

ETHICS GUIDE

for

DOI Employees



2017 (Interim Update)

DOI ETHICS GUIDE 2017 (Interim Update)

INTRODUCTION

This publication is a summary of the ethics laws and regulations that apply to Department of the Interior (DOI) employees. It is not meant to cover every ethics situation or every detail of the ethics statutes and regulations. Furthermore, this Guide is not intended to replace the advice of DOI or bureau ethics counselors. It is intended to give a basic framework and help you identify everyday ethics questions. If you have an ethics question, you should contact an appropriately designated ethics counselor before taking action, provide him or her with all the relevant facts, and receive advice as to the course of action to take.

The DOI ethics program is administered by the Departmental Ethics Office (DEO) and managed by the Designated Agency Ethics Official, the principal ethics official for DOI. Working with the assistance of a network of bureau and DOI ethics personnel, the DEO implements the statutory and regulatory ethics requirements of the Executive Branch and DOI.

On August 14, 2019, the Secretary signed [Secretarial Order 3375](#), which realigned the reporting structure for the DOI's ethics program and unified eleven of the thirteen Bureau and Office ethics programs into one centrally-managed office directly reporting to the DAEO in the DEO. Under the previous structure, the DOI ethics program consisted of thirteen disparate ethics programs with varying staffing and operational standards. In less than six months, the ethics programs for eleven Bureaus and Offices were consolidated into the DEO and directly reporting to the DAEO. The DAEO also continues to serve in a leadership role for the ethics programs for the DOI's Office of Inspector General and the National Indian Gaming Commission.

As reflected in one of the cross-cutting principles of the DOI's strategic plan, the realignment of ethics programs into the DEO as directed by Secretary Bernhardt will assist the DOI and its employees in maintaining the public trust and confidence in the integrity of government by adhering to high ethical standards and ensuring that government business is conducted with impartiality, transparency, accountability, and integrity.

Employees who have ethics questions are encouraged to contact an ethics counselor in their respective bureau or office. Contact information for the DEO is as follows:

Departmental Ethics Office (DEO)
1849 C Street, NW, MS 5311
Washington, DC 20240
202-208-7960; DOI_Ethics@sol.doi.gov
<https://www.doi.gov/ethics>

Contact information for the bureau and office ethics counselors is available at:
<https://www.doi.gov/ethics/bem>

Forms referenced in this guide are available on the DOI Ethics Office website:
<https://www.doi.gov/ethics/forms>

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BASIC OBLIGATION OF PUBLIC SERVICE

Basic Obligation of Public Service

Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in 5 C.F.R. § 2635.101, as well as the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 C.F.R. Part 2635 and in DOI supplemental agency regulations contained in 5 C.F.R. Part 3501 and 43 C.F.R. Part 20.

General Ethics Principles. The following general ethics principles apply to every employee and you are expected to both adhere to and apply the principles set forth below in determining whether your conduct is proper:

- Public service is 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 non-public Government information or allow the improper use of such information to further any private interest.
- You shall not, except as permitted 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 put forth honest effort in the performance of your duties.
- You shall not knowingly make unauthorized commitments or promise of any kind purporting to bind the Government.
- You shall not use your public office for private gain.
- You shall act impartially and not give preferential treatment to any private organization or individual.
- You shall protect and conserve Federal property and shall not use it for other than authorized activities.
- 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 a citizen, including all just financial obligations, especially those – such as Federal, state, or local taxes – that are imposed by law.

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- You shall adhere to all laws and regulations that provide equal opportunities 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 Standards of Ethical Conduct for Employees of the Executive Branch, or DOI supplemental ethics regulations. Whether particular circumstances create an appearance that the law or the Standards of Ethical Conduct for Employees of the Executive Branch have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

GOVERNMENT-WIDE CRIMINAL ETHICS STATUTES



These laws apply to all Federal employees and each carries criminal penalties for noncompliance. They also serve as a basis for the ethics regulations known as the *Standards of Ethical Conduct for Employees of the Executive Branch*, [5 C.F.R. Part 2635](#).

18 U.S.C. § 201 – Bribery of Public Officials Prohibited

This statute prohibits a Federal employee from directly or indirectly receiving or soliciting anything of value in exchange for being influenced in the performance or non-performance of any official act, including giving testimony, or in exchange for committing fraud.

18 U.S.C. § 203 – Restrictions on Compensated Representational Activities

This statute prohibits a Federal employee, other than as provided by law for the proper discharge of official duties, from directly or indirectly seeking or accepting compensation for representational services (rendered either personally or by another) before a Federal court or Government agency in a particular matter in which the United States is a party or has a direct and substantial interest. Representational services include any communications on behalf of another party with the intent to influence the Government. There are limited exceptions, such as for representing oneself or one's immediate family or a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility.

18 U.S.C. § 205 – Restrictions on Acting as an Agent or Attorney

This statute prohibits a Government employee, other than in the proper discharge of his or her official duties, from acting as an agent or attorney for anyone before a Federal court or Government agency, whether compensated or not. There are limited exceptions, such as for representing other Federal employees in personnel matters; representing a not-for-profit organization in certain matters, if a majority of its members are current Federal employees or their spouses or dependent children; representing oneself or one's immediate family or a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility; or acting as an agent or attorney, in certain matters, for a tribal organization or inter-tribal consortium to which the employee is assigned under the Intergovernmental Personnel Act or 25 U.S.C. § 48, after advising the Government, in writing, of

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any personal and substantial involvement the employee has had in connection with the matter.

We advise any employee who seeks to use a limited exception in the statute to first seek advice from an ethics counselor.

18 U.S.C. § 207 - Post-Government Employment Restrictions

This statute does not bar an individual, regardless of rank or position, from accepting employment with any private or public employer. It does impose restrictions on certain communications that a former employee may make as a representative of a third party back to the Federal Government. These restrictions are explained more fully in the “Restrictions on Post- Government Employment” section of this Guide.

