ETHICS
An Employee Guide
U.S. Department of the Interior
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INTRODUCTION

Throughout our careers we, as government employees, are asked to take actions and make decisions that may impact society including our co-workers, as well as ourselves. Thus, it is important that we consider the ethical effects of the actions we propose. In making these decisions, each of us calls upon our own personal code of ethics to assist us. We must also rely heavily on the Code of Ethics for Government Employees and on the Standards of Conduct and Conflict of Financial Interest prohibitions set forth by statute and regulation.

We use these tools to develop an ethical framework which guides us in determining or choosing our actions in any given situation. There is seldom one "right answer." More often, there are any number of "correct" ethical frameworks which could result in decisions which are consistent with the values we profess.

This handbook is a "plain english" guide to the conflict of financial interest, standards of conduct, the Executive Order, and Bureau/Office policies as they apply to you as a Department of the Interior employee. It is only intended as a general reference. Because of continuing changes in the statutes and regulations, this handbook will be updated and reissuued on an annual basis. If you have questions about a specific situation, please call your Bureau or Office Ethics Counselor who will be happy to provide the most current information. We have included their telephone numbers in the back of the handbook, starting on Page 43.
STATUTORY PROHIBITIONS

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

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

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

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

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

Example 1:
Albert, a manager with the U.S. Geological Survey, has an approved part-time job as a geologist with the consulting firm of Grabbit and Runn, Inc. (G&R) which has many contracts — one of which is with the Department of Energy. Albert may work for G&R provided that: (1) the firm is not substantially involved with the Department of Interior as determined by his Bureau/Office; and that (2) Albert is not involved, in his official capacity, in any activities which could affect G&R. However, he may not provide direct representational services for G&R in connection with particular matters they may have before the Department of Energy or other government agencies if the government has an interest.
18 U.S.C. §205
REPRESENTATIONAL ACTIVITIES

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

This statute:
- Applies to both paid and unpaid representation.
- Applies whether you are on or off duty.
- Does not apply if management and the Designated Agency Ethics Official (DAEO) determine that the representation is in the best interest of the government. To determine if the government is involved or has an interest, or if it would be in the best interest of the government, please call your nearest Ethics Counselor.
- Does not apply in connection with the proper discharge of official duties.
- Does not apply in connection with the representation of immediate family members in matters which are not under the employee's official responsibility.
- Does not apply in connection with the unpaid representation of any person subject to disciplinary, loyalty, or other personnel administration proceedings.

Example 1:
Bonnie, a procurement clerk with the Bureau of Mines, has an approved part-time job preparing income tax reports for other people. If a tax report which she prepared is audited by the Internal Revenue Service, 18 U.S.C. §205 would prohibit her from representing her client during that audit. But, if the tax report was prepared for herself, her parents, or another immediate family member this prohibition would not apply.

Example 2:
George, a forester with the Bureau of Indian Affairs, wants to represent a local nursery in proposed contract negotiations to provide seedlings to the U.S. Forest Service. George may not represent the nursery in its contract negotiations with any Government agency. Further, under procurement regulations, the federal government may not contract directly with federal employees except for compelling reasons. Therefore, the U.S. Forest Service could not contract directly with George in an attempt to get around the prohibition.

18 U.S.C. §208
CONFLICT OF INTEREST

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

The financial interests of the following persons are treated as if they were your own:
- you;
- your spouse;
- minor child;
- general partner;
- organization in which you are serving as an officer, trustee, general partner or employee; and/or
- any person or organization with whom you are negotiating for employment.

Thus, you may not make decisions or recommendations, nor take any action on any matter, when that action is likely to have a "direct and predictable effect" on the financial interests of any of the above parties.

Example 1:
Sue is president of a professional organization that is concerned with environmental issues. The organization petitions the Department of the Interior to set aside a tract of land as a national park. Sue may not, in the course of her National Park Service (NPS) duties, participate in the making of decisions or recommendations pertaining to that tract of land. She should sign a recusal (disqualification) and give it to her supervisor, who in turn would agree not to give Sue any assignments that would put her in violation of this criminal statute.

Example 2:
Ann, an employee with the Bureau of Indian Affairs, is an officer in a Tribal organization which submitted a report to the Bureau of Indian Affairs. Ann's supervisor has asked her to review the report and make recommendations. She should advise her supervisor that she may not do so under the conflict of interest prohibitions which prohibit her from making decisions, recommendations, or taking an action that can affect the financial interests of an organization in which she serves as an officer.

* Usually "particular matter" refers to cases, projects, audits, reviews, studies, or other work activities which are specific in nature. That is, they have a beginning, middle, and end. But it also refers to general rulemaking, general legislation, and the formulation of general policy matters.
18 U.S.C. §209
DUAL COMPENSATION

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

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

Example 1:
As part of her Bureau of Land Management (BLM) responsibilities, Fran straightened out a problem with a lease application. In gratitude, the applicant sent her a $100 gift certificate. She may not accept this gift because it would be considered outside payment for having properly done her job.

Example 2:
As a senior project manager with Bureau of Indian Affairs, Harold has been working closely with several Pacific Northwest Indian tribes. While attending a ribbon cutting ceremony at a new elementary school, the tribe presented him with a gift box of salmon fillets as thanks for approving the plans for the school. Harold should decline the gift, if he can do so without causing offense or embarrassment, because there is a direct relationship between his official actions and the offer of the gift. If that is not possible, in this case because it is part of a public ceremony, he should accept on behalf of his bureau and, upon his return to the office, either share the fish with the rest of the office or turn the gift over to his property officer for disposition.

Example 3:
Doug has just accepted a senior position with the Office of the Solicitor. As part of his new responsibilities, he will make decisions that will directly affect his former employer, Contiguous Land Co. Doug should not accept a "golden parachute" or special compensation package from Contiguous for going to work for the government. This would give the impression that he was beholden to Contiguous. Further, he should not make prior arrangements to return to Contiguous after his government service is completed, nor should he negotiate for future employment with the company while he is officially dealing with issues of interest to Contiguous. (See Page 16, Negotiating For Non-Federal Employment for more information.)

STANDARDS OF CONDUCT

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

EXECUTIVE ORDER 12674

Generally, the Executive Order prohibits you from:
- Having a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with your official responsibilities;
- Impeding government efficiency or economy;
- Losing independence or impartiality;
- Making a government decision outside official channels or outside of your official authority; or,
- Affecting adversely the confidence of the public in the integrity of the Government.

