



## How do I ask the Instructors a Question?

You may ask the instructors a question at any time during the training event. To do this:

1. Call 1-877-887-6282. There are multiple phone lines connected to this number and two operators. If the phone keeps ringing, please be patient and continue to hold. Your call will be answered in the order it was received.
2. Fax your questions to 1-877-884-6282. We have included a form on the next page for your convenience. Please DO NOT add a cover sheet.
3. At U.S. Fish and Wildlife Service downlink sites, you may press the red call button on your One Touch keypad.

# I Have A Question

Use this page to fax the instructors a question during the training session.  
Please Print Legibly.

Fax your questions to 1-877-884-6282

Your Name (Last name is optional): \_\_\_\_\_

Agency: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

My Question is.....

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# **Ethics Training Participant Guide**

Prepared By:

TJ Sullivan  
Ethics Training Coordinator  
Departmental Ethics Office  
Department of the Interior  
Washington, D.C. 20240

(202) 208-7950  
FAX: (202) 219-2184  
[tj\\_sullivan@ios.doi.gov](mailto:tj_sullivan@ios.doi.gov)

## TABLE OF RESPONSIBILITIES

**THE OFFICE OF GOVERNMENT ETHICS** is responsible for setting government-wide conflict of financial interest and standards of conduct policies, developing implementing regulations, and for issuing opinions on ethics and conduct matters.

**THE DEPARTMENT OF THE INTERIOR'S DEPARTMENTAL ETHICS OFFICE** is responsible for setting, revising and updating Departmentwide ethics policies and implementing regulations; overseeing the financial disclosure program for employees in covered positions; providing advice to employees and management; and, serving as liaison to the Office of Government Ethics, the General Accounting Office and other Federal agencies.

**BUREAU ETHICS AND CONDUCT OFFICES** are responsible for administering and enforcing the regulations and statutes governing employee conduct; conducting the financial disclosure reporting program; developing and implementing Bureau or Office specific ethics policies; providing advice and assistance to employees; and, training Bureau employees on all ethics statutes, regulations and policies.

**THE SOLICITOR'S OFFICE** is responsible for providing advice and opinions to management and employee's on all conflict of financial interest and standards of conduct issues.

## STATUTORY PROHIBITIONS

### 18 U.S.C. § 203

Generally, this statute prohibits a Government employee from receiving or soliciting compensation, for any representational services rendered before a Government agency in connection with a particular matter in which the U.S. is a party or has an interest.

### 18 U.S.C. § 205

Generally, this statute prohibits a Government employee from representing anyone else before a court or Government agency in a particular matter in which the U.S. is a party or has an interest.

### 18 U.S.C. § 208

Generally, this statute prohibits a Government employee from participating personally and substantially in his or her official Government capacity in any "particular matter" in which:

- ! he or she,
- ! his or her spouse,
- ! minor child,
- ! general partner,
- ! organization in which he or she is serving as an officer, trustee, partner or employee, or
- ! any person or organization with whom he or she is negotiating for employment has a financial interest.

### 18 U.S.C. § 209

Generally, this statute prohibits a Government employee from receiving any salary, or any contribution to or supplementation of salary, as compensation for services he or she is expected to perform as an officer in the Executive Branch of the U.S. Government.

## Executive Order 12674

Generally, the Executive Order prohibits a Government employee from:

- ! Having a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially with his or her official responsibilities;
- ! Engaging in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his or her Government employment;
- ! Using public office for private gain;
- ! Giving preferential treatment to any person;
- ! Impeding Government efficiency or economy;
- ! Losing independence or impartiality;
- ! Making a Government decision outside official channels or outside of his or her official authority; or,
- ! Affecting adversely the confidence of the public in the integrity of the Government.

## DEPARTMENT OF THE INTERIOR STATUTES

### **16 U.S.C. § 6. National Park Service gift authority**

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

### **16 U.S.C. §18f(b). National Park Service gift authority**

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

### **16 U.S.C. § 742f. Fish and Wildlife gift authority**

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

### **16 U.S.C. § 4601 et seq. Take Pride In America gift authority**

Authorizes the Secretary to "solicit, accept, hold, administer, invest in government securities, and use gifts and bequests of money and other personal property to aid or facilitate the purposes of the TPIA Program."

