. The Form 450-A is essentially a signed statement by the employee certifying that his/her financial assets and liabilities did not change from what was disclosed in the previous year's annual report. The Form 450-A can be used for a maximum of three consecutive years before a new annual Form 450 must be completed by the employee.

• You shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with your official Government duties and responsibilities.

• You shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

• You shall satisfy in good faith your obligations as citizens, including all just financial obligations, especially those -- such as Federal, State, or local taxes -- that are imposed by law.

• You shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or disability.

• You shall endeavor to avoid any actions creating the appearance that you are violating the law, the Government-wide ethics regulations or these ethical standards.

Executive Summary: Do's and Don'ts for all Department Employees

The Executive branch ethics provisons affect virtually every aspect of our daily worklives. Ethics laws and regulations not only circumscribe how we interact with non-Federal individuals and entities, but also how we work with our fellow employees. Your servicing ethics counselor can help you avoid situations which can damage the trust citizens place in their public officials. In the meantime, the following Do's and Don'ts serve as a handy desktop reference and provide a springboard to your introduction to the Executive branch ethics provisions contained in this guide.

Do's for all Employees

• Complete all financial disclosure forms accurately and thoroughly, and file them on time, if required.

• Cooperate with individuals and organizations conducting background investigations.

• Seek advice from your servicing ethics official about any potential conflict of interest or situation that may create the appearance of impropriety.

• Retain your independence and impartiality in carrying out your duty to serve the public interest.

• Always act in a way that will strengthen public confidence and trust in your role as a public servant and in the integrity of the Government.

• Know the basic rules and procedures for hiring and supervising personnel, acquiring goods and services, and protecting and using Government property.

Schedule C employees
Certain Special Government employees

When is this report 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?

A employee who files more than 30 days after the statutory deadline (and any extension periods) is subject to a $200 late filing fee. This is a statutory requirement and the Department must enforce the penalty. This late fee may only be waived by the Director, Office of Government Ethics.

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.

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.

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 reports. These reports are one of the primary tools used by ethics personnel to determine whether employees are in compliance with the ethics and conduct provisions covering a particular position. Depending on your official position, grade and employment status, you may be required to file either a public financial disclosure report (Standard Form 278) or a confidential financial disclosure report (OGE Form-450), or you may not be required to file any financial disclosure report.

Public financial disclosure reports may be accessed and reviewed by any member of the general public. Confidential financial disclosure reports, however, are not available for review by the public, but they may be reviewed by Federal, state or local law enforcement personnel. The report may also be also used in a court or Federal administrative proceeding if the Government is a party or required to comply with a judge-issued subpoena. They may also be made available to members of Congress.

SF-278 - Public Disclosure Report

Who files this Report?

For the Department of the Interior, the following categories of employees are expected to file the SF-278 Public Disclosure Report:

Senate Confirmed (PAS) Presidential Appointees
Senior Executive Service (SES) employees

• Keep old friends separate from the public's business.

• Travel only when necessary to accomplish job-related objectives.

• Be constantly alert to avoid the apprearance as well as the reality of a conflict of interest.

Don'ts for all Employees

• Use public office for private gain.

• Continue any business relationship with a former employer or partnership that has not been specifically approved by your servicing ethics official.

• Undertake any non-Government employment or income-earning activity with an outside employer that has business with your agency without prior approval of your servicing ethics official.

• Participate in any matter in which, to your knowledge, you or members of your family have a personal financial interest.

• Give preferential treatment to any person or organization.

• Make a Government decision outside official channels.

• Accept gifts, entertainment, favors, free travel or meals from persons or organizations doing or seeking business with the Government.

• Abuse the use of Government vehicles, equipment, telephones, or mail services.

• Disclose classified or privileged information you possess only because of your Government position.

• Work on non-Government projects during official time or use the services of staff members for purposes unrelated to official Government duties.

Laws Applicable To All Federal Employees

These laws apply to all Federal employees and are found in sections 203-209 of Title 18 of the United States Code. Each of these laws carry civil and/or criminal penalties for noncompliance. These statutes also serve as the basis for many of the Federal conflict of financial interest and standards of conduct prohibitions.

18 U.S.C. § 203
Compensation for Representational Activities

Generally, this law prohibits an employee from accepting or soliciting compensation for representational services performed by another person, as agent, attorney or otherwise before any department, agency or court of the United States -- when the representational service is in connection with a "particular matter" in which the United States is a party or has a direct and substantial interest.

This law applies whether or not the compensation is received directly; or whether the representational services were rendered by the employee or

> ***Example:*** *Mary Ann, a state director for the Bureau of Land Management, has an approved part-time consulting activity with an environmental planning firm. The firm has no contracts with the Interior Department, but has a contract with the Environmental Protection Agency. Mary Ann is aware that she may not represent the firm before any court or agency of the United States (18 U.S.C. § 205). She is also prohibited by 18 U.S.C. § 203 from accepting compensation including distribution of profits directly resulting from the representational services rendered by any other employee of the firm before the United States.*

> research organization exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, or (d) a candidate for Federal or State office or any authorized committee, or a political

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. This exception may require written notification to the head of the agency (Refer to 25 U.S.C. § 450i(j)).

Remember . . . Uncle Sam lets you use his equipment, supplies and files, he does not let you keep these items when you leave Federal service.

Important Definitions and Exceptions

For purposes of 18 U.S.C. § 207, the term "agency" is defined to mean each individual bureau or office within the Department of the Interior.

To illustrate, the one year restriction under 18 U.S.C. § 207(c) prohibits a former National Park Service senior employee from communications to or apppearances only before the National Park Service; it does not prohibit the former senior employee from contacting any other bureau or component of the Department of the Interior, such as the U.S. Geological Survey or the Office of the Secretary.

Under the restriction of 18 U.S.C. § 207(c), former senior employees of the Office of the Secretary, Solicitor or Inspector General may not communicate or appear before any of those three offices, but may appear before any other designated bureau or component of the Department of the Interior.

Former Senate confirmed Presidential appointees do not benefit from this narrow definition of "agency." In other words, for purposes of 18 U.S.C. § 207(c), these individuals are prohibited from communicating or appearing before any bureau or component of the Department of the Interior.

Exceptions are provided to former senior or very senior employees for the one year bans of 18 U.S.C. 207(c) and (d) when the communication or appearance is made in carrying out official duties as an employee of and is made on behalf of: (a) an agency or instrumentality of a State or local Government; (b) an accredited degree-granting insitution of higher education as defined in sec. 1201(a) of the High Education Act of 1965; (c) a hospital or medical

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by another person.

The provisions of 18 U.S.C. § 203 do not apply in connection with the proper discharge of the employee's official duties.

The term "particular matter" generally includes a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, audit, review or study. Refer to the statute for a more detailed definition of particular matter.

