

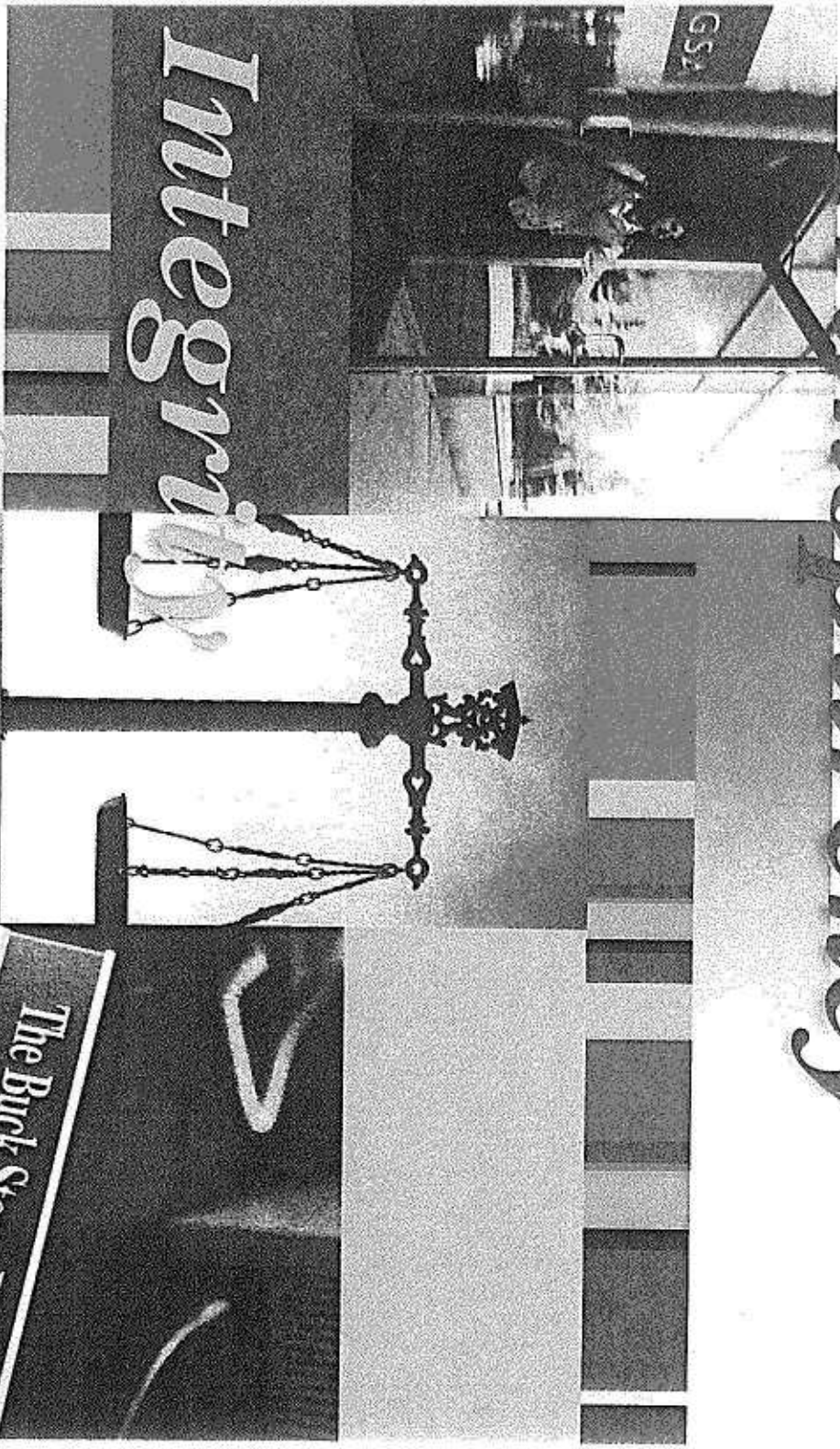


Transparency

Integrity

Accountability

The Buck Stops Here!





GSA Office of General Counsel

ICPM QUARTERLY MEETING
ETHICS AND STANDARDS OF CONDUCT TRAINING

January 31, 2008

- I. Introduction and Purpose

- II. Presidential Memorandum on Standards of Conduct,
"14 Principles of Ethical Conduct"

- III. Gifts From Outside Sources

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Attachment 2

THE WHITE HOUSE
WASHINGTON

January 20, 2001

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Standards of Official Conduct

Everyone who enters into public service for the United States has a duty to the American people to maintain the highest standards of integrity in Government. I ask you to ensure that all personnel within your departments and agencies are familiar with, and faithfully observe, applicable ethics laws and regulations, including the following general principles from the Standards of Ethical Conduct for Employees of the Executive Branch:

- (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 as permitted by applicable law or 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 not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- (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 applicable law or the ethical standards in applicable regulations.

