



Department of the Interior
Ethics Training Series



**“This Just In...News From
the World of Ethics!”**



Supplemental Ethics Guide



October 22, 2009

The Foundation for Ethical Behavior

Executive Order 12674

- Public Service is a public trust, requiring you to place loyalty to the Constitution, the laws and ethical principles above private gain.
- You shall not hold financial interests that conflict with the conscientious performance of duty.
- You shall not engage in financial transactions using non-public Government information or allow improper use of such information to further any private interest.

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- You shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by your agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- You shall make no unauthorized commitments or promise of any kind purported to bind the Government.

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- You shall put forth honest effort in the performance of your duties.
- You shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with your official Government duties and responsibilities.
- You shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

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- You shall satisfy in good faith your obligations as citizens, including all just financial obligations, especially those such as Federal, state, or local taxes that are imposed by law.
- You shall adhere to all laws and regulations that provide equal opportunities for all Americans regardless of race, color, religion, gender, sexual orientation, age, or disability.
- You shall not use your public office for private gain.

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- You shall act impartially and not give preferential treatment to any private organization or individual.
- You shall protect and conserve Federal property and shall not use it for other than authorized activity.
- You shall endeavor to avoid any actions creating the appearance that you are violating the law, the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635), DOI supplemental ethics regulations, or Executive Order 12674.

Government-Wide Ethics Laws

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

- U.S.C. § 201 – Bribery of Public Officials Prohibited
- 18 U.S.C. § 203 – Restrictions on Compensated Representational Activities

Government-Wide Ethics Laws

- 18 U.S.C. § 205 – Restrictions on Acting as an Agent or Attorney
- 18 U.S.C. § 207 – Post-Government Employment Restrictions
- 18 U.S.C. § 208 – Conflicts of Interest
- 18 U.S.C. § 209 – Supplementation of Federal Salary Prohibited
- 5 C.F.R. § 2635.502 – Impartiality in Performing Official Duties

18 U.S.C. § 201

Bribery of Public Official Prohibited

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

18 U.S.C. § 203

Restrictions on Compensated Representational Activities

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

18 U.S.C. § 205

Restrictions on Acting as an Agent or Attorney

Prohibits a Government employee, while in a duty or non-duty status, from acting as an agent or attorney for anyone before a Federal court or Government agency, whether compensated or not. There are limited exceptions, such as for representing other Federal employees in personnel matters; representing a not-for-profit organization in certain matters, if a majority of its members are current Federal employees or their spouses or dependent children; representing oneself or one's immediate family or a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility; or acting as an agent or attorney, in certain matters, for a tribal organization or inter-tribal consortium to which the employee is assigned under the Intergovernmental Personnel Act or 25 U.S.C. § 48, after advising the Government, in writing, of any personal and substantial involvement the employee has had in connection with the matter.

18 U.S.C. § 207

Post-Government Employment Restrictions

This statute does not bar an individual, regardless of rank or position, from accepting employment with any private or public employer. It does impose restrictions on certain communications that employees may make as a representative of a third party back to the Federal Government.

18 U.S.C. § 208

Conflicts of Interest

Prohibits a Government employee from participating personally and substantially, on behalf of the Federal Government, in any particular matter in which he or she has a financial interest. In addition, the statute provides that the interests of certain other “persons” are the same as if they were the employee’s. These include the employee’s spouse, minor child, general partner, an organization in which he or she serves as an officer, trustee, partner or employee, and any person or organization with whom the employee is negotiating or has an arrangement concerning future employment. The statute applies whether you are on or off duty. There are limited regulatory exemptions authorized by the Office of Government Ethics, an exception for certain financial interests arising solely out of Native American birthrights, and a very limited waiver authority.