18 U.S.C. § 205
Prohibited Acts of Representation

Generally, this law prohibits Federal employees from representing any person or organization before a agency or court of the United States on a particular matter in which the United States is a party or has an interest.

This law applies to both paid or unpaid representational activities, and it does not distinguish whether you are on or off duty. An exception to this prohibition allows 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.

This law does not prohibit a career Federal employee from appearing before the United States, in his or her private capacity, to present the views of a citizens' group of which he or she is a member, without compensation, in response to Government's request for public comment.

The provisions of 18 U.S.C. § 205 do not apply to: (1) the unpaid representation of any person subject to disciplinary,

loyalty, or other personnel administration proceedings; (2) an

employee who is carrying out the official responsibilities of his or her position; or (3) an employee's representation of himself or herself or immediate family members in matters which are not under the employee's official responsibility or in which the employee does not participate personally and substantially.

Example 1. Jill, a budget analyst for the National Park Service, has an approved part-time job preparing income tax returns for outside clients. 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. Arney, a school superintendent for the Bureau of Indian Affairs, wants to represent a local nursery school in proposed contract negotiations to provide preschool services to the Indian Health Service (IHS). The restriction under 18 U.S.C. § 205 prohibits Arney from representing the nursery school in its contract negotiations with any U.S. Government agency.

One-Year Bar Relating to Foreign Entities (18 U.S.C. § 207(f))

This law imposes a one-year restriction relating to foreign entities.

For one year after leaving Government service, a former senior employee may not knowingly aid, advise, or represent a foreign entity, with the intent to influence the official actions of any employee of any U.S. agency or department.

The term, "foreign entity" means a foreign government or political party as those two terms are defined in the Foreign Agents Registration Act. It is also important to note that this prohibition not only prohibits direct representational activity by the former senior employee, but also prohibits aiding or advising others in their representation before Federal entities.

One-Year Bar Covering Very Senior Employees (18 U.S.C. § 207(d))

This law imposes a one-year restriction on communications with one's former agency with any individual in an Executive Level position.

For one year after service in a very senior position, a former Executive Level I employee and certain other very senior employees in the Executive Office of the President are prohibited from making any communication to or appearance before: (1) any individual appointed to an Executive level position, or (2) any employee of a department or agency in which the former very senior employee served during his or her last year of government service.

Presently, the only employee covered by this law in the Department of the Interior is the Secretary.

Summary of the Additional Laws that Apply to Former Senior Employees

One-Year Bar on Communication with one's Former Agency (18 U.S.C. § 207(c))

This law is a one-year restriction on communication with one's former agency.

For one year after leaving senior service, no former "senior" employee may make, with the intent to influence, any communication to or appearance before the department or agency in which he or 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 any other person(other than the United States) on a matter in which he or she seeks official action by the department or agency.

> ***Example.*** *A senior employee of the Bureau of Reclamation leaves government employment for private practice and shortly thereafter telephones a former associate urging that the Bureau: (a) adopt a new procedure to put a ceiling on costs of grants; (b) not adopt a particular rule proposed for drug testing of Federal employees; and (c) oppose a bill pending in Congress relating to Bureau of Reclamation programs.*
>
> *These contacts are all prohibited by the one year ban. The first, not yet pending, is of interest to the Bureau; the second is pending in the Bureau; and the third is pending elsewhere, and is of interest to the Bureau.*

18 U.S.C. § 208 Conflict of Financial Interest

Generally, this statute prohibits you from personal and substantial participation, in your official capacity, in any "particular matter" in which you have a financial interest.

A "particular matter" refers to matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The term may include matters which do not involve formal parties and may extend to legislation, regulations, or policy making that is narrowly focused on the interests of a discrete and identifiable class of persons. It does not, however, cover consideration or adoption of broad policy options directed to the interests of a large and diverse group of persons.

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

This statute applies whether you are on or off duty. 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 have an arrangement for future employment or with whom you are negotiating for employment is "imputed" to you. That is, for purposes of this prohibtion, their financial interests are treated as if they were your own.

This statutory prohibition also provides for exemptions and waivers for certain financial interests. Refer to 5 CFR part 2640 for an interpretation of terms used in the prohibition as well as further information on exemptions and waivers to the prohibition.

The prohibtion does not apply to an individual's birthright financial interest in an Indian tribe, band, nation or other organized group or community, including any Alaska Native village corporation as defined in or established

Example 1: *Harry holds $7,000 of stock in Dell Computer Company. As Director of the Office of Information Resources, Harry purchases computers for the entire bureau. Since Harry holds a financial interest in Dell Computer, 18 U.S.C.§ 208 prohibits him from being officially involved in any matters dealing with the company. If Harry cannot do his job without being involved with Dell Computer, then he may have to dispose of his financial interest in the company or seek some other remedial action.*

Example 2: *Fred is a geologist for the U.S. Geological Survey. He would like to seek future employment with a local natural gas exploration company. This company's operations may be substantially affected by the decisions and actions taken by the Survey.*

After receiving approval from his supervisor, Fred may start to negotiate for future employment with the gas exploration company. Fred was also informed about the prohibition in 18 U.S.C. § 208 which restricts him from being officially involved in particular matters that will have a direct and predictable effect on the natural gas company.

As a precaution to avoid any appearance of impropriety, Fred, with the help of his servicing ethics counselor, prepares and files a recusal statement with his supervisor that states that he will not work on any matters pertaining to the natural gas company until he finishes negotiating for future employment with the company.

Example. *Within two years after leaving Federal service, a bureau's former budget officer is asked to represent Q Company in a dispute arising under a contract which was in effect during the officer's last year in office. The dispute concerns an accounting formula under the contract, a matter upon which a subordinate of the former officer made recommendations.*

The former budget officer may not represent Q Company on this matter. Even though the subordinate was not the decision maker, the involvement of that person in making a recommendation on the latter was under the "official responsibility" of the former budget officer during her last year in office.

One-Year Bar on Aiding and Advising (18 U.S.C. § 207(b))

This law is a one year restriction on aiding and advising with regard to a trade or treaty negotiation.

For one year after government service terminates, the law restricts a former employee from representing, aiding or advising, on the basis of covered information, any other person (except the United States) concerning any ongoing trade or treaty negotiation in which, he/she participated personally and substantially during the last year of government service.

Example. *A former FWS scientist attends a hearing on a treaty in which he had participated while in his last year of government service. He speaks with the representative of a private party during the hearing. If, during that conversation, the former employee lends assistance to the representative, a violation of this law occurs.*

Summary of the Laws that Apply to All Former Federal employees

Lifetime Bar (18 U.S.C. § 207(a)(1))

This law imposes a "lifetime ban" on a former employee from "switching sides" on the same particular matter involving specific parties. In other words, this law prohibits a former government employee from making any communication to or appearance before any department, agency, or court of the United States on behalf of any other person in connection with a particular matter involving specific parties the employee was personally and substantially involved in as a government employee.