Executive branch employees should also be fully aware that their post-employment activities with respect to lobbying and other forms of representation will be bound by the restrictions of 18 U.S.C. 207.

Please thank the personnel of your departments and agencies for their commitment to maintain the highest standards of integrity in Government as we serve the American people.

A large, stylized handwritten signature in black ink, appearing to read "G. B. L." or similar, positioned at the bottom center of the page.

Attachment 3

SYNOPSIS OF SUBPART B - GIFTS FROM OUTSIDE SOURCES

BASIC PROHIBITION ON GIFTS FROM OUTSIDE SOURCES. An employee shall not solicit or accept a gift given because of his official position or from a prohibited source. A prohibited source is defined as any person, including any organization a majority of whose members are persons:

Seeking official action by his agency;

Doing or seeking to do business with his agency;

Regulated by his agency; or

Substantially affected by the performance or nonperformance of his official duties.

DEFINITION OF A GIFT. The term "gift" includes almost anything of monetary value. However, it does not include:

Coffee, donuts and similar modest items of food and refreshments when offered other than as part of a meal;

Greeting cards and most plaques, certificates and trophies;

Prizes in contests open to the public;

Commercial discounts available to the general public or to all Government or military personnel;

Commercial loans, and pensions and similar benefits;

Anything paid for by the Government, secured by the Government under Government contract or accepted by the Government in accordance with a statute;

Anything for which the employee pays market value;

EXCEPTIONS. Subject to the limitations noted below, there are exceptions which will permit an employee to accept:

Unsolicited gifts with a market value of \$20 or less per source per occasion, with an aggregate market value of no more than \$50 in a calendar year from any one source (this exception does not permit gifts of cash or investment interests);

Gifts when clearly motivated by a family relationship or personal friendship;

Commercial discounts and similar benefits offered to groups in which membership is not related to Government employment or, if membership is related to Government employment, where the same offer is broadly available to the public through similar

groups, and certain benefits offered by professional associations or by persons who are not prohibited sources.

Certain awards and honorary degrees;

Gifts resulting from the outside business activities of employees and their spouses;

Travel and entertainment in connection with employment discussions;

Certain gifts from political organizations;

Free attendance provided by the sponsor of an event for the day on which an employee is speaking or presenting information at the event;

Free attendance provided by the sponsor of a widely-attended gathering of mutual interest to a number of parties where the necessary determination of agency interest has been made;

Invitations to certain social events extended by persons who are not prohibited sources, provided no one is charged a fee to attend the event;

Certain gifts of food and entertainment in foreign areas;

Gifts accepted by employee under a specific statute, such as 5 U.S. C. 4111 and 7342, or pursuant to a supplemental agency regulation.

LIMITATIONS ON USE OF EXCEPTIONS. An employee may not use any of the exceptions noted above to solicit or coerce the offering of a gift or to accept gifts:

For being influenced in the performance of official duties;

In violation of any statute;

So frequently as to appear to be using public office for private gain; or

In violation of applicable procurement policies regarding participation in vendor promotional training.

DISPOSING OF GIFTS. When an employee cannot accept a gift, the employee should pay the donor its market value. If the gift is a tangible item, the employee may instead return the gift. Subject to approval, however, perishable items may be donated to a charity, destroyed or shared within the office.

Attachment 4

SYNOPSIS OF SUBPART G - MISUSE OF POSITION

USE OF PUBLIC OFFICE FOR PRIVATE GAIN. An employee shall not use his public office for his won private gain or for the private gain of friends, relatives or persons with whom he is affiliated in a non-governmental capacity, or for the endorsement of any product, service or enterprise. In particular, an employee shall not use his Government position, title or authority:

In a manner intended to induce another to provide any benefit to himself or to friends, relatives or affiliated persons;

In a manner that could be construed to imply that his agency or the Government sanctions or endorses his personal activities of those of another; or

To endorse any product, service or enterprise except in furtherance of statutory authority to do so, in accordance with agency programs to give recognition for achievement or to document compliance with agency standards or requirements.

USE OF NONPUBLIC INFORMATION. An employee shall not engage in a financial transaction using nonpublic information, or allow the improper use of nonpublic information to further his own private interests or those of another. Information that is "nonpublic" includes information the employee knows or reasonably should know:

Is routinely exempt from disclosure under the Freedom of Information Act or protected from disclosure by statute;

Is designated as confidential by an agency; or

Has not actually been disseminated to the general public and is not authorized to be made available to the public on request.