18 U.S.C. § 209

Supplementation of Federal Salary Prohibited

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

5 C.F.R. part 2635

- 5 C.F.R. part 2635—Standards of Ethical Conduct for Employees of the Executive Branch—contains detailed regulations on:
 - Gifts from Outside Sources
 - Gifts Between Employees
 - Conflicts of Interest
 - Impartiality in Performing Official Duties
 - Seeking Other Employment
 - Outside Activities

Ethics Prohibitions

Unique to DOI Employees

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

43 U.S.C. § 11, 43 C.F.R. § 20.401, and 5 C.F.R. § 3501.105 Bureau of Land Management Employees

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

**43 U.S.C. § 31(a), 43 U.S.C. § 20.401, and 5 C.F.R. §
3501.104**

U.S. Geological Survey (USGS) Organic Act

USGS employees are prohibited from holding financial interests in the mineral wealth of the United States and from executing any surveys or examinations for private parties. Prohibited interests include stocks and bonds in oil, gas, and other mining companies that hold significant leases on Federal lands. Annually, the USGS publishes a list of prohibited financial holdings in a Financial Guide for USGS Employees. Additionally, the USGS Conflict of Interest Policy sets limits on investments in energy sector mutual funds and entities engaged in mining activities on private land in the United States.

5 C.F.R. § 3501.103(b) – Minerals Management Service and Certain Office of the Secretary Employees

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

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

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

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

Prohibited financial interests under this law include companies that are involved in developing, producing, preparing, or loading coal or reclaiming the areas upon which such activities occur.

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

5 C.F.R. § 3501.103(c)

All DOI Employees

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

Department of the Interior Ethics Program

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

Department of the Interior Ethics Program

If you have an ethics question, you should contact an appropriately designated ethics counselor before taking action, provide him or her with all the relevant facts, and receive advice as to the course of action to take.

Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

Departmental Ethics Office

1849 C Street, NW, MS 4251

Washington, DC 20240

202-208-7960 Fax: 202-208-5515

www.doi.gov/ethics

Bureau of Indian Affairs (BIA)

316 North 26th Street

Billings, MT 59101

Tel: 406-247-7956

Fax: 406-247-7902

Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

Bureau of Reclamation (BOR)

P.O Box 25007

Human Resources Mail Code 84-25500

Denver Federal Center, Building 67

Denver, CO 80225-0007

Tel: 303-445-2678

Fax: 303-445-6349

Minerals Management Service (MMS)

381 Elden Street, Mail Stop 2400

Herndon, VA 20170-4817

Tel: 703-787-1417

Fax: 703-787-1046

Intranet website: <http://pipeline.mms.gov/>

Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

National Park Service (NPS)

1201 Eye St., NW, Rm. 1245, MS 2653

Washington, DC 20005

Tel: (202) 354-1981

Fax (202) 371-5659

<http://www.inside.nps.gov/waso/custommenu.cfm?lv=3&prg=37&id=75>
50

Office of the Inspector General (OIG)

12030 Sunrise Valley Drive

Suite 350

Reston, VA 20191

Tel: 703-487-5437

Fax: 703-487-5406

www.doioig.gov

Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Chief, Employee Development

ATTN: OSM-HR, Room 340

1951 Constitution Ave, NW

Washington, DC 20240

Tel: 202-208-2762

Fax: 202-219-3283

<http://www.osmre.gov>

U.S. Fish and Wildlife Service (USFWS)

4501 N. Fairfax Drive, MS 2000

Arlington, VA 22203

Tel: 703-358-2587

Fax: 703-358-2525

Contact information for Departmental Ethics Office personnel and Bureau Ethics Counselors

U.S. Geological Survey (USGS)

12201 Sunrise Valley Drive, MS 603

Reston, VA 20192

Tel: 703-648-7474, 7422, and 7439

Fax: 703-648-4132

E-mail: EthicsOffice@usgs.gov

<http://internal.usgs.gov/ops/hro/ethics/index.html>

Bureau of Land Management (BLM)

1849 C Street, N.W. Room 5633, MS 5613

Washington, D.C. 20240-0001

202-254-3312

Fax: 202-208-6687

<http://web.blm.gov/internal/wo-700/wo710/ethicsContacts.html>

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