> *Example. An Associate Solicitor works on a lawsuit involving X Company. After leaving Federal service, the former Solicitor accepts a job with a consulting firm that has X Company as a client. She is asked by the consulting firm to represent X Company before the National Park Service in connection with the same lawsuit she work on as a Federal employee. She may not do so. For life, she may may never represent anyone else except the United States on this particular matter involving specific parties.*

Two-Year Bar (18 U.S.C. § 207(a)(2))

This law is similar to the permanent bar in 18 U.S.C. § 207(a)(1) except that it applies for only two years and covers only those particular matters involving specific parties that were actually pending under the former employee's official responsibility in his/her last year of government service.

Under this law, your *official responsibility* is usually defined by statute,

18 U.S.C. § 209 Restriction on 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. In other words, as a Federal employee, no one else other than the Government may pay you for the work that you do for the Government.

This statute does not apply to: (1) personal gifts from relatives and close friends; and (2) compensation contributed out of the treasury of any state, county, or municipality.

> ***Example 1:*** *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. Since the gift is perishable, Harold may share the fish with his office staff.*
>
> ***Example 2:*** *Sally, a Dam Safety inspector for the Bureau of Reclamation, was asked to give a lecture at a local college on the safety precautions used in modern dam construction and operation. She may do this on her own time and receive compensation for the lecture. When presenting the lecture, Sally may not refer to her official title, but she may identify herself as an employee of the Bureau of Reclamation. She must also point out that she is making the presentation in her personal capacity and not as a Bureau employee. Additionally, the presentations may not rely solely on the programs and policies of the Department or the Bureau.*

Ethics Prohibitions Unique to Interior Employees

To ensure the public's confidence and trust in what we do, the Congress and the Department have established restrictions on the types of financial interests that may be held by certain Department employees. By imposing such restrictions, conflicts of financial interests and the appearance of improprieties are eliminated or minimized. A summary of the prohibitions as well as the affected employees are listed below. If you are not sure whether you are covered by one or more of the restrictions below, check with your servicing ethics counselor.

43 U.S.C. § 11 - Applies to Bureau of Land Management employees

This law prohibits all Bureau of Land Management employees from voluntarily acquiring financial interests in Federal lands during their tenure with BLM. Prohibited interests include stocks and bonds in oil, gas and timber companies that lease Federal land for their operations (e.g. Exxon Mobil, Chevron, Weyerhauser, etc.). It also prohibits interests in leases and permits for the commercial and investment use of Federal lands administered by the Department.

43 U.S.C. § 31(a) - Applies to U.S. Geological Survey employees

This law prohibits all U.S. Geological Survey employees from (i) holding any financial interests in companies that lease Federal land for the purpose of extracting minerals, and from (ii) executing any surveys or examinations for private parties. Generally, prohibited interests include

Restrictions that Apply to You After Leaving Federal Service

After you leave Federal service, there are certain restrictions that may apply to your activities as well as the work you do for your future employer. These are commonly called "Post Employment Restrictions." None of the prohibitions prohibit you from leaving the Federal government and going to work for any outside employer. The restrictions only apply to certain activities that you engage in that involve the United States Government.

Who is a "Senior Employee?"

For purposes of the post employment restrictions, a "Senior Employee" is a Federal employee who is paid at an annual rate which is equal to or more than the rate established for Level 5 of the Senior Executive Service (ES-5).

Most former employees are covered by three post employment restrictions. As a Department manager you may be designated as a "Senior Employee." Because of this, you are not only covered by the three restrictions that apply to most former employees, but you may be covered by up to eight additional post employment restrictions. The number of additional restrictions that cover you depends upon your rate of pay and the nature of your appointment or work prior to leaving government service.

Serving as An Expert Witness

You may not testify, in your private capacity, in any judicial or administrative proceeding in which the U.S. is a party, has a direct or substantial involvement in, or which concerns official information, without prior approval from your organization's management and the Designated Agency Ethics Official (DAEO).

If you are asked to voluntarily give "expert" 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.

If you are subpoenaed to testify as an "expert" in any matter that the Government has an interest in, or is a party to, you MUST notify your supervisor and the DAEO immediately and request approval to proceed. If that approval has not been granted by your appearance date, you must appear in compliance with the subpoena. However, 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 "expert" opinion as an employee of the Department.

Management is encouraged to consult with the Office of the Solicitor's Division of General Law staff for recommendations on the issue.

Departmental procedures are set out in 43 CFR Part 2.

stocks and bonds in oil and gas and other mining companies that lease Federal lands for their operations. This law also prohibits interests in leases and permits for the commercial and investment use of Federal lands administered by the Department.

5 CFR § 3501.103(b) Applies to Minerals Management Service and certain Office of the Secretary employees

This provision applies to all Minerals Management Service employees and certain employees within the Office of the Secretary and other Departmental offices that report directly to a Secretarial officer who are in positions classified at GS-15 and above (contact your servicing ethics counselor or refer to 5 CFR 3501.103(b)(ii) to see a list of affected offices). Employees in these offices may not acquire or hold any direct or indirect financial interest in Federal lands or resources administered or controlled by the Department. This generally includes stock or bond interests in most oil, gas, mining and timber companies that lease Federal lands for their operations.

30 U.S.C. § 1211(f) Applies to Office of Surface Mining employees

This law prohibits all Office of Surface Mining employees and any other Federal or State employee who performs functions and duties under the Surface Mining Control and Reclamation Act of 1977 from having any financial interests in surface or underground coal mining operations. If you don't work for the Office of Surface Mining but have responsibilities connected with mining and reclamation operations, contact your servicing ethics counselor to determine whether you are covered by this law.

Prohibited financial interests under this law include companies that are involved in developing, producing, preparing or loading coal or reclaiming the areas upon which such activities occur. Examples of such companies include: Exxon Mobil Company, Sunoco Company and American Electric Power Company.

5 CFR § 3501.103(c) Applies to all Department employees

This provision prohibits all Department employees, their spouses and their minor children from acquiring or retaining any claim, permit, lease, small tract entries, or other rights that are granted by the Department in Federal lands. This prohibition does not restrict the recreational or other personal and noncommercial use of Federal lands by an employee, the employee's spouse or minor child, on the same terms as use of Federal lands is available to the general public.

Gambling, Raffles, Lotteries and Betting Pools

Department Policy

Unless authorized by statute, regulation or the Office of Personnel Management, all forms of gambling activities are prohibited at all times on Government owned or leased facilities. Prohibited gambling activities include but are not limited to raffles, lotteries, numbers [games], football pools, etc. See 5 CFR 735.102.