Example 1:
An employee of the BLM has made an offer to purchase a restaurant owned by a local developer. The developer has submitted an offer in response to a BLM lease sale. Under the circumstances, the employee would be correct in concluding that a reasonable person would be likely to question her impartiality if she were to participate in evaluating that developer's or its competitor's lease proposal.

Example 2:
A representative of Ampersand, Inc., who is seeking business with the government, invites Harriet, the Chief of the Procurement Branch, to lunch and offers to pay. Because this would give the appearance of a conflict of interest, Harriet should politely refuse the offer and pay for her own lunch.

Example 3:
An employee who works in the Offshore Leasing Division of the Minerals Management Service may not own stocks in the companies which hold or are seeking to hold offshore leases.
5 CFR §2635 Subpart B
ACCEPTANCE OF GIFTS FROM OUTSIDE SOURCES

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

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

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

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

It may also be:

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

This rule applies:

- Whether ON or OFF duty;
- To direct or indirect involvement;

Exclusions:

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

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

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

Exceptions:

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

- Unsolicited gifts valued at $20 or less (market value) per occasion from a single prohibited source. However, gifts from any single prohibited source may not exceed $50 in any given calendar year. You may not accept cash or other monetary instruments under any circumstances.

- Gifts given by friends or relatives when the reason for the gift is based on the personal relationship. However, if the gift is given for business reasons or is paid for by a prohibited company, it is not covered by this exception.

- Also, if you make significant decisions or recommendations about the other person's company, then accepting gifts from them may still give the appearance of a conflict of interest. If so, you should decline the gift, even though it is a personal gift from a friend or relative.

- Discounts and similar benefits that are offered to the public, other groups that you belong to, or a widely diverse group of government employees. You may not accept the gift if it is being offered only because of your official position with the Department.

- Awards and honorary degrees. Requires Ethics Office approval for awards of cash or tangibles valued at more than $200 and for honorary degrees.

- Gifts based on outside business or employment relationships (e.g., because of your outside affiliations, outside work, or other affiliations).

- Gifts from a political organization (for employees appointed by the President with the advice and consent of the Senate).

- Waiver of conference fees or acceptance of meals when you are speaking at widely-attended gatherings in your official capacity (e.g., a gathering attended by representatives from many public and private organizations).
Example 1:

Kent, who reviews environmental studies for the Fish and Wildlife Service, is invited to lunch by a representative of Ramshackle, Tippler and Servile (RT&S). Kent's office has done business with RT&S in the past, but is not currently working on anything involving them. Kent is not a procurement official. The cost of the lunch is $7. Kent may accept the lunch if he has not yet exceeded the $50 limit on gifts from a single prohibited source (RT&S) received during the year.

Example 2:

Terry, a secretary with the Office of Inspector General, is offered two $10 tickets to the local dinner theater in return for making sure that the representative of Superfluous Office Supplies has access to the Purchasing Agent. She may not accept because she is being asked to take a specific action in her official capacity in return for the tickets. That may be a violation of 18 U.S.C. §209 and/or §201.

Example 3:

After Little League practice, the coaches take the kids out for pizza. One coach, who works for Biggie Oil Company, offers to pick up the tab for the evening. George, the other coach, works for the Minerals Management Service; however, his work is not related to specific oil and gas companies and he makes no decisions or recommendations that could affect Biggie. Thus, George may accept this offer because it is not business related and there is a clear personal relationship outside of the office. If George had been in a position to take actions which could affect Biggie, it would have been improper for him to accept a meal, for himself and/or for his child, valued at more than $20, regardless of the personal relationship.

Example 4:

Holly is a grants coordinator with the Bureau of Mines. Her cousin, Heather, works for State College in a department that is a recipient of one of these grants. Holly has recently received a performance award at work and Heather would like to take her out to an expensive restaurant to celebrate. While the two women are relatives, it would still give the appearance of a conflict of interest for Holly to accept the gift of a meal since the occasion is not only job related, but related to the grant at Heather's college. It would be acceptable for the women to go to dinner, but each should pay for her own meal. If the occasion had not been job related, such as a family Christmas party where gifts were exchanged, there would not have been a problem.

Example 5:

Austin, an Office of Surface Mining employee, and his family are taking a much needed vacation to Zion National Park. Stopping for the night at the Cozy Cottage Motel, Austin identifies himself as a government employee on personal travel and asks if the motel gives discounts to government employees. The motel answers that they will give a discount to any government employee. Austin may accept the discounted rate because the motel offers it to all government employees. If the motel management had answered that they only give discounts to senior executive employees, procurement officials, or to another limited class of employees, it would have been unacceptable for Austin to take the discount.

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

You may not:

- Directly or indirectly give a gift to, or make a donation toward, a gift for an official superior. An official superior is someone who is above you in the chain of command and can affect your performance appraisal, awards, or job assignments;
- Solicit a contribution from another employee for a gift to an official superior - either yours or the other employee's; or
- Coerce the offering of a gift.

Exceptions

- There is a personal relationship between you and the other employee that would justify the gift.
- On an infrequent basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
  - Items, other than cash, with an aggregate market value of $10 or less per occasion;
  - Items such as food and refreshments to be shared in the office among several employees;
  - Personal hospitality provided at a residence;
  - 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
  - For occasions that end a subordinate-official superior relationship, such as retirement, resignation, or transfer.

Example 1:

Late last May, John, a Department employee, gave his supervisor a very valuable artifact which he had picked up while on official travel. His supervisor should decline the gift. While the gift meets the test for infrequency, it exceeds the $10 minimum, and to give a gift to a supervisor so close to performance appraisal time could give rise to the appearance of a conflict of interest.
You may not accept or encourage the tender of a gift from a foreign government.

Exceptions:
- Gifts of minimal value ($200 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 $200 must then be turned over to the appropriate property officer for proper disposition.)

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

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

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

Exceptions

31 U.S.C. §1353
- This authority allows executive departments to accept reimbursement from non-Federal sources for an employee's transportation expenses to certain functions related to the employee's official duties.

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

It is not permissible for YOU, personally, to accept reimbursement for travel and related expenses from an outside source. Only your bureau/office may accept reimbursement.

For your office or bureau to accept reimbursement, the following conditions must be met:
- Payment is for travel related to official duties;
- Payment must be for your attendance at a meeting, conference, seminar, speaking engagement, training course, or similar event that takes place away from your official duty station;
- Travel may not be for events required to carry out the Department's statutory and regulatory functions, e.g., investigations, inspections, audits, or site visits;
- Payment is not from a "conflicting non-Federal source," that is, a non-Federal source which may be substantially affected by the performance or nonperformance of your duties; and
- You must have a travel authorization (Form DI-1020) that has been approved by your Assistant Secretary or Deputy Assistant Secretary.