18 U.S.C. § 209 – Supplementation of Federal Salary Prohibited

This statute prohibits a Government employee from receiving any salary, or any contribution to or supplementation of salary; or anything of value from an outside source as compensation for services he or she is expected to perform as a Government employee.

ETHICS PROHIBITIONS UNIQUE TO DOI EMPLOYEES

A summary of DOI-specific and bureau-specific restrictions are listed below. If you are not certain if you are covered by one or more of the restrictions below, check with an ethics counselor from your office or bureau.

5 C.F.R. § 3501.103(c) – All DOI Employees

This regulation prohibits, with limited exceptions, all DOI 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 or noncommercial use of Federal lands by an employee, or the employee’s spouse or minor children, on the same terms available to the general public.

Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, Office of Natural Resources Revenue, and Certain Office of the Secretary Employees – 5 C.F.R. § 3501.103(b)

This regulation applies to all employees of the Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), Office of Natural Resources Revenue (ONRR), and certain employees within the Office of the Secretary (OS) and other Departmental offices that report directly to a Secretarial officer who are in positions classified at GS-15 and above. 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, and mining companies that hold leases on Federal lands to conduct their operations.

Bureau of Land Management Employees – 43 U.S.C. § 11 and 43 C.F.R. § 20.401

Bureau of Land Management (BLM) employees are prohibited from voluntarily acquiring direct

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(owned by the BLM employee) or indirect (owned by the spouse or minor child of a BLM employee) financial interests in Federal lands. Prohibited interests include stocks, bonds, and sector mutual funds in oil, gas, geothermal, and mining companies that hold leases or other property rights on Federal lands. Prohibited interests also include companies that hold substantial Rights-of-Way on Federal lands. A BLM employee may not be a member or employee of a business which has interests in Federal lands, nor serve as a private sector real estate agent. Additionally, BLM employees may not occupy or use Federal lands (other than on the same terms as use of Federal lands is available to the general public), or take any benefits from Federal lands, based upon a contract, grant, lease, permit, easement, rental agreement, mineral rights, grazing rights, or other holdings which the BLM issues or regulates.

U.S. Geological Survey Employees – 43 U.S.C. § 31(a), 43 C.F.R. § 20.401(b), and 5 C.F.R. § 3501.104

U.S. Geological Survey (USGS) employees, their spouses and minor children are prohibited from owning stock in oil, gas, and other mining companies that hold significant leases on Federal lands and their ability to have financial interests in entities engaged in mining activities on private land in the United States or in energy sector mutual funds is limited by the USGS Conflict of Interest policy. Prohibited and limited financial holdings are listed in the [Financial Guide for USGS Employees](#). The ability of USGS employees, their spouses or minor children to own oil, gas or other mineral leases, or receive royalties from such leases, is extremely limited. Employees may not execute any surveys or examinations for private parties.

Office of Surface Mining Reclamation and Enforcement Employees and Certain Other Federal Employees – 30 U.S.C. § 1211(f), 30 C.F.R. Parts 705 and 706, 43 C.F.R. §20.402, and 5 C.F.R. § 3501.104(a)

This law prohibits all Office of Surface Mining Reclamation and Enforcement (OSMRE) employees and any other Federal 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 OSMRE but have responsibilities connected with mining and reclamation operations, contact an ethics counselor from your bureau/office 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.

30 U.S.C. § 1267(g) prohibits employees of state regulatory authorities from performing any function or duty under the Surface Mining Control and Reclamation Act of 1977. (*See also* 30 C.F.R. Part 705.)

CONFLICTS AND IMPARTIALITY

18 U.S.C. § 208 – Financial Conflicts of Interest

This criminal statute prohibits a Federal employee from participating, personally and substantially,

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on behalf of the Federal Government, in any particular matter in which he or she has a financial interest. In addition, the statute provides that the financial interests of certain other “persons” are treated as the employee’s interests. These other persons include the employee’s spouse, minor child, general partner, an organization in which he or she serves as an officer, trustee, partner or employee, and any person or organization with whom the employee is negotiating or has an arrangement concerning future employment.

There are limited regulatory exemptions authorized by the Office of Government Ethics (OGE), an exception for certain financial interests arising solely out of Native American birthrights, and a very limited waiver authority.

5 C.F.R. § 2635.502 – Impartiality in Performing Official Duties Due To Personal or Business Relationships

You must take appropriate steps to avoid any appearance of loss of impartiality in the performance of your official duties. An employee should not participate in a particular matter involving specific parties if it is likely to affect the financial interests of a member of the employee’s household, or if the employee knows that he or she has a “covered relationship” with a party or party representative in such matter, and where the employee believes that a reasonable person would question his or her impartiality in the matter.

The term “covered relationship” includes a wide variety of personal and business relationships that an employee or his or her family members may have with outside parties. An employee whose impartiality could be questioned should consult with his or her ethics counselor before taking official action in a particular matter. An employee should follow this same procedure if the performance of his or her official duties would affect the financial interests of a friend, relative, or person with whom he or she is affiliated in a non-Federal capacity.

DISCLOSURE OF FINANCIAL INTERESTS

All DOI employees, including Special Government Employees (SGEs) and Intergovernmental Personnel Act (IPA) detailees, are subject to conflict of interest restrictions and may be required to file either a public (OGE Form 278e) or confidential (OGE Form 450) financial disclosure report. These reports are among the primary tools used by ethics personnel to determine whether employees are in compliance with the ethics and standards of conduct provisions covering a particular position.

OGE Form 278e must be filed by Presidentially-appointed, confirmed by the Senate (PAS) employees, non-career Senior Executive Service (SES) employees, SES employees, Senior Level (SL) employees, Professional (ST) employees, Schedule C employees, certain Special Government Employees (SGE), and certain IPA detailees.

OGE Form 450 must be filed by employees whose positions are designated by their office or bureau as requiring confidential financial disclosure reporting, using the criteria in 5 C.F.R. § 2634.904, as well as by SGEs and IPA employees who are not required to file OGE Form 278e.