Example. *The Washington Redskins are having a good season. In the excitement over the team's performance, key staff members of the Commissioner's office [Bureau of Reclamation] have started a small pool for the big upcoming game with Dallas. They approach their supervisor, the Commissioner, to see if he wants to participate in the pool. The Commissioner tells them that he wants to participate, but he will not be involved in any gambling transaction until he leaves the work place. The Commissioner also tells the staff that the gambling activity may not continue at the work place and must cease immediately.*

Use of telephone during official travel. Employees should use Federal calling cards and prepaid calling cards when making personal calls on travel. Government-owned cellular phones and hotel phone lines should not be used if possible. Employees must have prior authorization to use telephone equipment on airplanes. If authorized, employees should use Federal calling cards or prepaid calling cards.

Using government charge cards during official travel. The government charge card may not be used for any personal purchases. Employees may use government charge cards while on official travel for the following purposes:

- Cash advances within 5 calendar days before and during travel
- Transportation-related tickets (air, train, etc.)
- meals, lodging, rental cars/gasoline, parking and tolls
- taxi rides, telephone calls and other travel related purposes.

Example 1. A BIA Area Director is on travel when he realizes that it's his wife's birthday. He picks up a present and uses his official government credit card to pay for the purchase. The Area Director thinks that because he will pay the credit card bill immediately upon his return home that there will be no problem. He is incorrect. The official government credit card may be used only for official travel and related expenses. He may not use the card for any personal purchases.

Example 2. Michael, a branch chief for OSM, is asked by a former employee to send an employment reference to a potential employer. Michael may send the reference on Department stationery and use his official title on the letter. Michael's character and employment reference should only cover the period of time that the former employee was under his direct supervision at OSM.

Gifts: When It is OK to accept Them and When You Should Refuse Them

Gifts from Domestic and Private Sources

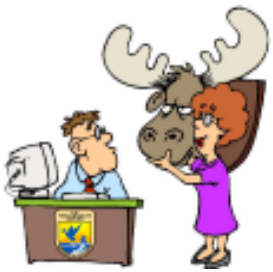
As a general rule. . .

You may not, directly or indirectly, solicit or accept a gift:
(1) from a prohibited source; or
(2) if it is given because of your official position.

This rule applies whether you are *on* or *off duty*. A *gift* may include but is not limited to a gratuity, favor, discount, cash, gift certificate, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services as well as gifts of training, transportation, local travel, lodgings and meals.

Some things are excluded from the definition of a *gift*. For example, a gift is not:

- Coffee, donuts, or other modest food items not offered as part of a meal;
- Greeting cards, presentational plaques, certificates, or trophies;
- Prizes in contests open to the general public;



- Commercial discounts available to the general public or to all Government employees;
- Commercial loans, pensions, and similar benefits;
- Anything for which you paid market price; or
- Anything paid for by the Government.

"It's a gift from one of our contractors"

Exceptions to the Prohibition:

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 that is attended by representatives from many public and private organizations).

• *Widely attended gatherings.* When there has been a determination that your attendance is in the interest of the agency because it will further agency programs and operations, you may accept an unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering of mutual interest to a number of parties from the sponsor of the event or, if more than 100

A *prohibited source* includes any person, company, or organization that:
- Has business with your agency*;
- Is seeking to do business with your agency*;
- Conducts operations that are regulated by your agency*; or
- Has any interests that may be affected by your official duties.

A *prohibited source* may also be:
- Any professional, technical, or trade association, the majority of whose members represent prohibited sources; or
- An outside organization which seeks to influence the Department.

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* For purposes of the gift rules, the term *agency* means each major bureau or office within the Department. For Department-level employees, the term *agency* means: Offices of the Secretary, Solicitor and Inspector General combined.

- Campaigning - political activity
- Online stock trading activities
- Online real estate activities
- Online activities that are connected with any type of outside work or activity
- Endorsement of any products, services or organizations
- Any type of continuous audio or video streaming from commercial, private, news or financial organizations

Use of Department email system. The Department does not place restrictions on incoming email. Under current policy, employees may send out personal email provided that:

- Any message is not sent to more than five addressees - no mass mailings
- No personal broadcast transmissions

It is important to note that any email on the Department email system is the property of the Department and may become official records.

Use of Department telephones. Employees may use Department telephones for personal calls when they are necessary and when the call provides a benefit to the Department. Examples include:

- Calls to family members when an employee works late
- Calls to child-care facilities or providers to make alternate arrangements
- Calls to medical or day-care providers
- Calls to make funeral arrangements
- Calls to businesses that are open only during work hours
- Calls to arrange home or car repairs

Purely personal calls are permissible if they are short (5 or 10 minutes) and no cost to the government (long distance and toll calls are prohibited). Employees are limited to three personal calls per week.

Generally, the projects, studies, maps, and documents you prepare as a Government employee, belong to the Government. This also includes photographs, slides and other media you prepared while on official duty using film, tapes or other recordable material that was purchased with Government funds. When you leave Federal service, you may not take any of these items with you.

Department Limited Personal Use Policy

The Department of the Interior's limited use policy applies only to personal use of computers [and internet services], telephones, fax and photocopiers that are owned, leased or provided for by the Department. It is important to note that a Department bureau or office has the authority to make this limited personal use policy stricter to accommodate its management needs. A Department bureau or office may not change any part of this policy to relax the restrictions as stated below.

This limited personal use policy does not apply to the use of government owned or leased motor vehicles, or to the use of government credit cards. The policy applies to government equipment used on government premises. Employees may not, without proper authorization, remove government equipment from the office for home use.

Use of computers and the Internet. Employees may use government computers and the internet for personal use on their own personal time (before and after work, during lunch and during other breaks) provided that there is no additional cost to the government. Employees may make personal purchases over the internet, provided they have the purchased item sent to a non-government address. The following activities are absolutely prohibited on any government owned or lease computer:

- Gambling
- Visiting and downloading material from pornographic web sites
- Lobby Congress or any government agency

persons are expected to attend the event and the gift of free attendance has a market value of $250 or less, from a person other than the sponsor of the event.

• *Discounts and similar benefits that are offered to the public, other groups that you belong to, or to all 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 relationships).

• *Awards and honorary degrees.* Requires prior Department Ethics Office approval for awards of cash of any amount or tangibles valued at more than $200 and for honorary degrees.

• *Gifts from a political organization* (for employees covered by the amendments to the Hatch Act).

• *Gifts based on a personal relationship.* You may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than your position.

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.

Important! All Department employees may accept gifts offered to them by representatives of domestic and foreign organizations when refusal to accept such gifts would be likely to cause offense or embarrassment or otherwise adversely affect relations with the United States. All gifts received are subject to the $20 standard for gifts from domestic sources, and $260 for gifts from Foreign governments. Gifts valued above these limits become the property of the Department.