5 U.S.C. §4111
- This authority allows employees to accept payment-in-kind for travel ONLY from non-profit, tax exempt organizations covered in 26 U.S.C. §501(c)(3) of the IRS Code.
- Travel payments must be connected with your attendance at a training seminar or conference at a non-government facility.
There is no dollar limit to the payment-in-kind that can be accepted.

Conditions that must be satisfied before travel payments may be accepted under this authority:

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

To find out whether a particular non-profit organization is covered under 26 U.S.C. §501(c)(3), you may call the Department of Interior's Ethics Office on (202) 566-3770.

- Once your travel is approved, you must keep records in the office file that the travel payment was accepted under the authority of 5 U.S.C. §4111.

Reimbursement must not cause a real or apparent conflict of interest. If acceptance of travel payments from a non-profit source cannot meet this criterion, then the offer should be politely refused.

**BUREAU AUTHORITIES**

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

Some authorities are:

- U.S. Fish and Wildlife Service – 16 U.S.C. §742(f)
- U.S. Geological Survey – Public Law 98-473
- Bureau of Land Management – 43 U.S.C. §1737(c)
- Minerals Management Service – From 1985 Appropriations Act

**FREQUENT FLYER BONUSES**

There is no requirement that any employee participate in any frequent flyer program. But, if an employee joins a frequent flyer program and any flight mileage paid for by the government is credited toward that account, then the entire account becomes the property of the government (Comptroller General Decision B-210717). Therefore, it is important that you do not mix your personal miles and your government miles in the same account.

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

You may not use frequent flyer bonus miles accrued on government travel for personal upgrades, nor may you upgrade official travel without approval from the Assistant Secretary – Policy, Management, and Budget. However, you may accept any benefits or upgrades which do not reduce the mileage in the government account, provided such benefits or upgrades generally are available to the public.

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

**Example 1:**

Kathy, a geophysicist with the U.S. Geological Survey, is invited to speak at a forum sponsored by the Colorado School of Mines which offers to pick up her travel and related expenses. Kathy does not deal with any matters involving the school in her job; therefore, the school is not a “conflicting non-Federal source” and her bureau may accept reimbursement for her travel. She should submit her request under 31 U.S.C. §1353.

**Example 2:**

Ashley only travels for her bureau once or twice a year. She has been putting her frequent flyer mileage into her personal account along with mileage gained on her personal travel. Now she has enough frequent flyer bonus miles for a free trip and she wants to take a vacation to Hawaii. Ashley may not cash in the bonus points for a personal trip. Once she puts mileage paid for by the Government into her personal account, it becomes a government account and is the property of the government. She may only cash in the bonus points for official travel or preapproved upgrades to first class.

**Example 3:**

Returning home from a week long conference, Ted, an OIG inspector, had checked in at the airport and was awaiting his flight when the reservation attendant announced that the flight was overbooked and that anybody who would give up their tickets on the flight would be assured a seat on the next flight and would receive a free flight coupon for future travel. Because the government’s business would not be interrupted, Ted may take himself out of travel status and accept the offer, if he wishes. The free flight coupon would be acceptable because it is an offer made available to the general public (See Page 6 Acceptance of Gifts From Outside Sources). However, he may not claim per diem or hotel expenses during the time he is not in travel status. Also, should he trip over a suitcase and break his arm while on his own time, he may not be covered under Worker’s Compensation regulations.
5 CFR §2636
HONORARIA*

The Ethics Reform Act of 1989 prohibits you from accepting an honorarium (money or anything of value) regardless of the fact that it is offered for an appearance, speech, or article that has nothing to do with your official duties.

This provision applies both while on and off duty.

- This law covers only appearances, speeches, and articles. It does not cover:
  - Books or chapters in books;
  - Fiction or poetry;
  - Participation in theatrical, musical, or sporting events; or
  - Reimbursement of travel and related expenses, salaries, commissions, or awards.

- You may have an honorarium donated directly to charity, provided that you never personally receive the honorarium, nor do you reflect that honorarium on your tax return, either as a payment or as a deduction.

Note:
An amendment to the definition of "honorarium" which intended to clarify that appearances, speeches, and articles are governed by the rule whether they occur individually or in a series has had the effect of creating an exception to the honoraria prohibition for compensation for certain appearances, articles, or speeches made or published as a series. It states that an employee may accept an honorarium for a series of three or more different, but related, speeches, articles, or appearances as long as they have nothing to do with the employee's official responsibilities.

* This provision remains in effect pending appeal in the courts. Please call your Assistant Ethics Counselor for current status before accepting an honorarium.

Example:
Morgan, who works for the Bureau of Mines, would like to write an article on the history of astrology for "Astrology Today" magazine. The ban would prohibit Morgan from accepting an honorarium for a single article. The amendment to the definition would allow Morgan to accept the honorarium if she were to publish three or more different, but related, articles on the topic of astrology, since it has nothing to do with her official responsibilities.

5 CFR §2635 Subpart H
NON-OFFICIAL EXPRESSION

A concept related to HONORARIA is that of non-official expression. While the honoraria prohibition limits the receipt of payment for certain activities, the policies regulating non-official expression set guidelines for the content of certain presentations.

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

Before giving a speech or having written material published which pertains to the programs of the Department or the Interior, you must obtain prior clearance from the appropriate office, usually the office of public affairs, within your bureau or office. If your non-official expression is on a topic which has nothing to do with the Department, no prior clearance is necessary.

TEACHING, SPEAKING, AND WRITING

At no time may you accept compensation from outside sources for teaching, speaking, or writing that is related to your official duties. This prohibition will not change if the honoraria ban is lifted.

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

- The activity is undertaken as part of your official duties;
- The invitation to teach, speak, or write was extended primarily because of your official position with the Department;
- The invitation was extended directly or indirectly by someone who has interests that may be substantially affected by the performance or nonperformance of your official duties;
- The information to be presented draws substantially upon nonpublic information; or
- The subject matter deals significantly with an ongoing or announced policy, program, or operation of the Department.
You may not negotiate for future or outside employment with any outside party that you deal with in your official capacity, without prior approval from your supervisor.

Negotiating has begun when:

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

Note: Negotiation is not limited to discussions of specific terms and conditions of employment in a specific position, it may be general in nature.

However, it does not include communication for the sole purpose of requesting a job application.