USE OF GOVERNMENT PROPERTY. an employee has a duty to protect and conserve Government property and to use Government property only for authorized purposes. Authorized purposes are those for which Government property is made available to the public or those purposes authorized in accordance with law or regulation.

USE OF OFFICIAL TIME. Unless authorized in accordance with law or regulation to use such time for other purposes, and employee shall use official time in an honest effort to perform official duties. And, an employee 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 or those authorized in accordance with law or regulations.

Attachment 5

Summary of Conflicts of Interest Laws

1). 18 U.S.C. §203

A member of congress, and an officer or employee of the executive, legislative, or judicial branch is prohibited from directly or indirectly demanding, seeking, receiving, accepting or agreeing to receive or accept any compensation for representational services rendered to or to be rendered either personally or by another before any department, agency or court on a particular matter in which the U.S. is a party or has a direct and substantial interest.

2). 18 U.S.C. §205

An officer or employee of the executive, legislative or judicial branch is prohibited from, with or without compensation, acting as an agent or attorney for prosecuting claims against the United States (or receiving consideration for assisting in prosecution of such a claim) or acting as agent or attorney for anyone before any department, agency, court, officer or commission on a covered particular matter in which the U.S. is a party or has a direct and substantial interest.

3). 18 U.S.C. §207 - Representational Restrictions

(a) 18 U.S.C. §207 (a)(1) (Lifetime Ban)

Any former officer or employee is prohibited from knowingly making, with intent to influence, any communication to or appearance before any department, agency, or court of the U.S., on behalf of any other person except the U.S., in connection with a particular matter involving a specific party in which the U.S. is a party or has a direct and substantial interest and *in which the employee participated personally and substantially during his/her Government service.*

(b) 18 U.S.C. §207 (a)(2) (Two Year Ban)

Any former officer or employee is prohibited from knowingly making, with intent to influence, any communication or appearance before any department, agency, or court of the U.S., on behalf of any other person except the U.S., in connection with a particular matter involving a specific party in which the U.S. is a party or has a direct and substantial interest and which *the employee knows or reasonably should know was pending under his/her official responsibility during his/her last year of government service.* (Starts at the end of Government service)

(c) 18 U.S.C. §207(b) (One Year Ban)

Any former officer or employee who personally and substantially participated in any ongoing trade or treaty negotiation during his/her last year of Government service is prohibited from knowingly representing, aiding, or advising any other person, except the U.S., concerning the ongoing trade or treaty negotiation on the basis of covered information. (Covered information is exempt from disclosure under the Freedom of Information Act (FOIA)).

(d) 18 U.S.C. §207(c) (One Year Ban)

Any former officer or employee who was a senior employee is prohibited from knowingly making, with intent to influence, any communication to or appearance before the former department or agency in which the senior employee served during one year before termination from senior service, on behalf of any other person, except the U.S., in connection with any matter on which official action is sought. Senior employees in GSA include Executive Level II-V employees and employees who are paid at Executive Level V or above (exclusive of locality-based pay adjustments).

(e) 18 U.S.C. §207(d) (One Year Ban)

Any former officer or employee who as a very senior employee is prohibited from knowingly making, with intent to influence, any communication to or appearance before a former department or agency in which the very senior employee served (as a very senior employee) within one year before termination from Government service or any Executive Level official listed in 5 U.S.C. §§ 5312-5316, on behalf of any other person, except the U.S., in connection with any matter on which official action is sought. A very senior employee includes Executive Level I.

(f) 18 U.S.C. §207(f) (One Year Ban)

Any former officer or employee, who was a senior or very senior employee, is prohibited from knowingly representing a foreign entity (i.e., a foreign country or foreign political party) before any department or agency with intent to influence a decision or knowingly aiding or advising a foreign entity with intent to influence a decision of any department or agency.

4). 18 U.S.C. §208

Any officer or employee of the executive branch and the District of Columbia is prohibited from participating personally and substantially in a particular matter in which, to his/her knowledge, the employee, his/her spouse, minor child, general partner, an organization in which he/she is serving as an officer, director, trustee, general partner, or employee, or a person or organization with which he/she is negotiating for or has an arrangement concerning prospective employment, has a financial interest.