Example 1. An onsite Bureau of Reclamation 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. Brian has been notified that he was selected to receive a public service award from Amerada Hess Company. The award in question is a check for $2,000. It is being presented to him for his contributions in the field of water purification. Because the gift is valued at more than $200, approval from the Designated Agency Ethics Official is required.

Brian, with the assistance of his servicing ethics counselor, must confirm that Amerada Hess Company program has given similar cash public service awards on a regular basis in the past and that selection of award recipients was made pursuant to written standards. If so, approval will most likely be granted to allow Brian to accept the award.

Example 3. Alison has been offered free tickets (valued at $200) 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 if she completes a form DI-1958. Otherwise, she may not accept the invitation.

Using Government Property, Time and Information

It is your responsibility as an employee to protect and conserve Government - owned or leased property and vehicles, and to use such property and vehicles only for authorized purposes.

You may not convert for personal use, even temporarily on loan, any Government owned or leased vehicle, property or equipment. Nor may you use Government purchasing authority for personal acquisitions (including your Government credit 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.

Your bureau or office is authorized to let you have limited use of certain Government owed or lease equipment for personal use. You should not abuse this priviledge. If you are unsure whether to use a particular piece of Government equipment for a personal reason, contact and get authorization from your supervisor.

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. Violation of the prohibition against using franked (postage paid) envelopes may (18 U.S.C. § 1719), result in a fine of not more than $300.

You are prohibited from engaging in any financial transaction using "insider" or nonpublic information, or allowing the improper use of nonpublic information, which is not available to the public, to further your own private interest or that of another.

Exceptions to Policy:

• 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. *Leonard, a senior official within the Office of the Secretary, has a new daughter-in-law who has just graduated from the state university with a degree in literature and is looking for a job. Leonard calls the manager of one of the offices under his authority and asks him to find a job for his daughter-in-law. The manager should advise Leonard that he is prohibited from advocating the appointment of his daughter-in-law.*

Gifts From Foreign Governments

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

Exceptions to this rule:

• Gifts of minimal value ($285 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 $285 must then be turned over to the appropriate property officer for proper disposition.) Statutory reference for this provision is contained in 5 U.S.C. § 7342.

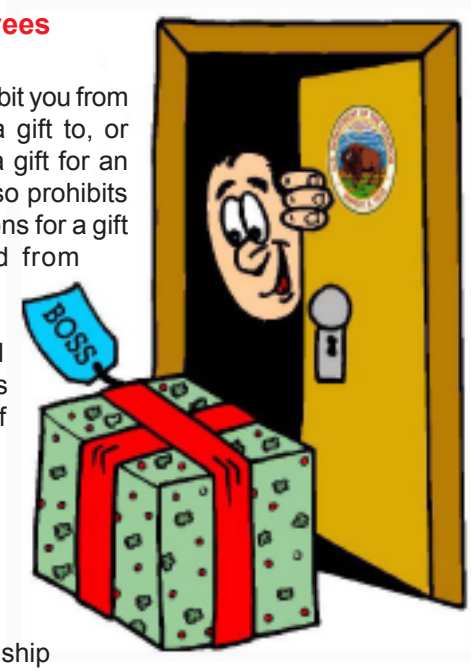
This rule applies:

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

Example 1. *While in England attending an international conference on Environmental Law, Tim, an Attorney in the Solicitor's Office, was given a handcrafted vase from the British government that had a fair market value of $200. Tim may accept the vase because the gift is valued at less than $285.*

Example 2. The Chinese Government wants to invite Gerry, a hydrologist for the Geological Survey, to travel to Shanghai, to present a paper dealing with new techniques for sediment control. The Chinese Government has offered to pay all transportation and related expenses for Gerry's trip. If the Geological Survey approves Gerry's trip, all transportation and related travel expenses may be accepted under 31 U.S.C. 1353. In addition to a travel authorization, Gerry must complete a form DI-2000 prior to the travel event. This form may be downloaded from: www.doi.gov/ethics

Gifts From Employees



Generally, Federal rules prohibit you from directly or indirectly giving a gift to, or making a donation toward, a gift for an official superior. The rule also prohibits you from soliciting contributions for a gift to an official superior and from accepting a gift from an employee receiving less pay than yourself. 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;

Exceptions to this rule

• 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

Nepotism: The Act of giving preferential Treatment to one's Relatives

Nepotism, or showing favoritism on the basis of family relationships is prohibited. The Department's policy on nepotism is based directly on the nepotism law in 5 U.S.C. 3110.

The law states that you may not appoint, employ, promote, or advance your relative. Further, you may not advocate for 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.

The term, ***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.

Endorsements

A Department employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise except:

(1) In furtherance of statutory authority to promote products, services or enterprises; or

(2) As a result of documentation of compliance with agency requirements or standards or as the result of recognition for achievement given under an agency program of recognition for accomplishment in support of the agency's mission.

Interior employees may, however, provide endorsement or support for 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, however, your endorsement may not make reference to your official title or position with the Department

superior or accepted from a subordinate or other employee receiving less pay:

- Personal hospitality provided at a residence;
- 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.

• 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
- On occasions such as retirement, resignation, or transfer that ends a subordinate-official superior relationship.

Example. Ed, a regional director for the National Park Service, has decided to retire from Federal service. His seven employees take Ed out to lunch and present him with a full set of golf clubs worth $300. It goes without saying that each employee contributed a substantial amount of money toward the lunch and gift. Ed may accept the gift since the celebration of his retirement is an infrequent occasion which is permitted under the gift acceptance rules.

It is important to note that in cases where employees are asked to contribute money for a particular occasion, the employee's decision to contribute as well as the amount of money to contribute must be **voluntary**.

Bureau Gift Acceptance Authorities

To take advantage of the generosity of the general public and private sector organizations, Congress passed laws which allow certain Department bureaus to accept gifts for specific purposes. Most of these authorities are listed and described below:

Bureau of Indian Affairs 25 U.S.C. § 451

Authorizes the Secretary to accept donations of funds or other property for the advancement of the Indian race.

Bureau of Indian Affairs 25 U.S.C. § 465

Authorizes the Secretary 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."

Bureau of Indian Affairs 25 U.S.C. § 487

Authorizes the Secretary to acquire by gift any lands or interests in lands within the Spokane Indian Reservation.

Bureau of Indian Affairs 25 U.S.C. § 500c

Authorizes the Secretary to accept gifts for and on behalf of natives of Alaska for the purpose of benefiting the Alaska native reindeer industry.

Bureau of Indian Affairs 25 U.S.C. § 501

Authorizes the Secretary 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.

Use of Your Public Office

Use of Position for Private Gain

As a Department employee, you may not use your public office for your own private gain, or for the private gain of friends, relatives, or business associates. Except as provided by law or regulation, you may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that could reasonably be construed to imply that the Department or the Government sanctions or endorses any of your personal activities or the activities of another.