Negotiating has ceased when:

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

Disqualification while seeking employment

- Obligation To Disqualify. If you can affect the financial interests of a prospective employer by performing or not performing your official responsibilities, you must disqualify yourself before entering into negotiations.
- Documentation of Disqualification. You disqualify yourself by not participating in any particular matter which may affect the prospective employer. You must notify your supervisor of your intent to disqualify yourself, but you do not have to provide a written record of your disqualification unless requested to do so by your supervisor.

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<tr>
<th>Disqualification upon conclusion of negotiations</th>
<th>Offer rejected or not made. If you do not secure outside employment, your disqualification may be discontinued.</th>
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<tbody>
<tr>
<td>Offer Accepted. If you are successful in your negotiations and accept a position either as outside employment or as future full time employment, you must continue to disqualify yourself until leaving the government.</td>
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Example:

Sandy, an attorney in the Office of the Solicitor, wishes to negotiate for future employment with Ramshackle and Glutt, Inc., a company which she deals with in her official capacity. She may not negotiate until she has filed a recusal (disqualification) with her supervisor stating that she will make no decisions or recommendations which pertain to that company or take any actions that may affect the company until negotiations are completed and she has no possibility of a job with the company. In the meantime, her supervisor must agree not to give her any assignments which would put her in violation of a criminal statute. If Sandy is deeply involved in any matter pertaining to the company, and the supervisor needs her to finish the work before allowing her to recuse herself, her supervisor may refuse to agree to the disqualification until the matter is completed, at which time Sandy may initiate negotiations.
5 CFR §2635 Subpart H
OUTSIDE WORK

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

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

- Prior approval to engage in outside work is not required by Department regulations. The Department does require that you notify your supervisor before you begin any outside work. Your supervisor will advise you as to any statutes or regulations which may apply to your situation or to a need to touch base with your local ethics counselor.

- Bureau directors may, however, establish procedures requiring prior formal approval for their employees (see your bureau policy manual.)

Example 1:
Nat, a marine biologist, wishes to engage in outside work as an expert consultant for a law firm specializing in environmental issues. He notifies his supervisor, who advises him that there are potential violations of 18 U.S.C. §§203, 205, and 208 and Executive Order 12674. To make sure that he does not violate any criminal statutes, his supervisor explains that he may not represent the law firm, nor its clients, in any proceeding involving the government; he may not serve as an expert witness on behalf of the law firm’s clients in any proceeding involving the government; he may not provide consulting services on matters involving his bureau; and finally, he may not take any official actions which might involve the law firm or its clients. He may consult on matters not involving the government or his official responsibilities.

5 CFR §2635 Subpart H
OUTSIDE ACTIVITIES

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

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 or office may require that you participate in the outside organization or serve as an officer in your official capacity as a representative of the Department of the Interior; 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. Since you will be on official time, the conflict of interest statutes will apply as if you were acting in your official capacity.

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

- Have a written Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) between your bureau and the organization in which you will serve as an officer;

- 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.

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.
ENDORSEMENTS

You are prohibited from endorsing, in an official capacity:

- the proprietary products or processes of manufacturers;
or
- the services of commercial firms for advertising, publicity, or sales purposes (See also Page 27).

- You should limit your official support to:
  - charitable and other fundraising activities administered by the Office of Personnel Management under its delegation from the President; and
  - to those other programs authorized by the Secretary of the Interior.

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

FUNDRAISING

- You may not take any action in your official capacity which may result in or create the appearance of:
  - Using public office for private gain (the term private gain means anyone's private gain including an outside organization's);
  - Losing independence or impartiality; or
  - Causing the public to lose confidence in the integrity of the Government.

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

- See Page 22 for prohibitions against raising funds on behalf of partisan political candidates.

18 U.S.C. §1913

LOBBYING ACTIVITY

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

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

That is - you may not sit at your desk, using government time, 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 programs of the Department.

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

This does not prevent you from communicating with any member of Congress or from responding to a request from Congress, on any official matter in your official capacity, when you are responding on behalf of the Department. Under these circumstances you will be expressing the position of the Department which may or may not be the same as your own position.
5 U.S.C. §7324–7327
POLITICAL ACTIVITY

The Hatch Act has two provisions. The first applies to all employees and the second applies to all employees except those appointed by the President with the advice and consent of the Senate.

The Act states generally that you may not:

- Use your official authority or influence for the purpose of interfering with or affecting the results of a partisan election; or
- Take an active part in political management or in partisan political campaigns.

Activities in which you may participate include, but are not limited to, the following.

You may:

- Register and vote in any election;
- Express your personal opinions, privately or in public, on political subjects and/or candidates, as long as it is clear that it is your personal opinion;
- Display a political picture, sticker, badge, or button;
- Attend a political convention, fund raising function, or any other such gatherings;
- Sign a petition; or
- Make a financial contribution to a political party or organization.

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

Due to pending changes, please call your Assistant Ethics Counselor for current status before engaging in partisan political activity.

Activities in which you may not participate include, but are not limited to the following.

You may not:

- Serve as an officer of a political party or of a Political Action Committee (PAC);
- Handle funds or promote fundraising;
- Solicit votes in support of, or in opposition to, a candidate for public office in a PARTISAN election, or a candidate for POLITICAL PARTY office;
- Officially endorse or oppose a candidate for public office in a partisan election;
- Serve as a delegate, alternate, or proxy at a political convention; or
- Drive voters to the polls on behalf of a political party or a candidate in a partisan election.

A special rule applies to local elections in certain communities in the Washington D.C. metropolitan area, and in a few designated municipalities in other parts of the country where a large number of voters are Federal employees. Employees in those designated communities may participate actively in local partisan campaigns and elections but only as independent candidates, or on behalf of or against independents in the communities in which they reside. Please note that the partial exemption does not apply to the District of Columbia. The communities to which it does apply are:

MARYLAND: Annapolis, Ann Arundel County, Berwyn Heights, Bethesda, Bladensburg, Bowie, Brentwood, Calvert County, Capitol Heights, Cheverly, Chevy Chase, village of Martin's Addition, Chevy Chase View, College Park, Cottage City, District Heights, Edmonston, Fairmont Heights, Frederick County, Forest Heights, Garrett Park, Glenarden, Glen Echo, Greenbelt, Howard County, Hyattsville,


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

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

5 CFR §735.208
GAMBLING ON GOVERNMENT PREMISES

Gambling is prohibited at all times on Government premises.

This includes raffles, lotteries, numbers, rackets, football pools, etc.