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Compliance with financial disclosure requirements is a condition of employment. Employees who are required to file and fail to do so in a timely manner may be subject to disciplinary action up to and including removal from Government service. An employee who willfully falsifies the information on his or her report, willfully omits information, or willfully fails to file his or her report may be subject to civil penalties and/or criminal prosecution by the Department of Justice.

The Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act) requires all employees who file public financial disclosure reports (OGE Form 278e) to file Periodic Transaction Reports (OGE Form 278T) for reportable transactions over \$1,000 in stock, bonds, and securities by the filer, spouse, or dependent child no later than 30 days after receiving notification of the transaction but in no case later than 45 days after the transaction.

If an employee who is required to file an OGE Form 278e or a Periodic Transaction Report required by the STOCK Act files more than 30 days after the statutory deadline (and any extension periods), he/she is subject to a \$200 late filing fee.

GIFTS

Gifts from Outside Sources – 5 C.F.R. § 2635.202

Under the ethics regulations, a gift is anything that has monetary value which you obtain for less than “market value.” The gift might be tangible or intangible. A gift may include, but is not limited to, a gratuity, favor, discount, cash, gift certificate, gift card, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services, training, transportation, travel, lodging, and meals. *See C.F.R. § 2635.203(b).*



“Market value” is the retail price that you, the recipient of the gift, would have to pay to purchase it. If you cannot readily determine the retail value of a gift, you may estimate its value by reference to the retail cost of items of similar quality. If a ticket entitles you to food, refreshments, entertainment, or any other benefit, the market value is the face value printed on the ticket.

Exclusions – Some Things Just Aren’t Gifts – 5 C.F.R. § 2635.203

Some items are excluded from the definition of gift, and you may accept them pursuant to certain specific regulatory exclusions.

- Modest items of food and non-alcoholic refreshments such as soft drinks, coffee and donuts, not offered as part of a meal.
- Greeting cards and items of little intrinsic value such as plaques, certificates, or trophies, which are intended primarily for presentation.
- 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 on terms available to the general public.

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- Anything for which you pay fair market value.
- Anything that is paid for by the Government.
- Free attendance provided by the sponsor of an event to which you have been assigned to present information on behalf of the agency.

If you are assigned to participate as a speaker or panel participant or otherwise to present information on behalf of DOI or your bureau at a conference or other event, you may accept free attendance at the event on the day of your presentation if it is provided by the sponsor of the event. This is not considered a gift to the employee or the agency. For speaking engagements, free attendance has the same meaning as for widely attended gatherings. As with a widely attended gathering, you must receive approval prior to the event.

- If the event is longer than one day, and you are offered free attendance for any day(s) on which you are not assigned to present information on behalf of DOI or your bureau, free attendance for those nonspeaking days may be acceptable under the widely attended gathering exception to the gift rules. You still must seek approval from your ethics counselor.

As a general rule, you may not, directly or indirectly, solicit or accept a gift:

- (1) From a prohibited source; or
- (2) Given because of your official position.

For this purpose, the definition of prohibited source is 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 interests that might be affected by the performance or nonperformance of your official duties, or is an organization, a majority of whose members are described above.

For the purposes of the gift rules, the Department is broken down into the following components:

- Bureau of Indian Affairs, including the Office of Indian Education Programs;
- Bureau of Land Management;
- Bureau of Reclamation;
- Bureau of Ocean Energy Management;
- Bureau of Safety and Environmental Enforcement;
- National Indian Gaming Commission;
- National Park Service;
- Office of Surface Mining Reclamation and Enforcement;
- Office of the Special Trustee for American Indians;
- U.S. Fish and Wildlife Service; and
- U.S. Geological Survey.
- The remainder of the Department (including the Office of the Secretary, Office of the Solicitor, Office of Inspector General, and the immediate office of each Assistant Secretary).

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If you work for a listed component, then your “agency,” for purposes of the gift rules, is your component within DOI. For instance, a company whose only involvement with the Department and its employees is that it conducts activities regulated by BLM would only be a prohibited source for a BLM employee—not an employee of any other listed component.

For employees of the remainder of the Department, your “agency” for purposes of the gift rules is the entire Department. For example, that same company that only conducts activities regulated by BLM would also be a prohibited source for an employee of the Office of the Solicitor, the Office of Inspector General, etc.

Considerations in Declining an Otherwise Permissible Gift – 5 C.F.R. 2635.201(b)

You should consider declining an otherwise permissible gift if you believe that a reasonable person would question your impartiality or integrity as a result of accepting the gift.

Factors to consider:

- Does the gift have a high market value?
- Does the timing of the gift create an appearance that the donor is attempting to influence an official action?
- Is the donor someone whose interests may be affected by the performance of your duties?
- Will acceptance of the gift provide the donor with disproportionate access to the employee or the agency?

Remember, it is never inappropriate, and frequently prudent, to decline a gift.

Exceptions to the Gift Prohibition – 5 C.F.R. § 2635.204

There are some limited circumstances when you can accept gifts given because of your official position or from prohibited sources. Even where a gift exception is applicable, you should always consider whether it is appropriate to decline the gift.



Gifts valued at \$20 or less (retail market value), per occasion from a single source. Gifts that do not exceed \$20 per occasion or \$50 from a single source in any given calendar year may be accepted. You may not accept cash or checks made out to you under any circumstance. Gift cards valued at \$20 or less for specific vendors/restaurants are permissible; however, gift cards such as Visa/MasterCard/American Express that can be used at any retailer are treated the same as cash and would not be acceptable under this exception. If the gift is valued over \$20 you may not pay the difference in order to accept the gift. If the aggregate value of gifts from the same source on a given occasion exceeds \$20, you may decline any distinct and separate item in order to accept those items aggregating \$20 or less.

Widely Attended Gatherings. Acceptance of free attendance from the sponsor of a widely attended gathering is permissible as long as certain prior approval requirements are met. Employees must receive written approval prior to the event using form DI-1958. An event is

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widely attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present. For example, an event may be considered a widely attended gathering if it is open to members from throughout the interested industry or profession or if those in attendance represent a range of persons interested in a given matter. Attendance at such an event will be in the employee's personal capacity, i.e. on the employee's own time, or if authorized by the agency, on excused absence.