You may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to yourself or to friends, relatives, or persons with whom you are affiliated in a nongovernmental capacity.

Example. *David is the chief dam engineer for the Bureau of Reclamation. He recently received a request from a book publisher to write a foreward to a new textbook on the construction of dams in the United States. Can he do this? David may not prepare the forward as this is considered an improper endorsement and a use of public position for private gain. Under this prohibition, the term "private gain" is defined as anyone's gain.*

Use of Your Official Title

As an Interior employee, 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.

If appropriate and by custom, an employee's official title may be used in social introductions or exchanges on nonofficial occasions . For example, the Honorable Mr. Jones, or Superintendent Smith.

An employee's official title may also be used in a biographical summary. For example, "Mr. Johnson has been the Director of the Water Control Office since March of 1995."

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.

> ***Example.*** *Terry, an Associate Director with the MMS, is frustrated over the way the airline calculated his personal frequent flyer miles. He plans to prepare and send a strong letter to the airline management requesting specific corrections to his account. Even though Terry has a frequent flyer account with the same airline for official travel, he may not use MMS stationery or use his official title in a letter to the airline.*

Bureau of Indian Affairs 25 U.S.C. § 608

Authorizes the Secretary to acquire by gift any lands or interests in lands within the Yakima Indian Reservation.

Bureau of Land Management Sec. 307(c) of FLPMA and 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 Reclamation 42 U.S.C. § 7871(b)(9)

Authorizes the Secretary, 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."

Fish and Wildlife Service 16 U.S.C. § 742f(b)

Auhorizes the Secretary to accept gifts for the benefit of the Fish and Wildlife Service.

Geological Survey
Public Law 99-591

Authorizes the Geological Survey to "accept lands, buildings, equipment and other contributions from publiic and private sources."

Minerals Management Service Public Law 99-591

The Department of the Interior's Appropriations Act for FY 1987 provides permanent authority for the MMS "to accept land, buildings, equipment and other contributions, from public and private sources, which shall be available for purposes provided for in the account."

National Park Service 16 U.S.C. § 6

Authorizes the Secretary, in 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.

National Park Service 16 U.S.C. § 18f(b)

Authorizes the Secretary 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 30 U.S.C. § 1231(b)(3)

Authorizes the Secretary to accept donations for carrying out the purposes of the Abandoned Mine Reclamation Fund.

Take Pride in America Program 16 U.S.C. §§ 4601 et seq.

Authorizes the Secretary to "solicit, accept, hold, administer, invest in government securities, and use gifts and bequests of money and other personal property to aid or facilitate the purposes of the TPIA Program." Note: Seek Department Ethics Office guidance before using this authority.

Department of the Interior Museum Public law 101-512, section 116, November 5, 1990.

Authorizes the Secretary to accept gifts for the Department of the Interior Museum.

Question: *If I run as a candidate for public office in a nonpartisan election, does the Hatch Act allow me to ask for and accept political contributions?*

Answer: An employee who is a candidate for public office in a **nonpartisan** election is not barred by the Hatch Act from soliciting, accepting, or receiving political contributions for his or her own campaign.

Question: *May I distribute brochures for a political party to people arriving at a polling place on Election Day?*

Answer: Yes. An employee may stand outside a polling place on Election Day and hand out brochures on behalf of a partisan political candidate or political party.

Example. *Matthew is a park ranger who lives in Federal housing provided by the National Park where he works. He wanted to know whether he could display political signs in the window or on the front lawn of his home.*

The answer is yes. The statutory prohibition governing political activities specifically prohibits a Federal employee from engaging in political activities while on duty or in a room or building occupied in the discharge of official duties. Because housing units would not be considered rooms or buildings occupied in the discharge of official duties, the law would not prohibit employees from displaying political signs in their homes or on their lawns.

Question: *Can I help organize a political fundraiser?*

Answer: An employee is allowed to organize a fundraiser, including supplying names for the invitation list, as long as he or she does not personally solicit, accept, or receive contributions.

Question: *Can my name appear on invitations to a political fundraiser as a sponsor or point of contact?*

Answer: No. An employee's name may not be shown on an invitation to such a fundraiser as a sponsor or point of contact.

Question: *Can I speak at a political fundraiser?*

Answer: An employee is allowed to give a speech or keynote address at a political fundraiser, as long as he or she is not on duty, and does not solicit political contributions.

Question: *If I'm going to speak at a political fundraiser, what information about me can be printed on the invitations?*

Answer: An employee's name can be shown as a guest speaker. However, the reference should not in any way suggest that the employee solicits or encourages contributions. Invitations to the fundraiser may not include the employee's official title; although an employee who is ordinarily addressed with a general term of address such as "The Honorable" may use, or permit the use of, that term of address on the invitation.

Question: Can I attend a state or national party convention? If so, in what capacity?

Answer: Yes. A federal employee may serve as a delegate, alternate, or proxy to a state or national party convention.

Things You Should Know If You Travel for the Department

Generally, your official travel must be paid for from your bureau or office's appropriated funds. However, under some circumstances, it is acceptable for your travel to be paid out of the appropriated funds of another government agency. Furthermore, under certain circumstances, your bureau, office, or department may be reimbursed for your travel by a non-Federal source. The authorities which may allow your office to accept host-paid travel expenses are stated below:

Travel Authority under 31 U.S.C. § 1353

This authority allows Executive branch departments to accept reimbursement from non-Federal sources for an employee's transportation expenses to certain functions related to the employee's official duties. Travel under this authority may not be for events required to carry out the Department's statutory and regulatory functions, e.g., investigations, inspections, audits, or site visits.

The non-Federal travel payment may only apply when the employee's travel is for attendance at a conference, meeting, seminar, training course, speaking engagement, or similar event for the exchange of information sponsored by an outside source, that takes place away from the employee's official duty station;

Payment must be for travel related to the employee's official duties. Payment may not be accepted from a non-Federal source that may be substantially affected by the performance or nonperformance of the employee's duties. In addition to obtaining an approved travel authorization, the employee must also have an approved Form DI-2000.

The travel authority under 31 U.S.C. § 1353 is the preferred authority to use if reimbursement is offered by an outside source.

Important. 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.

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.

Reimbursement Authority under 5 U.S.C. § 4111

This authority allows Executive branch departments to accept reimbursement from certain 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 certain non-profit organizations. Try to use this authority only if you cannot use the travel reimbursement authority under 31 U.S.C. § 1353.

Under this law, the source of the travel payment must be from a non-profit, tax exempt organization covered under 26 U.S.C. § 501(c)(3) of the Internal Revenue Service (IRS) Code. The travel payments from the 501(c)(3) organization must be connected with your attendance at a training seminar or conference at a non-government facility.