Example 1:

Tom, Dick, and Harry, Department employees, are running a football pool out of their office. It is not a very big pool, but they are trying to drum up more interest, so they approach their supervisor to see if he would like to take a chance. No, he does not want to take a chance. He also advises the trio to cease this activity on government premises and that failure to do so may result in disciplinary action or criminal prosecution.
5 U.S.C. §3110
NEPOTISM

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

You may not appoint, employ, promote, or advance a 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. This applies to any individual who:

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

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

Exceptions:
- A preference eligible (veteran) who is within reach for selection from an appropriate certificate of eligibles;
- 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 advancement.

Example 1:
Bert, a senior official with the Department, has a new son-in-law who has just graduated from the state university with a degree in literature and is looking for a job. Bert calls a friend in one of the bureaus and asks him to find a job as a writer/editor for the young man. The friend should advise Bert that he is prohibited from recommending the appointment of his son-in-law.

Example 2:
Dawn, a college sophomore, wants a summer job with the Bureau of Reclamation where her mom works. Mom offers to drop Dawn’s SF-171 off in the personnel office on her way to work. Because Dawn’s mother is not advocating that she be hired, it is permissible for her to drop off the job application. It would also be permissible for her to pick up blank application forms and other hiring literature for Dawn.

Example 3:
Forest fires, raging out of control in the National Park, are threatening a nearby town. Additional firefighters are needed immediately. Larry, Darrell, and Darren, sons of a Park employee, are given an emergency appointment and hired on the spot to help fight the fire. However, as soon as reinforcements are available or the emergency passes, the appointment is terminated.
5 CFR §2635 Subpart G
MISUSE OF GOVERNMENT POSITION
USE OF OFFICIAL TITLE

You may use your official title when:

- In your private capacity, such as in a letter to the editor, a personal letter to a member of Congress, an article or book, a Directory, or on the letterhead or signature block of a private organization's stationery.

- To endorse, in an official or private capacity:
  - the proprietary products or processes of manufacturers, or
  - the services of commercial firms for advertising, publicity, or sales purposes.

You may not use your official title . . .

- You are acting in your official capacity as a representative of the Department of the Interior. This may be on written documents, in verbal introduction, or other forms of address.

- Your title is such that it would customarily be used in social introductions or exchanges on nonofficial occasions. For example, the Honorable Mr. Jones, or Superintendent Smith.

- It is for a biographical summary. For example, "Mr. Green has been Chief of the Environmental Assessment Branch for five years," or "Before becoming Director of the Western Region, Ms. Bryan was Chief Biologist at the Research Center," etc.

Example 1:

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

Example 2:

Carter attended an OPM class which was conducted by a private contractor. At the end of the class, participants were asked to fill out a critique sheet, which also asked for their name, title, and agency. Carter was very impressed with the class and said so on the critique. Some months later, he saw some promotional literature for future classes. On the back of the brochure was a list of endorsements, including his comments on the earlier class. The company had cited his name, title, and agency. Because this was an unauthorized use, the bureau will not hold Carter responsible; however, he should go back to the company and ask, at a minimum, that his title and agency affiliation be removed from their literature.

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

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

Misuse of Government Time

- You may not use official time other than in an honest effort to perform official duties.

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

Theft, Embezzlement, or Misuse of Government Property

- You shall not convert for personal use, even temporarily on loan, any Government property or equipment. Nor may you use Government purchasing authority for personal acquisitions (including your official Diners Club Card), even though you reimburse the Government.

- When leaving government service, you may not remove government property or files; nor may you use government copiers to make copies of files to take with you.

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

Misuse of Nonpublic Information

- You may not engage in a financial transaction using "insider" or nonpublic information, nor allow the improper use of nonpublic information, which is not available to the public, to further your own private interest or that of another.
Example 1:
Harvey is on travel when he realizes that it's his wedding anniversary. His personal credit cards are already maxed so he uses his official Diner's Club to order flowers. He thinks that because he will pay the bill immediately upon his return home that there will be no problem. Harvey is incorrect. The Diner's Club card is only for official travel and related expenses. He may not use the card for any personal purchases, even though he is on travel at the time he makes the purchase.

Example 2:
Ozzie is having trouble figuring out his income taxes. He loads a tax software package on his PC at work and does his taxes on his lunch hour and after work and then he removes the tax package. Ozzie is still in violation of the prohibition against using government property for personal use and may be subject to disciplinary action.

Example 3:
Helen has checked an official vehicle out of the motor pool to drive to a field station on official business. While at the field station, she decides to visit another installation. The second stop is for job related reasons, but she has not been authorized to take the official vehicle any place other than the first field station. She should call her supervisor and get verbal approval to use the vehicle for the additional travel. Failure to do so is misuse of a government vehicle. Her supervisor should annotate her authorization or travel orders (whichever is appropriate). Further, if she does not have the authorization and is in an accident, the government may not pay any damage claims because her use of the vehicle was unauthorized. Also, most personal automobile insurance would not cover such a situation because it involved a government vehicle. Thus, Helen might be personally liable for all expenses of the accident.

41 U.S.C. §423
PROCUREMENT INTEGRITY

The Office of Federal Procurement Policy Act Amendments significantly restricts Government employee and contractor conduct under Federal procurement actions at ALL dollar levels.

The Act:
- Prohibits a competing contractor from offering and procurement officials from knowingly soliciting or accepting gratuities from competing contractors at any time during the conduct of any procurement.

Exception: Under circumstances that make it clear that acceptance would not create an actual conflict of interest, this act allows the offer or acceptance of gifts valued at $10 or less per event. This is intended primarily to allow reasonable refreshments such as coffee or soft drinks at widely attended gatherings.

- Prohibits procurement officials from negotiating for future employment with competing contractors during the conduct of any procurement. Further, a procurement official may not disqualify himself or herself from performing the duties required in the conduct of the procurement as a means to avoid the prohibitions against negotiating for outside employment.

- Contains 2 year post-employment restrictions based on the last date of involvement in a particular procurement. (See Page 37, Post Employment, for specific prohibitions.)

Definitions:

Procurement Official: This means any employee, at any level, who has been "personally and substantially" involved in the procurement effort ("during the conduct of the procurement") at any time.

Support personnel who merely type requisitions are not procurement officials; however, as are those who are authorized to place orders under Blanket Purchase Agreements, use bank cards, or purchase items using imprest funds.

Personally and Substantially: This means active and significant involvement in activities directly related to the procurement.

- "Personally" means directly and includes the participation of a subordinate when actually directed by the supervisor.