### **25 U.S.C. § 451. Bureau of Indian Affairs gift authority**

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

### **25 U.S.C. § 465. Bureau of Indian Affairs gift authority**

Authorizes the Secretary to acquire by gift "any interest in lands, water rights, or surface rights to lands, within or without existing reservations ... for the purpose of providing land for Indians."

### **25 U.S.C. § 487. Bureau of Indian Affairs gift authority**

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

### **25 U.S.C. § 500c. Bureau of Indian Affairs gift authority**

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

### **25 U.S.C. § 501. Bureau of Indian Affairs gift authority**

Authorizes the Secretary 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.

### **25 U.S.C. § 574. Bureau of Indian Affairs gift authority**

Authorizes the Secretary to acquire lands by donation, for the purpose of consolidation of Indian and privately held lands in land-use districts of the Wind River Indian Reservation in Wyoming.



# DEPARTMENT OF THE INTERIOR STATUTES

## **25 U.S.C. § 608. Bureau of Indian Affairs gift authority**

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

## **30 U.S.C. § 1211(f). Conflict of interest; penalties; rules and regulations; report to Congress (Office of Surface Mining Prohibition)**

No employee of the Office [of Surface Mining, Reclamation, and Enforcement] or any other Federal employee performing any function or duty under this chapter shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates the provisions of the above sentence 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 shall (1) within sixty days after August 3, 1977, publish regulations, in accordance with section 553 of title 5, to establish the methods by which the provisions of this subsection will be monitored and enforced, including appropriate provisions for the filing by such employees and the review of statements and supplements thereto concerning their financial interests which may be affected by this subsection, and (2) report to the Congress as part of the annual report (section 1296 of this title) on the actions taken and not taken during the preceding calendar year under this subsection.

## **30 U.S.C. § 1231(b)(3). Office of Mining Reclamation and Enforcement gift authority**

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

## **42 U.S.C. § 7871(b)(9). Bureau of Reclamation gift authority**

Authorizes the Secretary, in connection with water research and development, to "accept financial assistance from any local, state, Federal, or other agency or entity in connection with studies or surveys relating to water problems and facilities."

## **43 U.S.C. §11. Restrictions on officers, clerks, and employees of the Bureau of Land Management**

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 of the public land; and any person who violates this section shall forthwith be removed from his office. (R.S. §452; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946 11 F.R. 7876, 60 Stat. 1100.)

## **43 U.S.C. § 31(a). Director of Geological Survey**

(a) Establishment of office; appointment and duties; examination of geological structure, mineral resources, and products of the national domain; prohibitions in respect to lands and surveys.

The Director of the Geological Survey, which office is established, under the Interior Department, shall be appointed by the President by and with the advice and consent of the Senate. This officer shall have the direction of the Geological Survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain. The Director and members of the Geological Survey shall have no personal or private interests in the lands or minerals wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

## **43 U.S.C. § 1737(c), Section 307(c). Bureau of Land Management gift authority**

Authorizes the Secretary to accept contributions or donations of money, services, and property for the management, protection, development, acquisition, and conveying of public lands.

## DEPARTMENT OF THE INTERIOR STATUTES

### **Public Law 99-591. U.S. Geological Survey gift authority**

Created permanent authority for the Geological Survey to "accept lands, buildings, equipment and other contributions from public and private sources."

### **Public Law 99-591. Minerals Management Service gift authority**

The Department of the Interior's Appropriations Act for FY 87, provides permanent authority for the MMS "to accept land, buildings, equipment and other contributions, from public and private sources, which shall be available for purposes provided for in the account."

# DEPARTMENT OF THE INTERIOR STATUTES

## 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 Bureau or Office;
- ! Is seeking to do business with the Bureau or Office;
- ! Conducts operations that are regulated by the Bureau or Office; 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;
- ! An outside organization which seeks to influence the Department; or
- ! A newspaper/media reporter.

This rule:

- ! **Applies** whether **ON** or **OFF** duty;
- ! **Applies** to direct or indirect acceptance of the gift.

### **Exclusions:**

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

- ! Coffee, donuts, and other modest food items not offered as part of a meal;
- ! Greeting cards and presentational 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.

## DEPARTMENT OF THE INTERIOR STATUTES

### 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.
- ! 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).
- ! **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.
- ! Gifts based on **outside business or employment relationships** (e.g., because of your outside affiliations, outside work, or other affiliations).
- ! 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.
- ! **Awards and honorary degrees.** Requires Ethics Office approval for awards of cash or tangibles valued at more than \$200 and for honorary degrees.
- ! Gifts from a **political organization** (for employees appointed by the President with the advice and consent of the Senate).