To find out whether a particular non-profit organization is covered under 26 U.S.C. § 501(c)(3), you may call the Department Ethics Office on (202) 208-7960, 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.

may campaign for or against referendum questions, constitutional amendments, municipal ordinances, etc.

may not be candidates for public office in partisan elections except in localities approved by the Office of Personnel Management.
may not campaign for or against a candidate or slate of candidates in partisan elections.
may not make campaign speeches.
may not collect contributions or sell tickets to political fund raising functions.
may not distribute campaign material in partisan elections.
may not organize or manage political rallies or meetings.
may not hold office in political clubs or parties.
may not circulate nominating petitions.
may not work to register voters for one party only.
may not wear political buttons at work.

Question: *Can I make a contribution to the campaign of a partisan candidate, or to a political party or organization?*

Answer: Yes. A Federal employee may contribute to the campaign of a partisan candidate, or to a political party or organization.

Question: *If I have a bumper sticker on my personal car, am I allowed to park the car in a government lot or garage, or in a private lot/garage if the government subsidizes my parking fees?*

Answer: Yes. An employee is allowed to park his or her privately owned vehicle with bumper sticker in a government lot or garage. An employee may also park the car with a bumper sticker in a private lot or garage for which the employee receives a subsidy from his or her agency. If, however, the privately owned vehicle is used on Government business, the bumper sticker must be covered.

before their agency.
may not engage in political activity while on duty (does not apply to PAS officials).
may not engage in political activity in any government office (does not apply to PAS officials).
may not use government property for political activity (does not apply to PAS officials).
may not use government vehicles for political activity (certain exceptions for the Secretary of the Interior).
may not engage in political activity while wearing an official uniform.
may not wear political buttons while on duty or in government buildings.
may not mix official travel and political activities without written justification and prior authorization (applies only to non-career SES and Schedule C employees) .

Federal employees should also be aware that certain political activities may also be criminal offenses under title 18 of the U.S. Code.

Permitted and Restricted Activities for all Interior employees who are career SES, Administrative Law Judges, or on the Contract Appeals Boards.

These employees . . .

may register and vote as they choose.
may assist in voter registration drives.
may express personal opinions about candidates and issues.
may participate in campaigns where none of the candidates represent a political party.
may contribute money to political organizations, political organizations sponsoring specific candidates, or attend political fundraising functions.
may attend political rallies and meetings.
may join political clubs or parties.
may sign nominating petitions.

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 Travel Acceptance 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. Ask your servicing ethics counselor for assistance in using these authorities. See the section on *"Bureau Gift Acceptance Authorities."*

Frequent Flyer Benefits

The passage of recent legislation, Section 1116 of the National Defense Authorization Act for Fiscal Year 2002 (Act), authorizes Federal employees to retain for personal use promotional items, including frequent flyer miles, earned on official travel. This includes all benefits earned, including those earned before enactment of the Act.

It is important to note that the Internal Revenue Service has indicated that the promotional benefits may be taxable. Employees who have received such benefits may want to check with a tax consultant for any rules issued by the Internal Revenue Service.

Do I have to have a separate authorization for each trip?

No. Depending on your position, the frequency of your travel, and the type of trip, authorization may cover (1) all travel for the entire fiscal year, (2) all travel within a geographic area or for travel during a set period of time, e.g. 90 days, or (3) a specific trip. Certain kinds of travel have to be authorized trip-by-trip, such as travel to training, conferences, foreign countries, and when paid for by others. Check with your administrative officer to determine the type of travel authorization that is appropriate for you to conduct your business.

May I use my Government earned frequent flyer miles for a future upgrade to a premium class flight?

It is the policy of the Department that employees generally must travel by coach class accommodations when on official travel. However, if permitted by the service provider, an employee may upgrade his or her transportation class of service by using frequent traveler benefits earned from previous official or personal travel.

How is a frequent traveler promotional benefits account established?

It is the responsibility of each Federal traveler to communicate directly with a service provider to establish his/her frequent travel promotional benefits account. Any associated costs are to be paid by the traveler, and are not a reimbursable expense.

May I voluntarily give up my seat on an oversold flight and keep any benefit the airline may offer?

Yes, as long as your official duties are not adversely affected and there is no additional cost to or adverse effect to the operations of the Government.

may express personal opinions about candidates and issues.
may contribute money to political organizations.
may attend political fund raising functions.
may assist in voter registration drives.
may attend and be active at political rallies and meetings.
may be paid for political work they do on their own time (except for PAS employees).
may join and be an active member of a political party or club.
may sign nominating petitions.
may campaign for or against referendum questions, constitutional amendments, municipal ordinances, etc.
may campaign for or against candidates in partisan elections.
may distribute campaign literature in partisan elections.
may make campaign speeches for candidates in partisan elections.
may hold office in political clubs or parties including serving as a delegate to a convention.

Senate confirmed Presidential Appointees (PAS), and employees paid from an appropriation for the Executive Office of the President, may engage in political activity while on duty; in any government room or building; while wearing a uniform or official insignia; and while, using a government vehicle. The cost associated with such political activities may not be paid for by money derived from the treasury of the United States.

Except for PAS employees, all permitted political activities must be pursued on the Federal employee's own time.

may not be granted leave without pay to work on a political campaign.
may not be candidates for public office in partisan elections except in certain approved locations approved by the Office of Personnel Management.
may not use official title, authority or influence to interfere with an election.
may not solicit or receive political contributions (may be done in certain limited situations by Federal labor or other employee organizations).
may not solicit or discourage political activity of anyone with business

Political Activities: What's okay and what's not okay

The law, commonly referred to as the *Hatch Act*, governs the political activities of Executive branch employees of the Federal government, the District of Columbia government and certain state and local agencies. The law is contained in 5 U.S.C. 7321-7326, and implemented by regulations in 5 CFR parts 733 and 734.

While the Hatch Act allows most Federal employees to take an active part in partisan political management and partisan political campaigns, it also provides special considerations for employees who are appointed by the President by and with the advice and consent of the Senate (PAS), and employees paid from an appropriation for the Executive Office of the President.

In contrast, the Act also provides specific restrictions to certain groups of Federal employees. For the Department of the Interior, employees holding career positions in the Senior Executive Service; on the Contract Appeals Boards; or as Administrative Law Judges, are restricted from engaging in certain partisan political campaign or management activities. The restrictions for these employees are summarized in this section.

Permitted and Restricted Activities for all Executive Level (PAS), non-career SES, Schedule C, full time and part time General Schedule/Wage Grade and Special Government employees.

These employees . . .

may be candidates for public office in nonpartisan elections.
may register and vote as they choose.

Outside Work and Activities

Outside work or activities are permitted to the extent that they are not prohibited by statute, regulation or bureau policy.