- "Substantially" means that the employee's involvement must be of significance in the matter. It requires more than just official knowledge of the procurement or involvement in a peripheral issue.
Competing Contractor or Subcontractor:
This means any entity, or its representative, that is, or is reasonably likely to become, a competitor for, or recipient of, a contract or subcontract for the procurement of property or services.

During the Conduct of a Procurement:
This means the period beginning with the development/preparation/issuance of a procurement solicitation and concluding with the award, modification, or extension of a contract. Each contract and each modification constitutes a separate procurement during which the prohibitions and requirements of the Act apply.

Proprietary Information: This means information developed by a competing contractor, including information contained in a bid/proposal, cost and pricing data, or other information submitted to the Government by the contractor and designated as proprietary.

Source Selection Information: This means information developed by the Government including bidders listings (before bid opening), source and price lists, source selection plans, technical evaluation plans, evaluations of proposals and award recommendations, competitive range determinations, competitive proposal rankings, source selection board reports, Contracting Officers' Negotiations Summaries, etc.

UNAUTHORIZED PROCUREMENT ACTIONS

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

Employees lacking the authority to obligate funds for the procurement of goods and services should contact their Administrative Office/Procurement personnel for assistance.

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

Example:
A sales representative from the Whiz Bang Software company called Mabel's office to offer a reduced rate on an upgrade to a graphics software package. It's an upgrade that is sorely needed, but the price is only good if she orders today. She should refer the sales representative to her procurement office.
None of the prohibitions under this section prohibit you from leaving the Federal government and going to work for any outside employer.

There are currently eleven prohibitions which may affect former Department of the Interior employees. Five are found under 18 U.S.C. §207, one is under the Procurement Policy Act Amendments and the remaining five are found in Executive Order 12834.

The employee's rate of pay and the nature of his/her appointment or work prior to leaving government service determine which prohibitions apply. If at the time of leaving government service you are paid at a rate that is:

- Less than an Executive Level V, ($108,400) you are subject to three post employment prohibitions – 18 U.S.C. §207 (a)(1), (a)(2), and (b);
- Equal to or more than Executive Level V, (senior employee) and are not a senior appointee, then you are subject to five prohibitions – the three above plus 18 U.S.C. §207(c) and (f) (Senior Employees);

All full-time, non-career Presidential, Vice-Presidential, or agency head appointees (senior appointees) are subject to two prohibitions under Executive Order 12834. Also, there is one prohibition which limits the post employment activities of former procurement officials and two which limit activities of former trade negotiators, regardless of their pay level.
RESTRICTIONS APPLICABLE TO ALL FORMER EMPLOYEES.

1. PERMANENT BAR
18 U.S.C. §207(a)(1)

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

Switching Sides

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

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

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

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

Representation

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

2. TWO-YEAR BAR
18 U.S.C. §207(a)(2)

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

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

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

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

ADDITIONAL RESTRICTIONS THAT APPLY TO FORMER SENIOR EMPLOYEES

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

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

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

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

- the Department of the Interior consists of the Offices of the Secretary, Solicitor, and Inspector General.

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

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

Each Bureau shall be designated as a single component for the purpose of determining the scope of 18 U.S.C. §207(c).

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

The Secretary, Deputy Secretary, Solicitor, Inspector General, and the six Assistant Secretaries are not eligible to benefit from the narrowing effect (outlined above) of the component designations. Incumbents in these positions are subject to the one-year bar that restricts them from contacting any agency or unit of the Department of the Interior.
RESTRICTIONS THAT APPLY ONLY TO SENIOR APPOINTEES – EXECUTIVE ORDER 12834

All full-time, non-career Presidential, Vice-Presidential, or agency head appointees (senior appointees) whose basic rate of pay is not less than the rate for Executive Level V ($108,400), may be subject to the following prohibitions.

All senior appointees are prohibited for five years:

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

At any time after leaving government service, senior appointees are prohibited from engaging in any activity on behalf of any foreign government or foreign political party which would require registration under the Foreign Agents Registration Act of 1938, as amended.

RESTRICTIONS APPLICABLE TO FORMER TRADE NEGOTIATORS – EXECUTIVE ORDER 12834

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

- representing;
- aiding, or
- advising

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

41 U.S.C. §423 (27)(e) RESTRICTIONS APPLICABLE TO ALL FORMER PROCUREMENT OFFICIALS

Just like the post employment prohibitions in 18 U.S.C. §207, this prohibition does not prohibit any former employee from going to work anywhere. However, it does prohibit a former procurement official from working or assisting his/her new employer on a covered contract.

Thus, if after leaving government service, a former procurement official goes to work for a competing contractor or subcontractor, two restrictions apply.

For two years after his/her last participation on the procurement the former employee may not:

- Participate in any manner in negotiations leading to award, modification, or extension of such procurement; or
- Participate personally and substantially on behalf of a competing contractor in the performance of such procurement.

18 U.S.C. §207 EXCEPTIONS

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

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

FOR FORMER SENIOR EMPLOYEES: There are additional exceptions to 18 U.S.C. §207(c) or (d), when communication or an appearance is made in carrying out official duties as an employee of, and made on behalf of an agency or instrumentality of a State or local government, an accredited degree-granting institution of higher learning, or an approved hospital or medical research organization.
Example 1:
Loretta was the lead Office of Inspector General auditor of the 1990 audit of the Beltway Bandit Corporation. Upon leaving government service, Loretta went to work for Bandit. Her first assignment is to answer the issues raised in the 1990 audit. Loretta may help the company write their response to the audit, but she may not represent Bandit orally or in writing back to the government. However, she must be careful not to use any nonpublic information gained while she was a Federal employee.

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

Example 3:
Myra, a senior employee in the Assistant Secretary for Water and Science's Office, left government service in January 1993. She was hired to represent a western community in a water dispute and would like to discuss the issue with the Bureau of Reclamation. She was not personally and substantially involved in the matter when she worked for the Department. However, because she was a senior employee when she left the Department, she may not make an appearance before the Bureau of Reclamation until one year has passed.

DISCLOSURE OF FINANCIAL INTERESTS

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

SF-278 – Public Disclosure Report

Who files . . .

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

When is the 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 . . .

- An employee who willfully falsifies the information on his or her report, willfully omits information, or willfully fails to file may be subject to civil penalties up to $10,000 and/or criminal prosecution under 18 U.S.C. §§1001 and §3571. Departmental disciplinary sanctions may also apply, up to and including removal from government service.

- An employee who files more than 30 days after the statutory deadline (and any extension periods) is subject to a $200 late filing fee. This fee may be waived by the Director, Office of Government Ethics.
SF-450 - Confidential Disclosure Report

Who must file...

