

# **Fund-raising, Volunteerism, Lobbying, and Outside Work**

## 5 CFR §2635 Subpart H FUND-RAISING

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 NOT** solicit donations for outside organizations (whether for-profit or non-profit) from government employees on government time or on government property.

This includes raffles, lotteries, bake sales, carnivals, athletic events, or other Fund-raising activities not specifically provided for by regulation.

**EXCEPTION:** You **MAY** conduct Fund-raising activities in conjunction with the **Combined Federal Campaign (CFC)**. All donations **MUST** be voluntary.

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

Similarly, you are encouraged to **VOLUNTEER** with outside groups in your personal capacity. Some agencies may have statutory authority allowing employees to volunteer with outside groups as part of their official duties. Check with your ethics counselor for further information.

## 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 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 required by Department regulations for paid or unpaid work with a prohibited source. Before you begin any such outside work check with your supervisor who 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 establish additional procedures requiring prior formal approval for other outside work (please see your bureau policy manual for additional information.)
- ! All outside work must take place wholly outside official duty hours or while you are on authorized leave. Leave without pay generally will not be granted for the purpose of private employment, with the exception of service with non-Federal public or quasi-public organizations.
- ! Several bureaus have bureau specific regulations that limit their employees' outside work.
- ! Certain noncareer employees are limited in the amount of outside income that they may earn. (See 5 CFR §2635.804)

## **5 CFR §2636 HONORARIA**

The Supreme Court decision of 1995 found the honoraria prohibitions in the Ethics Reform Act of 1989, for employees GS-15 and below, to be unconstitutional. Subsequent Department of Justice opinions found that the remainder of the honoraria prohibitions under the Act to be unenforceable. Thus, the prohibitions at 18 U.S.C. § 201-209 and 5 CFR §2635, Standards of Ethical Conduct prevail.

### **NON-OFFICIAL EXPRESSION**

A concept related to **HONORARIA** is that of non-official expression. 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. Individual Bureau guidelines govern any requirements for prior approval.

## **5 CFR § 2635 Subpart H TEACHING, SPEAKING, & WRITING**

At no time may you accept compensation from outside sources for teaching, speaking, or writing that is related to your official duties.

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

- ! 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 invitation to teach, speak, or write was extended primarily because of your official position with the Department;
- ! The subject matter deals significantly with any ongoing or announced policy, program, or operation of the Department.
- ! The information to be presented draws substantially upon nonpublic information; or
- ! The activity is undertaken as part of your official duties;

## **5 CFR § 2635 Subpart H 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

You should limit your official support to:

- ! charitable and other Fund-raising 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.

## 5 CFR §2635 Subpart G USE OF OFFICIAL TITLE

You **may** use your official title when:

- ! You are acting in your official capacity as a representative of the Department. 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."

You **may not** use your official title:

- ! 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.