There is an additional restriction on accepting free attendance to a widely attended gathering if someone other than the sponsor of the event invited you and is paying for your attendance (such as if a corporation or friends group invited you to sit at their table). In that case, you may accept free attendance only if more than 100 persons are expected to attend, the gift of your attendance has a market value of \$390 or less, and your attendance is approved as being in the interest of DOI or your bureau. This dollar figure may change periodically. Please verify the current allowance with your ethics counselor.

Free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction, and materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodging, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees. (Under certain circumstances, DOI or your bureau may be able to accept travel expenses from outside sources to attend these events as described below in the "Traveling on Official Business" section of this Guide.)

Discounts and similar benefits that are offered to the public, other groups that you belong to, or to all Government employees. This exception includes favorable rates offered to all Government employees even when you are off duty. It also includes favorable rates and commercial discounts offered to members of a group or class in which membership is unrelated to Government employment.

Gifts based on outside business or employment relationships. This exception permits you to accept gifts that result from your outside affiliations, outside work, or other relationships and those of your spouse, including gifts customarily provided by a prospective employer in connection with bona fide employment discussions, provided the gift is not offered or enhanced due to your official position, and gifts provided by a former employer to attend a reception or similar event when other former employees have been invited to attend, the invitation and benefits are based on the former employment relationship, and it is clear that such benefits have not been offered or enhanced because of the employee's official position.

Awards and honorary degrees. Employees may accept awards with an aggregate value of \$200 or less given as a bona fide award for meritorious public service by a person who does not have interests affected by the employee's performance or nonperformance of official duties. Awards valued at more than \$200, or that include cash or an investment interest of any amount, require prior written approval from an ethics counselor. Employees may accept honorary degrees upon written approval from their ethics counselor.

Gifts from a political organization. You may accept a gift given in connection with political

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activities permitted by the Hatch Act as amended, 5 U.S.C. §§ 7321-7326.

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 not personally paid for by the family member or friend, it is not covered under this exception.

Social Invitations. You may accept a gift of food, refreshments, and entertainment (not including travel or lodgings) at a social event attended by several persons where no fee is charged to anyone in attendance and the invitation is not from a prohibited source. A written determination from the agency designee is required if either the sponsor of the event or the person extending the invitation is not an individual.

Gifts of informational materials. You may accept unsolicited gifts of informational materials, provided that the aggregate market value of all informational materials received from any one person does not exceed \$100 in a calendar year (if the value exceeds this amount, seek guidance from your ethics official). Informational materials are writings, recordings, documents, records, or other items that: are educational or instructive in nature; are not primarily created for entertainment, display, or decoration; and contain information that relates in whole or in part to the following categories:

1. The employee's official duties or position, profession, or field of study;
2. A general subject matter area, industry, or economic sector affected by or involved in the programs or operations of the agency; or
3. Another topic of interest to the agency or its mission.



Disposition of a Prohibited Gift

If you are not otherwise authorized by regulation to accept a gift, then you must promptly return the gift or pay the donor for its market value. If the gift is a tangible item valued at \$100 or less, you may destroy the item. If the gift is perishable, such as food or flowers, it may be shared within your office, donated to charity or destroyed, as long as an ethics official or your supervisor grants approval.

If you receive a gift that doesn't fall within an exclusion or exception, the Department or bureau may be able to accept the item as a gift to the agency using its statutory gift acceptance authority. Employees should consult with the Office of the Solicitor and their ethics counselor in such cases, on any such items.

Gifts from Foreign Governments

In accordance with the Emoluments Clause of the U.S. Constitution, you may not accept anything of value from a foreign government, unless specifically authorized by Congress. This rule applies whether you are on or off duty. Any unit of a foreign government, whether it is

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national, state, local, or municipal level is covered. It also applies to gifts from international or multinational organizations composed of government representatives. It also may apply to gifts of honoraria, travel, or per diem from foreign universities which are often considered as part of the foreign government. Spouses and dependent children of Federal employees are also banned from accepting gifts from foreign governments.

The following gifts from foreign governments are authorized under the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342:

- Gifts of minimal value (\$390 or less, as of January 2017, but this amount is revised periodically)
- Travel expenses (including transportation, food and lodging) for travel taking place entirely outside the U.S. that exceed minimal value
- Educational scholarships
- Medical treatment

If the value of a gift exceeds minimal value and where refusal of a gift would cause embarrassment either to the United States or the foreign government offering the gift, the gift may be accepted on behalf of the Department. Employees should consult with the Departmental Ethics Office or an ethics counselor from their office or bureau regarding such gifts.

Gifts Between Employees – 5 C.F.R. 2635 Subpart C

General Rules: Generally, you can't give a gift to a person above you in your supervisory chain. You can't solicit donations to buy a gift for a superior. You can't accept a gift from an employee that receives less pay than yourself. However, there are some exceptions.

Gifts are permissible if:

- There is a personal relationship between you and the other employee that would justify the gift and there is no subordinate-official superior relationship.
- A personal hospitality gift provided at a residence, which is of a type and value you customarily provide to personal friends.
- A gift given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions (e.g. a bottle of wine or a bouquet of flowers).
- A gift (other than cash) that has an aggregate market value of \$10 or less per occasion.
- A gift of leave transferred under an approved agency leave sharing plan (but not to your immediate supervisor).
- Items such as food and refreshments to be shared in the office among several employees.
- There is a special and infrequently occurring occasion of personal significance, such as marriage, illness, the birth or adoption of a child; or an occasion that terminates a subordinate-official superior relationship, such as retirement, resignation or transfer. On such occasions, an employee may give an appropriate gift exceeding the \$10 limit and may request donations of nominal amounts within the office for contributions toward an

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appropriate gift. Donations must be entirely voluntary. Employees must be free to contribute a suggested amount, a lesser amount, or nothing at all.