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

What happens if the report is late or never filed...

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

Penalties:

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

Civil Penalties:

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

Criminal Penalties:

Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined an amount not to exceed $50,000, or both.

Whoever willfully engages in conduct constituting an offense of 18 U.S.C. §207 shall be imprisoned for not more than five years or fined an amount not to exceed $50,000 or both.

Standards of Conduct

Sanctions:

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

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

41 U.S.C. §423(h) - Procurement Integrity

Civil Penalties:

Any person who engages in conduct prohibited by subsection (e) Post Employment, shall be subject to the imposition of a civil fine not to exceed:

- $100,000 in the case of an individual; or
- $1,000,000 in the case of a competing contractor (other than an individual.)
Ethics Officials and Bureau Specific Prohibitions

Department Ethics Liaison Staff (PEL)

Designated Agency Ethics Official: Theresa Trujeque, Deputy Assistant Secretary – Policy, Management and Budget, 1849 "C" Street, N.W., Washington, D.C. 20240

Deputy Agency Ethics Official: Gabriele J. Paone, 1849 "C" Street, N.W., MS-5140 Washington, D.C. 20240, (202) 208-7960

Dept. Ethics Program Coordinator: Mason Tsai, 1849 "C" Street, N.W., MS-5140 Washington, D.C. 20240 (202) 208-5916

Ethics Training Coordinator: Linda "TJ" Sullivan, 1849 "C" Street, N.W., MS-5140 Washington, D.C. 20240 (202) 208-7950

Ethics Program Specialist: Joan Banks, 1849 "C" Street, N.W., MS-5140 Washington, D.C. 20240 (202) 208-3932

Office of the Secretary (OS)

Ethics Counselor: Theresa Trujeque, Deputy Assistant Secretary – Policy, Management and Budget, 1849 "C" Street, N.W., Washington, D.C. 20240

Deputy Ethics Counselor: Sharon D. Eller, Chief, Division of Personnel Services, 1849 "C" Street, N.W., MS-5459, Washington, D.C. 20240 (202) 208-6702

Assistant Ethics Counselor: H. Bruce Dimmitt, Assistant to the Personnel Officer, 1849 "C" Street, N.W., MS-5459, Washington, D.C. 20240 (202) 208-6702

Assistant Ethics Counselor: Kathryn A. Bow, Chief, Br. of Personnel Operations-B, 1849 "C" Street, N.W., MS-5459, Washington, D.C. 20240 (202) 208-4821
Office of the Inspector General (OIG)

(202) 208-5745

(202) 208-4618

Assistant Ethics Counselor: Kathleen St. Pierre, Branch Chief, Procurement and Facilities, Room 5347, 1849 "C" St., Washington, D.C. 20240
(202) 208-4599

Office of the Solicitor

Ethics Counselor: John Leshy, Solicitor, 1849 "C" Street, N.W., MS-6353, Washington, D.C. 20240

Deputy Ethics Counselor: Anne Shields, Deputy Solicitor, 1849 "C" Street, N.W., MS-6346, Washington, D.C. 20240
(202) 208-4813

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

Assistant Ethics Counselor: James Rodden, Deputy Director of Administration, 1849 "C" Street, N.W., MS-7129, Washington, D.C. 20240
(202) 208-5763

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

Bureau of Land Management (BLM)

Ethics Counselor: Jim R. Baca, Director, 1849 "C" St., MS-5660, Washington, D.C. 20240.

Deputy Ethics Counselor: Robert W. Faithful, Assistant Director, Support Services, 1849 "C" St., MS-5617, Washington, D.C. 20240,
(202) 208-3897.

Assistant Ethics Counselor: Richard Harrison, Chief, Division of Personnel, 1849 "C" St., MS-3619, Washington, D.C., 20240
(202) 208-3431.

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

The BLM Organic Act (43 U.S.C. §11)

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

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

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

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

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

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

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

43 U.S.C. §1737(c)
BLM’s Gift Acceptance Authority. Section 307(c) of FLPMA, 43 U.S.C. 1737(c) authorizes the Secretary to accept contributions, or donations of money, services, and property for the management, protection, development, acquisition, and conveying of public lands.
The absolute restrictions of the Geological Survey Organic Act were extended to the MMS by regulation. This statute is viewed as generally prohibiting MMS employees from having a direct interest in the mineral wealth of the Federal lands, either directly through a leasehold, or indirectly through ownership of financial interests (securities, limited partnerships, etc.) in companies which lease Federal mineral rights. This provision implicitly prohibits ownership of holdings in petroleum or mining companies or other companies whose activities involve exploration, development and/or production of oil, gas, mineral resources on extensive acreage of Federal lands, through a subsidiary, affiliate, or division, or by the parent company.

MMS Conflict of Financial Interest Policy
(MMS 370.735.2.6)

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

Employees in the Office of the Director are subject to both prohibitions.

Mineral Royalties and Overriding Royalty Interest

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

Office of Surface Mining Reclamation and Enforcement (LSM)

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


Assistant Ethics Counselor: Peggy Moran-Gicker, Program Specialist (Personnel & Ethics), 1951 Constitution Avenue, Rm. 222 SIB, Washington, D.C. 20240, (202) 208-4608.

Assistant Ethics Counselor: Jack A. Jackson, Program Assistant (OA), 1951 Constitution Avenue, Room 222 SIB, Washington, D.C. 20240, (202) 208-4608.

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

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

The Director, OSM, published regulations at 30 CFR Part 706 establishing the methods by which the conflict of interest provisions would be monitored and enforced, including appropriate provisions for the filing by covered employees and the review of statements and supplements thereto concerning their financial interests which may be affected. There are no waivers granted to employees under this act for interests determined to be prohibited. The OSM is required to report to the Congress as part of its annual report on the actions taken and not taken during the preceding calendar year under this prohibition.
In conducting inquiries and investigations authorized under section 1, 3, and 5 to 7 of this title neither the director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property. Nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, at a compensation not to exceed $10 per day, in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

Bureau of Mines Gift Authorities

(P.L. 101–121)

The Department of the Interior's Appropriations Act for FY 90, authorizes the Secretary to accept, on behalf of the Bureau of Mines, land, buildings, equipment, and other contributions from public and private sources.

(30 U.S.C. §10)

Authorizes the Secretary to accept lands, buildings, or improvements for headquarters of mine, rescue cars, and for other purposes.