*Ask your ethics counselor for current information on the Department of the Interior exception for gifts from representatives of recognized Indian Tribes, Alaska Native Villages or Regional Corporations, or Insular area governments.*

## DEPARTMENT OF THE INTERIOR STATUTES

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

#### **Example 1:**

*The onsite contractor wants to give an outboard motor to the contract manager who is retiring. The going away party is to be held after the employee leaves government service. Once the employee leaves government service the gift rules no longer apply, so as long as this is not a gift given because of a specific official act that was taken prior to leaving, the gift is acceptable.*

#### **Example 2:**

*Bryce has been notified that he is to receive an award from the National Wildlife Federation. The award in question is a statuette of an endangered whooping crane valued at \$300. It is being presented to him for his contributions in the field of law enforcement. Because the gift is valued at more than \$200, his ethics counselor must confirm that the National Wildlife Federation program has given awards on a regular basis in the past and that selection of award recipients was made pursuant to written standards. If so, it is permissible for him to accept.*

#### **Example 3:**

*Alison has been offered free tickets to attend a banquet sponsored by the Oil and Gas Association. She is not a member of the Association and is being invited because of her official position. She may pay for her own ticket or, if the event meets the criteria for a “widely attended event” under the gift rules, she may attend. Otherwise, she may not accept the invitation.*

#### **Example 4:**

*A Park Superintendent attended a luncheon sponsored by a civic group. He paid for the luncheon out of his personal funds and attended on his own time. There was a door prize/drawing and his name was selected. The prize was for \$1,500 worth of advertising in a local publication. He wants to donate the prize to the local Friends of the Park Association. This is acceptable because a gift received in a contest that is open to the general public is not covered under the gift acceptance prohibitions. Since he attended as a private citizen the prize is his to do with as he pleases.*

#### **Example 5:**

*An Indian Tribal Council sent a BIA supervisor a dozen lovely yellow roses for her birthday. She wanted to take them home since they are perishable and not really returnable. Because the tribe is a prohibited source, and the roses were valued at more than \$20, the gift rules apply. Since the roses are perishable, she should leave them at the office in a common area for all to enjoy.*

#### **Example 6:**

*Betty received an invitation to attend a banquet for the Scuba Diving Association of Bermuda. The invitation was sent to her at the office, using her official title. Because she is from Bermuda and was invited to attend in previous years before becoming an MMS official, we may assume that she is not being invited because of her official position and may attend. If this had been an organization that was inviting her because of her position, the rules on accepting an invitation to a widely attended event may apply.*

# DEPARTMENT OF THE INTERIOR STATUTES

## 5 CFR §2635 Subpart C GIFTS BETWEEN EMPLOYEES

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/or 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.
- Items, other than cash, with an aggregate market value of \$10 or less per occasion;
  - Items such as food to be shared in the office among several employees;
  - Items given in connection with the receipt of personal hospitality of a type customarily given on such occasions; and

### 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:
    - Personal hospitality provided at a residence;
- 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
    - Occasions such as retirement, resignation, or transfer that end a subordinate-official superior relationship,.

### Example 1:

*Helen gave her supervisor a mug for Boss' Day. If the value of the mug is less than \$10 then she may keep it because Boss' Day is an infrequent event. If it is valued at more than \$10 it would be in violation of the regulation because the exception for special infrequent occasions would not apply.*

# DEPARTMENT OF THE INTERIOR STATUTES

## 5 U.S.C. §7342 GIFTS FROM FOREIGN SOURCES

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

### Exceptions:

- ! Gifts of minimal value (\$245 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 \$245 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.

### Example 1:

*While in Australia attending an international conference on Mining Law, Sally, an attorney with the Solicitor's Office, was given a handcrafted boomerang valued at \$200 by a representative of the Australian government. She may accept because the gift is valued at less than \$245.*

### Example 2:

*Wanda, a USGS seismologist was invited to fly in local aircraft to several locations in Indonesia. She may accept the transportation taking place entirely outside the United States under the Foreign Gifts Act. But if the Indonesian government offers to pay her way from the U.S. to Jakarta, she must request approval under 31 U.S.C. 3153. (See Page 11, Acceptance of Travel and Related Expenses.)*