TRAVEL

Traveling on Official Business – 41 C.F.R. Chapter 304

Generally, your official travel must be paid for with appropriated funds. Under certain circumstances, however, an employee may accept in-kind travel benefits from a non-Federal source or DOI or your bureau/office may be reimbursed for your travel expenses by a non-Federal source.

Travel Expense Acceptance – 31 U.S.C. § 1353

This law allows Executive Branch agencies to accept reimbursement or in-kind donations from non-Federal sources for an employee's transportation expenses (including food, lodging, incidental expenses, and registration costs) to certain functions related to the employee's official duties.

Acceptance of travel expenses from non-Federal sources is only permitted when the employee's travel is for attendance at a conference, meeting, seminar, training course, speaking engagement, or similar event that takes place away from the employee's official duty station (the employee must be in a travel status). Travel under this authority may not be used for events required to carry out DOI's statutory and regulatory functions such as investigations, inspections, audits, or site visits, or to attend vendor promotional training.

In addition to an approved travel authorization, the employee must also have an approved ethics form DI-2000 in advance of travel.

Approval for accepting travel expenses is also subject to conflict of interest considerations. Acceptance of travel expenses from non-Federal sources will not be approved if it would cause a reasonable person with knowledge of all the relevant facts to question the integrity of the programs or operations of the Department, its offices or bureaus.

It is not permissible for the employee to personally accept reimbursement from an outside source. All checks must be made out to DOI or to the employee's bureau. With prior approval, employees may accept "in kind" items such as airline tickets, meals, or hotel accommodations. In addition to accepting travel expenses for an employee, DOI may accept travel expenses for a spouse to accompany the employee to the same event where the spouse's presence is determined to be in the interest of DOI or the employee's bureau.

Frequent Flyer Benefits – 41 C.F.R. § 301-53

Federal employees may retain for personal use promotional items, including frequent flyer miles, earned on official travel.

Airline Bumping Benefits

An employee may voluntarily give up his seat on an oversold flight as long as it does not interfere

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with his or her official duties and there is no increase in costs to the Government. If this situation applies, the employee may keep any gift or compensation under the following conditions. The employee may not claim additional travel expenses, including per diem, as a result of giving up his or her seat. The employee must take annual leave if his or her travel is delayed during duty hours and pay any expenses accrued while on leave. Any benefits resulting from an employee being involuntarily bumped from an oversold flight belong to the Government.

OUTSIDE WORK AND ACTIVITIES



Outside work or activities are permitted unless they are prohibited by statute or regulation, or would require the employee's disqualification from matters central or critical to the performance of his or her official duties.

Engaging in Employment with a Prohibited Source

DOI supplemental ethics regulation 5 C.F.R. § 3501.105 requires all Department employees to seek prior written approval from a Departmental or bureau ethics counselor

before engaging in employment with a prohibited source. The Outside Work or Activities Form is used to obtain approval from your ethics counselors. For this purpose, the definition of prohibited source is 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 interests that might be affected by the performance or nonperformance of your official duties; or is an organization, a majority of whose members are described above.

The separate agency components within the Department are the same as for "Gifts from Domestic and Private Sources." 5 C.F.R. § 3501.102. Check with your office or bureau ethics counselor for any office-specific or bureau-specific procedures or restrictions that may apply to your situation.

Definition of Employment. Employment means any form of non-Federal business relationship involving the provision of personal services by the employee, with or without compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a non-profit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless the participation involves the provision of professional services or advice for compensation other than reimbursement for actual expenses.

PAS Employees. Presidentially-appointed, confirmed by the Senate employees (PAS) may pursue certain outside activities, but may not receive outside earned income for engaging in any such activity and must receive approval from the White House and DEO.

SES Employees. Non-career Senior Executive Service (SES) employees may not, in any calendar

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year, receive outside earned income which exceeds 15% of the annual rate of basic pay for level II of the Executive Schedule. These non-career employees have additional outside earned income and employment and affiliation restrictions and should consult with DEO before engaging in any outside activity.

All outside work must take place outside official duty hours or while employees are on authorized leave. Employees may not use or permit the use of their official titles, positions, or government resources in their outside work or activities.

Serving as an Expert Witness – 5 C.F.R. § 2635.805

You may not serve, with or without compensation, as an expert witness in your private capacity in any proceeding before a court or agency of the United States in which the U.S. is a party or has a direct or substantial interest, without prior approval from the head of the DEO.

If you are subpoenaed to testify as an expert in any such matter, you must notify your supervisor and the Designated Agency Ethics Official (DAEO) immediately and request approval to proceed. If you receive DAEO approval, you must still comply with DOI and bureau work and outside activity requirements. For instance, all DOI employees must obtain prior approval to work (paid or unpaid) for a prohibited source, and all USGS employees must obtain prior approval for any outside work or activity that is related to the USGS duties or the USGS mission.

Teaching, Speaking, and Writing – 5 C.F.R. § 2635.807

Generally, you may not receive compensation, other than travel expenses, for outside teaching, speaking, or writing that relates to your official duties.

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

- The activity is undertaken as part of your official duties;
- 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;
- The invitation to engage in the activity or the offer of compensation for the activity was extended to you by a person who has interests that may be substantially affected by the performance or nonperformance of your official duties;
- The information conveyed through the activity draws substantially on nonpublic information; or
- The subject of the activity deals in significant part with:
 1. A matter to which you are presently assigned or to which you have been assigned during the previous year; or
 2. Any ongoing announced policy, program, or operation of DOI or your office or bureau.

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Exception for Teaching Certain Courses. Even if the subject matter deals with your official duties, you may accept compensation for teaching a course requiring multiple presentations offered as the regularly established curriculum of an accredited institution of higher education, a secondary school, an elementary school, or a program of education sponsored and funded by the Federal Government or by a state or local government. You may only receive compensation under these circumstances for outside teaching, not for teaching carried out as part of your official responsibilities. If the class involves providing services to prohibited sources, prior approval is required.

