

THE SECRETARY OF THE INTERIOR
Washington

ORDER NO. 3288

SIGNATURE DATE: August 31, 2009

Subject: Enhancing and Promoting an Ethical Culture within the Department of the Interior

Sec. 1 Purpose. The purpose of this Order is to enhance and promote an ethical culture throughout the Department of the Interior by clarifying the roles and responsibilities of Department employees, Deputy Ethics Counselors, Bureau Heads, the Designated Agency Ethics Official (DAEO), and Assistant Secretaries with respect to ethics.

Sec. 2 Background. The Departmental Ethics Office is headed by the Designated Agency Ethics Official who coordinates and manages the Department's ethics program. Being the Ethics Counselors for their organizations, Bureau Heads have the ultimate responsibility for the effectiveness of their own bureau-level ethics program. Deputy Ethics Counselors within each bureau oversee the day-to-day implementation of their bureau ethics program by administering the financial disclosure system, conducting ethics training, and providing ethics counseling and advice to bureau employees.

Sec. 3 Authority. This Order is issued in accordance with 5 U.S.C. §§ 101 *et seq.* (Ethics in Government Act), 5 CFR § 2638 §§ 201-04 (regulations governing agency ethics program responsibilities), 5 CFR Part 3501, 43 CFR Part 20, Subparts A & B (Ethics Official and Ethics program responsibilities), and 110 DM 2 (Departmental Ethics Office).

Sec. 4 Definitions. For purposes of this Order, "Bureau" means the specific agency components identified in 5 CFR § 3501.102. "Bureau Head" means the senior-most official in such organizations.

Sec. 5 Responsibilities.

a. All Department Employees must:

(1) Read the Department of the Interior Ethics Guide and take responsibility for knowing and understanding the ethics laws, regulations, and guidelines, including the fourteen general principles of ethical conduct contained in Executive Order 12674 (as amended).

(2) Continue to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government.

(3) Seek guidance from the Deputy Ethics Counselor in their bureau and/or the Departmental Ethics Office when ethical questions arise.

(4) Timely report both personal and programmatic ethics concerns to their supervisor, Deputy Ethics Counselor, the Departmental Ethics Office, and/or the Office of Inspector General.

b. Bureau Heads will:

(1) In consultation with the DAEO, employ a full-time Deputy Ethics Counselor properly classified at the GS-14 level or higher who shall report to the Bureau Head or other appropriate senior executive.

(2) Provide the Deputy Ethics Counselors with adequate support staff as well as financial and technical resources to implement the ethics program. To ensure adequate support, a bureau, regional, or area personnel officer or other qualified employee may be assigned to serve as an “Associate Ethics Counselor” or “Assistant Ethics Counselor,” with delegated responsibility to perform the operational duties of the Ethics Counselor at the field or headquarters level. Bureau Heads also must ensure that all employees have access to ethics resources, guidelines, training, and appropriately trained ethics officials.

(3) Require supervisors and managers to work with their ethics counselors to adopt practices and procedures to assure appropriate controls are in place, including recusals, to avoid conflicts of interest.

(4) Develop and implement a procedure for soliciting employee concerns and other appropriate feedback on personal or programmatic ethics matters.

(5) Cooperate fully with all requests from the DAEO and Deputy Ethics Counselors.

(6) Within 45 days, and in consultation with their program Assistant Secretary, Bureau Heads will submit a report to the DAEO identifying the steps they will take to implement this Order. In consultation with their Assistant Secretary, the Bureau Heads will provide an annual assessment of their ethics program to the DAEO in October of each year for the preceding fiscal year. The assessment will include a review of the effectiveness of the bureau’s prior-year ethics program and provide recommendations for additional enhancements to their program.

c. Assistant Secretaries will:

(1) Provide oversight and management to ensure that the Bureau Heads within their organization fully comply with this Order.

(2) Consult with and provide input to the Bureau Heads within their organization in the annual assessment of the ethics programs of the bureaus, as set forth in section 5b(6) of this Order.

d. The DAEO will:

(1) Regularly advise the Secretary regarding all aspects of the Departmental ethics program, to include the annual assessment, and overall compliance with this Order.

(2) Maintain a general supervisory role in relation to the ethics program of the various bureaus and offices with review and concurrence of hiring decisions by the Bureau Heads for Deputy Ethics Counselors.

(3) Provide Bureau Heads or their designees, identified in section 5b(1) of this Order, with appropriate ethics program management elements to be included in the performance standards for their Deputy Ethics Counselor positions.

(4) Provide input to Bureau Heads or their designees, identified in section 5b(1) of this Order, regarding the annual performance evaluations for the Deputy Ethics Counselors.

(5) Convene a working group of senior career and non-career employees designated by Bureau Heads to provide suggestions and ideas to assist the DAEO in adopting and implementing best practices to enhance the existing ethics program of the Department. The working group will provide specific recommendations to the Secretary no later than January 31, 2010. The working group will consider a system for providing program reviews of quality, compliance, substantive accuracy of advice and counsel, and training of the bureaus' ethics programs.

Sec. 6 Expiration Date. This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, or revoked, whichever occurs first.

/s/ Kenneth L. Salazar
Secretary of the Interior

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