(50 U.S.C. §167a)

Authorizes the Secretary to acquire by gift lands or interests therein or options thereon, for purposes of buying, selling, producing, or conserving helium.

The Geological Survey issued an "Employee Conduct Handbook" in January 1993 which explains those statutes, regulations and policies specific to the Survey.
National Park Service (FNP)

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

Deputy Ethics Counselor: Mario R. Fraire, Chief, Personnel Officer, 1849 "C" Street, N.W., Washington, D.C. 20240
(202) 208-5093

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

Assistant Ethics Counselor: Mary G. Martin, Employee Relations Specialist, 1849 "C" Street, N.W., Washington, D.C. 20240
(202) 208-4434

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

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

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

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

U.S. Fish and Wildlife Service (FWS)

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

(202) 208-6104

Associate Ethics Counselor: Laurie Brooks, Personnel Management Specialist, 1849 "C" Street, N.W., Washington, D.C. 20240
(202) 208-3454

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

Fish and Wildlife Gift Authority
(16 U.S.C. §18f(b))

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

Bureau of Indian Affairs

Ethics Counselor: Vacant, Deputy Commissioner of Indian Affairs, Room 4160, Washington, D.C. 20240.

(202) 208-2547

Assistant Ethics Counselor: Sharon L. Stewart, Labor Relations Specialist, 1951 Constitution Ave., N.W., Washington, D.C. 20240
(202) 208-2540

Assistant Ethics Counselor: Gerald Taylor, Labor Relations Specialist, 1951 Constitution Ave., N.W., Washington, D.C. 20240
(202) 208-2540

Assistant Ethics Counselor: Joanne Deere, Personnel Management Specialist, 1951 Constitution Ave., N.W., Washington, D.C. 20240
(202) 208-2540

Federal Employees Contracting or Trading with Indians
(18 U.S.C. §437)

Generally, BIA employees may not have any interest in their own name, or in the name of another, where they may benefit from such interest in any contract made or under negotiation with any Indian, for the purchase or transportation or delivery of goods or supplies for any Indian; or in any purchase or sale of any service or real or personal property (or any interest therein) from or to any Indian; or colludes with any person attempting to obtain any such contract, purchase, or sale.

Notwithstanding the provisions above, the President or his designee may prescribe rules and regulations under which any BIA employee may purchase from or sell to any Indian any service or any real or personal property or any interest therein.
No rule or regulation prescribed pursuant to this paragraph shall permit any BIA employee to make any purchase from or sale to an Indian of any real or personal property (or any interest therein) for the purpose of commercially selling, reselling, trading, or bartering such property; or to have any interest in any purchase or sale involving property or funds which are either held in trust by the United States for Indians or which are purchased, sold, utilized, or received in connection with a contract or grant to an Indian from the Bureau of Indian Affairs or the Indian Health Service, if the employee is employed in the office or installation of such Bureau or Service which recommends, approves, executes, or administers such transaction, grant, or contract on behalf of the United States.

Except as provided above, nothing contained in this section shall be construed as preventing any officer, employee, or agent of the Bureau of Indian Affairs or the Indian Health Service who is an Indian, of whatever degree of Indian blood, from obtaining or receiving any benefit or benefits made available to Indians generally or to any member of his or her particular tribe, under any Act of Congress, nor to prevent any such employee who is an Indian from being a member of or receiving benefits by reason of his or her membership in any Indian tribe, corporation, or cooperative association organized by Indians, when authorized under such rules and regulations as the Secretary of the Interior or the Secretary of Health, Education, and Welfare, or their designee shall prescribe.

**Bureau of Indian Affairs Gift Authorities**


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

What are the "Principles of Ethical Conduct?"

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the principles of ethical service. The new standards of conduct for Federal employees are based on 14 principles, which are:

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

2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.

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

4. An employee shall not, except pursuant to reasonable exceptions provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

5. Employees shall put forth honest effort in the performance of their duties.

6. Employees shall make no authorized commitments or promises of their duties.

7. Employees shall not use public office for private gain.

8. Employees shall act impartially and not give preferential treatment to any private organization or individual.

9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

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

11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those - such as Federal, State, or local taxes - that are imposed by law.

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

14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to E.O. 12674, dated April 12, 1989; as modified by E.O. 12731.
CHANGES IN THE "HATCH ACT" PROVISIONS:

These changes were signed into law by President Clinton on October 6, 1993. The changes relax some of the prohibitions against active participation in a partisan election for Executive Level, non-career SES employees, all GS grade employees, and Special Government employees.

Career SES employees continue to be covered under the pre-existing prohibitions.

Effective February 3, 1994, employees, on their own time MAY:

* Run for public office in nonpartisan elections;
* Register and vote in any election;
* Express your personal opinion(s), privately or in public on political subjects and/or candidates, as long as it is clear that it is your personal opinion;
* Display a political picture, sticker, badge, or button;
* Attend a political convention, fund raising function, or any other such gathering;
* Campaign for or against referendum questions, constitutional amendments, municipal ordinances;
* Make a financial contribution to a political party or organization;
* Sign a petition and circulate a nominating petition for signature;
* Attend and be active at political rallies and meetings;
* Join and be an active member of a political party or club;
* Serve as an officer of a political party, political club or Political Action Committee (PAC);
* Campaign for or against candidates in partisan elections;
* Make campaign speeches for candidates in partisan elections;
* Participate in partisan political campaigns (passing out flyers, making telephone calls, stuffing envelopes, etc.);
* Assist in voter registration drives; or
* Drive voters to the polls on behalf of a political party or a candidate in a partisan election.
Some restrictions continue to apply. Covered employees MAY NOT:

* Engage in political activity in any government office; while using a government vehicle; or while wearing a government uniform;

* Run for office in a partisan election (a partisan election is defined as a campaign in which any candidate running is representing a party whose candidate received at least one electoral vote in the last Presidential election);

* Use their official authority or influence for the purpose of interfering with or affecting the results of a partisan election;

* Endorse or oppose a candidate for public office in a partisan election in their official capacity;

* Knowingly solicit or discourage the political activity of any person who has business before the agency;

* Promise or withhold federal benefits (jobs, grants, contracts, etc.) based on political support or nonsupport;

* Require subordinate government employees to work on campaign activities or penalize them for failure to participate;

* Directly or indirectly solicit a campaign contribution from the general public; or

* Collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee.

The Office of Special Counsel will issue further guidance on the provisions of the new Hatch Act in the near future. Employees who have questions regarding political activity, should contact your local Personnel Officer, Administrative Officer or the Western Region Assistant Ethics Counselor at 415-744-3888.