Reference to Official Position. If you are engaged in teaching, speaking, or writing as an outside activity, you may not use or permit the use of your official title or position except:

- You may include your title or position as one of several biographical details when such information is given to identify you, provided that it is not given more prominence than other significant biographical details;
- You may use your title or position in connection with an article published in a scientific or professional journal, provided that it is accompanied by a disclaimer that the views expressed do not necessarily represent the views of DOI or the United States Government; and,
- 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 that term of address or rank.

Prior Approval Requirements. Before engaging in outside teaching, speaking, or writing for compensation, make sure that you comply with Department and bureau prior approval requirements for outside activities and employment.

Fundraising – 5 C.F.R. § 2635.808

Unless permitted by law, regulation or special authority, Department employees may not engage in any form of fundraising in the workplace. This includes but is not limited to, conducting raffles, lotteries, bake sales, carnivals, athletic events, etc. for charitable organizations.

In your official capacity. An employee may participate in fundraising in an official capacity only as authorized by statute, Executive Order or regulation. When authorized to participate in fundraising in an official capacity, an employee may use his official title, position and authority.

The Combined Federal Campaign (CFC) and special disaster relief solicitations approved by the Office of Personnel Management are generally the only authorized solicitation of employees for charitable fundraising in the Federal workplace. The rules governing acceptable fundraising activities by Federal employees are described in 5 C.F.R. Part 950.

Employees and other persons are prohibited from selling or soliciting for personal gain within any building or on any lands occupied or used by DOI. Exception is granted for Department-authorized operations including, but not limited to, the Interior Department Recreation Association, the Indian Arts and Crafts store, and for cafeteria, newsstand, snack bar, and

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vending machine operations that are authorized by DOI for the benefit of employees or the public. 43 C.F.R. § 20.504

In your personal capacity. An employee may generally engage in fundraising in a personal capacity outside the workplace provided he or she does not:

- Personally solicit funds or other support from a subordinate or from any person the employee knows is a prohibited source (flip to the “Gifts” tab for definition of prohibited source);
- Use or permit the use of his or her official title, position, or any authority associated with his or her public office to further the fundraising effort; or
- Engage in any action that would otherwise violate the ethics laws or regulations.

Serving as an Officer or Member of a Board of Directors of an Outside Organization

In order for an employee to serve as an officer or board member of a non-Federal organization as part of their official duties, he/she must have a written authorization of assignment from either the Secretary of the Interior or the head of their Bureau or Office prior to engaging in such official service. To start the process of requesting an authorization of assignment, contact the DEO or your servicing ethics office.

Prior approval from an ethics counselor is required if an employee is interested in serving in their personal capacity as an officer or board member of a non-Federal organization that is a prohibited source. See the "Outside Work and Activities" section of this Guide for a definition of "prohibited source."

POLITICAL ACTIVITY

DOs and DON'Ts

Consult the Office of Special Counsel (OSC) website for additional information and guidance on political activity at: <https://osc.gov/Pages/HatchAct.aspx>.

[Watch the DAEO's recent presentation on the Hatch Act and the 2020 elections.](#)

The Hatch Act, 5 U.S.C. §§ 7321-7326, restricts Federal employee involvement in partisan political activity. Partisan political activity is any activity directed toward the success or failure of a partisan candidate, political party, or partisan political group. Violation of the Hatch Act may result in disciplinary action, to include removal from Federal employment. Employees should consult with the Departmental Ethics Office before engaging in any partisan political activity.

There are three different classes of employees under the Hatch Act:

1. Career Senior Executive Service (SES), Administrative Law Judges (ALJ),

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Administrative Appeals Judges (AAJ), Contract Appeals Board Members (CABM), and employees of certain intelligence or enforcement agencies or offices (except PAS) are the most restricted group.

2. GS, WG, non-career SES, Schedule C, SL, and ST employees are in the lesser restricted group. This group may participate in certain partisan political activity but only in a purely personal (not official) capacity.
3. Presidentially appointed, Senate confirmed personnel (PAS) are subject to special Hatch Act rules. They are less constrained in terms of where and when they can engage in political activity because of their 24-hour duty status. They too, however, may only participate in partisan political activity in a purely personal (not official) capacity.

Hatch Act Rules

No Use of Official Authority. A Federal employee may **not** use his or her official authority or influence for the purpose of interfering with or affecting the result of an election. Prohibited activities include, but are not limited to using his or her official title while participating in political activity; using his or her authority to coerce any person to participate in political activity; or soliciting, accepting, or receiving uncompensated individual volunteer services from a subordinate for any political purpose.

No Fundraising. A Federal employee may not solicit, accept, or receive political contributions. Examples include asking for donations, e.g., by mail, email, or social media; working a phone bank (if asking for contributions); hosting a fundraiser; inviting others to a fundraiser; or sharing or liking fundraising posts on social media.

No Partisan Political Activity at Work.* A Federal employee may not engage in partisan political activity while:

- On duty (including when telecommuting or on official time for union duties).
- In a Government room or building (including break rooms, conference rooms, and union offices, if inside a Federal building) or any room or building occupied in the discharge of official duties.
- Wearing a Government uniform, badge, or insignia.
- Using a Government-owned or -leased vehicle.

The restrictions on engaging in partisan political activity at work apply even if you are:

- Using a personal device or email account.
- Sharing or forwarding content authored by others.
- Sharing or forwarding to friends or like-minded coworkers.

The restrictions even apply to union email if it meets the definition of partisan political activity.

* This prohibition does not apply to PAS officials. However, a PAS official may not conduct any of these activities while acting in an official capacity. For example, a PAS official may not

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wear a political button or display a screen saver, poster, or candidate photograph in his or her office while actually performing the duties of his or her office. PAS officials should contact the Departmental Ethics Office before engaging in any partisan political activity.

Use of Privately-Owned Vehicles. You may display a partisan political bumper sticker on your privately-owned vehicle and park it in a Federal parking lot. Up to two partisan political bumper stickers (for example, one for candidate A in a Presidential race and one for candidate B in a congressional race) would not violate the Hatch Act. Employees must be cautioned, though, against displaying other partisan political materials, or even bumper stickers, in such a way that makes the vehicle appear to be a campaign mobile. If you use your private vehicle for official purposes, you must cover the bumper sticker(s) while the vehicle is being used for official duties.