The outside work or activity 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 or activity is required by Department regulations for paid or unpaid work with a prohibited source. In addition, some bureaus have established procedures for approving all outside work activities. Before beginning any such work or activity, check with your servicing ethics counselor for any procedures or restrictions that may apply to your situation.

Special Considerations

Senate Confirmed Presidential Appointees may pursue certain outside activities that do not pose a conflict of interest or the appearance of impropriety, but they may not receive any outside earned income for engaging in these outside activites.

Generally, Non-career Senior Executive Service employees may not, in any calendar year, receive outside earned income which exceeds 15% of the annual rate of basic pay for level II of the Executive Schedule. Refer to 5 CFR 2635.804(b) to identify other employees that may be covered by this restriction.

All outside work or activities must take place outside official duty hours or while you are on authorized leave. Generally, leave without pay will not be granted for the purpose of private employment, with the exception of service with non-Federal public or quasi-public organizations.

Example 1. *John is a non-career senior advisor to the Secretary. He has a passion for racing cars and participates in race competitions. As long as John's outside activity does not interfere with his official duties for the Department, he may continue his participation in car racing competitions. He was also advised by his servicing ethics counselor that the Government-wide ethics provisons will limit the amount of outside earned income [from winnings from race competitions] that he can receive.*

Example 2. *Bob is a wildlife biologist. He would like to teach a course in biology at the local community college in the evening. Bob may do this as long as his outside work activity does not interfere with his Government duties.*

Example 3. *Mary is a web site designer for the National Park Service. She would like to accept a part-time job as a network technician for Chevron Corporation, a company whose activities are regulated by the Department. Mary will most likely be able to work for Chevron, but she must first get approval from her supervisor to do this because Department regulations require outside work approval if it involves a person or organization that has business dealings with the Department.*

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.

Example. *Sylvia, a regional director for the National Park Service, has a strong position on a bill before Congress to re-route a interstate highway near a particular national park. As a Government employee, she may inform Department employees and members of the general public of the bill before Congress. She may not, however, direct or urge anyone to write to their congressman to vote for or against the bill.*

Negotiating [for future employment] 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.

Lobbying Congress

You are prohibited from using APPROPRIATED FUNDS to lobby a Member of Congress on matters of personal interest. This statutory prohibition is contained in 18 U.S.C. § 1913 and includes matters of concern to any outside organization in which you are a member or officer. This prohibition does not apply to Senate Confirmed Presidential Appointees because these employees are technically on duty 24 hours a day.

• 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, telephone, 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

Fundraising

For Department employees, fundraising in an official capacity may be permitted only if the charitable organization is approved by the Office of Personnel Management (OPM). The most highly visible charitable organization sanctioned by OPM is the Combined Federal Campaign. The rules governing acceptable fundraising activities by Federal employees are contained in 5 CFR part 950.

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.

Raffles, lotteries, bake sales, carnivals, athletic events, or other fundraising activities not specifically provided for by regulation are prohibited in buildings or on facilities owned or operated by the Federal Government. Sorry, this prohibition includes the sale of Girl Scout cookies or candy, food and merchandise sold by a school, church or community organization.

Teaching, Speaking and Writing

Generally, you may not receive compensation from any source other than the Government for a teaching, speaking or writing acitivity that relates to your official duties.

For purposes of this policy, a teaching, speaking or writing acitivity relates to your official duties if:

(a) The activity is undertaken as part of your official duties;

(b) The circumstances indicate that the invitation to engage in the activity was extended to you primarily because of your official position rather than your expertise on the particular subject matter;

(c) The invitation to engage in the activity or the offer of compensation for the activity was extended you, directly or indirectly, by a person who has interests that may be affected substantially by the performance or nonperformance of your official duties;

(d) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information; or

(e) the subject of the activity deals in significant part with: (1) any matter to which you are presently assigned or to which you had been assigned during the previous one-year period; (2) any ongoing or announced policy, program or operation of the agency; or (3) in the case of a noncareer employee as defined in 5 CFR 2636.303(a), the general subject matter, area, industry, or economic sector primarily affected by the programs and operations of his or her agency.

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.

Negotiating for Non-Federal Employment

As a Department employee, 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 for employment begins 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.

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 the 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.

Exception for teaching certain courses. With agency approval, an employee under certain circumstances may accept compensation for teaching a course requiring multiple presentations by the employee if the course is offered as part of:

(a) The regularly established curriculum of: (1) an institution of higher education as defined at 20 U.S.C. § 1141(a); (2) an elementary school as defined at 20 U.S.C. § 2891(8); or (3) a secondary school as defined in law at 20 U.S.C. § 2891(21); or

(b) A program of education or training sponsored and funded by the Federal Government or by a state or local government which is not offered by an entity described in part (a).

Reference to official position. If you are engaged in teaching, speaking or writing as an outside employment or as an outside activity, you may not use or permit the use of your official title or position to identify yourself in connection with your teaching, speaking or writing activity or to promote any book, seminar, course, program or similar undertaking, except that:

(a) You may include or permit the inclusion of your title or position as one of several biographical details when such information is given to identify you in connection with your teaching, speaking or writing, provided that your title or position is given no more prominence than other significant biographical details;

(b) You may use, or permit the use of, your title or position in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer satisfactory to the agency stating that the views expressed in the article do not necessarily represent the views of the agency or the United States; and

(c) If you are ordinarily addressed using a general term of address such as “The Honorable,” or a rank, such as a military or ambassadorial rank,

you may use or permit the use of that term of address or rank in connection with your teaching, speaking or writing.

Honoraria

Generally, Executive branch employees may accept honoraria for an appearance, speech or article, provided that the activity does not relate to the employee's official duties. It is important to note that certain groups of employees are limited in the compensation they can accept for an appearance, speech or article. For example, non-career Senior Executive Service employees may not, in any calendar year, receive outside earned income which exceeds 15% of the annual rate of basic pay for level II of the Executive Schedule. Senate Confirmed Presidential Appointees may not receive any outside earned income. If you are unsure about your status, contact your servicing ethics counselor.

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 or not 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 Bush Administration for his hometown paper. He may write the article and express his personal views, but he may not use his official title in the article. Reference to his position and years with BLM may, however, 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. *Peggy, a senior petroleum engineer , gave a presentation at a National convention, and wants to know if she can request that the honoraria that was offered to her be given to the Red Cross. She gave the presentation in her official capacity, thus she may not solicit, accept, nor direct the honoraria to any particular charity. If the sponsor of the convention where she spoke voluntarily chooses to give the money to the Red Cross, the Red Cross could accept it directly from the sponsor.*

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 about her official duties, then she may not accept payment. If she wants to teach a course pertaining to a generic subject, not specifically related to her official responsibilities, she may do so and accept the payment.*