Candidacy for Public Office. The Hatch Act and other Government policies may restrict an employee's ability to run for public office. If you are considering running for public office, contact the DEO and your servicing ethics office for guidance.

MISUSE OF POSITION

Use of Public Office for Private Gain – 5 C.F.R. §§ 2635.101 and .702

As a DOI employee, you may not use your public office for your own private gain or for the private gain of friends, relatives, business associates, or any other entity, no matter how worthy. 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 DOI or the Government sanctions or endorses any of your personal activities or the activities of another.

Inducement or Coercion of Benefits – 5 C.F.R. § 2635.702(a)

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.

Appearance of Government Sanction – 5 C.F.R. § 2635.702(b)

You may not use or permit the use of your Government position, title or any authority associated with your public office in a manner that could reasonably be construed to imply that your agency or the Government sanctions or endorses your personal activities or those of another.

Letters of Recommendation. You may sign a letter of recommendation using your official title only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of a person with whom you have dealt in the course of Federal employment or whom you are recommending for Federal employment.

Endorsements – 5 C.F.R. § 2635.702

A DOI employee shall not use or permit the use of his Government position or title or any

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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;
- (2) As a result of documentation of compliance with agency requirements or standards; or
- (3) Under an agency program in recognition for accomplishment in support of DOI's mission.

You may endorse an outside program in your private capacity; however, your endorsement may not make reference to your official title or position within DOI or your bureau.

Giving Preferential Treatment to 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.

A public official may not appoint, employ, promote, advance, or advocate for the appointment, employment, promotion, or advancement of a relative in or to any civilian position in the agency in which the public official serves, or over which he or she exercises jurisdiction or control. This restriction encompasses all of DOI (in addition to all DOI bureaus). An individual appointed, employed, promoted or advanced in violation of the nepotism law is not entitled to pay.

Exceptions to the Nepotism Policy. When necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or a national emergency as defined in 5 C.F.R. § 230.402(a)(1), a public official may employ relatives to meet those needs without regard to the restrictions in 5 U.S.C. § 3110. Such appointments are temporary and may not exceed 30 days, but the agency may extend such an appointment for one additional 30-day period if the emergency need still exists at the time of the extension. Questions regarding nepotism should be referred to your servicing Human Resources Office.

USE OF 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 them only for authorized purposes. *See* 5 C.F.R. § 2635.703, 704, and 705.

You are misusing a Government vehicle when you use it for personal benefit as opposed to using it for the benefit of the Government.

You may NOT use Government purchasing authority or a Government charge card for personal acquisitions, even if you reimburse the Government.

When leaving Government service, you may not remove Government property or files and you may not use Government copiers to make copies of files to take with you.

You are prohibited from using official Government envelopes (with or without applied postage) or official letterhead stationery for personal business. This includes mailing your resumes/applications for Federal or private positions. Violation of the prohibition against using franked (postage paid) envelopes may result in a fine. (18 U.S.C. § 1719)

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You must use official time, both your own and that of your subordinates, in an honest effort to perform official duties.

You are prohibited from engaging in any financial transaction using “insider” or nonpublic information, or allowing the improper use of nonpublic information to further your own private interest or that of another. Nonpublic information is information that the employee gains by reason of Federal employment and knows (or reasonably should know) has not been made available to the general public, e.g. classified or other information that is routinely exempt from disclosure.

The DOI’s limited personal use policy (410 DM 2) applies only to personal use of Department-owned or -leased computers (and internet service), telephones, fax machines, and non-color photocopiers. A Bureau or office may not change any part of this policy to relax the restrictions explained 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 charge 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 personal time (before and after work; during lunch and other breaks) provided 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 -leased computer:

- Gambling ([Read a recent article from the DAEO on March Madness and gambling](#))
- Visiting and downloading material from pornographic websites
- Lobbying Congress or any Government agency
- Campaigning – political activity
- Online stock trading activities
- Online real estate activities
- Online activities that are connected with any type of outside work or commercial activity, including day trading
- Endorsements of any products, services or organizations
- Fundraising for external organizations or purposes (except as required as part of your official duties under applicable statutory authority and bureau policy)
- Any type of continuous audio or video streaming from commercial, private, news, or financial organizations.

Use of DOI E-Mail

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DOI does not place any restrictions on incoming e-mail. Under current policy in 410 DM 2, employees may send out personal e-mail provided that:

- Personal use of e-mail does not cause congestion, delay, or disruption of service to any Government system or equipment.
- Messages are not sent to more than five addresses (no mass mailings).
- The employee does not represent himself or herself as acting in an official capacity.
- Messages do not contain partisan political messages.

It is important to note that any e-mail on any DOI e-mail system may become an official record. Employees have no right to privacy for e-mail transmissions; DOI is often required to release employee e-mails pursuant to the Freedom of Information Act or Inspector General, court, or Congressional orders.

Use of DOI Telephones

Federal Employees may use Government property only as authorized. Employees may use DOI landline telephones for personal calls when they are necessary, provide a benefit to DOI, and do not result in any additional costs to the Government. Such calls are deemed to be in the interest of the Government to the extent they enable employees to remain at their work stations, thereby increasing Government efficiency.

Personal phone calls may not adversely affect the performance of official duties or the employee's work performance, must be of reasonable duration and frequency, and could not reasonably have been made during non-duty hours.

DOI cell phones may be used for personal calls only to the extent that such calls would be authorized on a DOI landline telephone and so long as no additional costs are imposed on the Government.

Use of Government Transportation Subsidy Program Benefits

Benefits may only be used for qualifying transportation expenses, such as mass transit (subway, rail, and bus) or other similar public transportation mode, and are only available for days you actually commute to work. You must deduct any days you are on leave, official travel, or do not commute using qualified modes of transportation when you receive your next quarterly or monthly distribution. Benefits are not transferable and you are required to return any unused benefits when you leave DOI. Additional information, including answers to frequently asked questions, is available at http://www.doi.gov/ofas/support_services/transportation_subsidy.cfm

Use of Government Travel Cards While in Official Travel Status

Government Travel Cards may only be used for official travel and may not be used for any personal purchases. Government charge card training is available at this link: <https://chargecardtraining.ibc.doi.gov/>

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Unless authorized by statute or regulation, all forms of gambling activities are prohibited at all times in facilities owned or leased by the Government. Federal employees may not engage in gambling activities while on duty. Prohibited gambling activities include, but are not limited to, raffles, lotteries, numbers (games), football pools, etc. See 5 C.F.R. § 735.201 and 41 C.F.R. § 102-74.395. [Read a recent article from the DAEO on March Madness and gambling.](#)

PROCUREMENT INTEGRITY ACT

You may not disclose “contractor bid or proposal information” or “source selection information” other than as provided for by law. See 41 U.S.C. § 2102 - 2105 and 48 C.F.R. §§ 3-104.1-9.

If you participate in a procurement in excess of \$150,000, you must report to your supervisor and ethics counselor any contacts regarding potential employment from any contractor that submits an offer on the procurement. You must also reject the possibility of employment by that contractor or disqualify yourself from further participation in DOI matters involving the procurement, unless you obtain approval to participate from your ethics counselor.

If you are serving in one of seven specified positions (procuring contracting officer, program manager, source selection authority, etc.) or make one of seven specified types of decisions (award a contract, establish overhead rates, approve issuance of a payment, etc.), on a contract over \$10 million, you may not accept compensation (as an employee, consultant, officer, or director) from the contractor for one year. Consult your ethics counselor for additional information on the Procurement Integrity Act.

SEEKING NON-FEDERAL EMPLOYMENT

18 U.S.C. § 208 and 5 C.F.R. §§ 2635.601 through .607

The “seeking employment” rules are more restrictive than most Federal employees realize. The financial interests of any entity with which you are negotiating or have an arrangement concerning future employment are deemed to be the same as your own for purposes of the criminal conflict of interest rules. There may be criminal or administrative penalties if you participate in any DOI matters that affect the financial interests of a prospective employer.

Furthermore, the Office of Government Ethics (OGE) interprets most forms of communication regarding prospective employment with a non-Federal source (other than requesting a job application) to be seeking employment. You must receive a written authorization or waiver before you participate in any particular matter at DOI that affects the financial interests of a prospective employer. Such authorizations or waivers are only granted in limited circumstances.



You are no longer seeking employment when either you or the prospective employer rejects the possibility of employment and all discussions regarding possible employment have terminated.

You are also no longer seeking employment if two months pass after you send an unsolicited

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resume or employment proposal and you receive no indication of interest. Any response to a prospective employer that defers discussions until the foreseeable future does not terminate employment discussions.

The Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act) requires Public Financial Disclosure Report (OGE Form 278e) filers to file a statement notifying their agency ethics official of any negotiation for, or agreement of, future employment or compensation with a non-federal entity within three business days after commencement of the negotiation or agreement. An employee who files a notification statement also must file with the agency's ethics official a recusal statement whenever there is a conflict of interest or appearance of a conflict of interest with the entity (18 USC § 208 and 5 C.F.R. §§ 2635.601 through 607).

RESTRICTIONS ON POST-GOVERNMENT EMPLOYMENT (AFTER YOU LEAVE FEDERAL SERVICE)



After you leave Federal service, 18 U.S.C. § 207 imposes certain post-employment restrictions that may limit the type of work you may perform for your new employer for certain periods of time. (See 5 C.F.R. Part 2641.)

The Procurement Integrity Act (see 41 U.S.C. § 2104 and 48 C.F.R. §§ 3-104.1 -09) imposes additional restrictions for certain employees who participated in costly procurement work.

Former employees who are carrying out official duties as an employee or as an elected or appointed official of a tribal organization or inter-tribal consortium are not subject to 18 U.S.C. § 207 restrictions if they advise the Government, in writing, of any personal and substantial involvement they had as a Government employee in connection with the matter (see 25 U.S.C. § 450i(j)).

Lifetime Restriction – 18 U.S.C. § 207(a)(1)

If you participated personally and substantially in any particular matter involving specific parties (grants, contracts, licenses, permits, applications, litigation, etc.), involving specific parties, you may never appear or communicate on behalf of another to any Federal department, agency, or court (any Federal agency, not just your bureau or DOI) regarding that same particular matter.

Two-Year Restriction – 18 U.S.C. § 207(a)(2)

For particular matters involving specific parties under your official responsibility during your last year of Government service, you are restricted for two years after you leave Government service from appearing or communicating on behalf of another to any Federal department, agency, or court regarding those same particular matters.

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

For one year after Government service terminates, you may not aid or advise any entity (other

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than the United States) concerning any ongoing trade or treaty negotiation in which you participated personally and substantially during your last year of Government service.

ADDITIONAL LAWS THAT APPLY TO FORMER SENIOR EMPLOYEES

Additional restrictions apply to employees in the following positions:

- Levels II through V of the Executive Schedule (and those paid equal to or greater than 86.5% of the rate for level II of the Executive Schedule); and
- Former very senior employees (Level 1 of the Executive Schedule)

One Year Restriction on Communication with One's Former Agency – 18 U.S.C. § 207(c)

For one year after leaving senior service, no former “senior” employee may 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. Consult your ethics counselor for certain limited exceptions to this prohibition.

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

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.

Two-Year Restriction for Very Senior Employees – 18 U.S.C. § 207(d)

For two years after service in a very senior position, former Executive Level I employees and certain very senior employees in the Executive Office of the President are prohibited from making, with the intent to influence, 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.

CONTACT INFORMATION

Departmental Ethics Office (DEO)

1849 C Street, NW, MS 5311

Washington, DC 20240

202-208-7960; DOI_Ethics@ios.doi.gov

<https://www.doi.gov/ethics>

Contact information for the bureau and office ethics counselors is available at:

<https://www.doi.gov/ethics/bem>

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