5). 18 U.S.C. §209

An officer or employee of the executive branch and the District of Columbia, other than a Special Government Employee (SGE), may not receive any contribution to or supplementation of salary as compensation for his/her official services. Exceptions include:

- a. Participation in a bona fide employee welfare or benefit plan of a former employer
- b. Payments under the terms of the Government Employees Training Act
- c. Compensation from a state, county, or municipality
- d. Moving expenses for Executive Exchange or White House Fellowship programs

Attachment 6

POLITICAL ACTIVITIES OF MOST FEDERAL EMPLOYEES
The Hatch Act Reform Amendments and its implementing regulations

The following list contains some examples of both permissible and prohibited activities for most GSA employees, with the exception of career SES employees and GSBCA administrative judges. Employees may take an active part in political activities, including political management and political campaigns, to the extent not expressly prohibited by law or the regulation at 5 CFR Part 734.

Permissible Activities

- May register and vote
- May run as a candidate for public office in **nonpartisan** elections
- May run as an independent candidate in a partisan election for local office of a municipality or political subdivision designated by OPM (See 5 CFR Part 733)
- May serve as an officer of a political party or other political group, a member of a national, state, or local committee, or a political party
- May express opinions about candidates and issues
- May assist in voter registration drives
- May attend political fundraising functions
- May be politically active in connection with a question which is not specifically identified with a political party, such as a referendum, constitutional amendments, and municipal ordinances
- May participate in a political convention, rally or other political gathering
- May organize or reorganize a political party or political group
- May initiate, circulate or sign nominating petitions
- May campaign for or against candidates
- May distribute campaign literature
- May drive voters to the polls
- May serve as recorder, watcher, challenger, or similar officer at polling places
- May serve as election judge, clerk, or in a similar position
- May be a member of a political party or other political group and participate in its activities
- May participate in nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization
- May attend and participate in the business of nominating caucuses of political parties
- May make a political contribution to a political party, political group, campaign committee of a candidate for political office in a partisan election and multicandidate political committee of a Federal labor or employee organization
- May make campaign speeches for candidates in partisan elections

Prohibited Activities

- May not use official authority or influence to interfere with or affect an election
- May not solicit, accept or receive political contributions unless the person who is solicited for a political contribution belongs to the same Federal labor organization, or Federal employee organization, as the employee who solicits, accepts, or receives the contribution; the person who is solicited for a political contribution is not a subordinate employee; and the request is for a contribution to the multicandidate political committee of a Federal labor organization or to the multicandidate political committee of a Federal employee organization in existence on October 6, 1993
- May not knowingly solicit or discourage the political activity of any person who has business before the agency
- May not engage in political activity while on duty
- May not engage in political activity while in any government office space
- May not engage in political activity while wearing a uniform, badge, insignia, or other similar item that identifies the agency or the position of the employee
- May not engage in political activity while using a Government owned or leased vehicle or while using a privately-owned vehicle in the discharge of official duty
- May not solicit, accept, or receive political contributions from the general public
- May not solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate
- May not be a candidate for partisan political office
- May not use or allow the use of official title in connection with political fundraising
- May not personally solicit political contributions in a speech or keynote address given at a fundraiser
- May not personally solicit, accept or receive political contributions for spouse or family member who is running for partisan political office

POLITICAL ACTIVITIES OF A LIMITED GROUP OF FEDERAL EMPLOYEES

The Hatch Act Reform Amendments and its implementing regulations continue to ban partisan political activities by employees in certain positions, including career Senior Executive Service (SES) employees and members of the GSA Board of Contract Appeals (GSBCA). The following list contains some examples of both permissible and prohibited activities for this specific group of employees.

Permissible Activities

Each covered employee retains the right to participate in any of the following political activities, as long as the activity is not performed in concert with a political party, partisan political group, or a candidate for partisan political office:

- May express opinion about candidates or issues
- May register and vote in any election
- May take an active part, as a candidate, or in support of a candidate in nonpartisan election
- May serve as an election judge or clerk, or in a similar position, to perform nonpartisan duties as prescribed by state and local law
- May sign nominating petitions
- May be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, approval of a municipal ordinance, or issue of a similar character
- May participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization
- May be a member of a political party or other partisan political group and participate in its activities to the extent consistent with other Federal law
- May attend a political convention, rally, fundraising function, or other political gathering
- May make a financial contribution to a political party, partisan political group, or to the campaign committee of a candidate for partisan political office

Prohibited Activities

- May not be a candidate for partisan political office
- May not take an active part in managing the political campaign of a candidate for partisan political office or a candidate for political party office
- May not campaign for or against a candidate for partisan political office
- May not use official authority or influence to interfere with or affect the result of an election
- May not solicit, accept, or receive political contributions
- May not organize, sell tickets to, promote, or actively participate in a fundraising activity of a candidate for partisan political office, a political party, or partisan political group
- May not participate in political activity while on duty
- May not participate in political activity while wearing a uniform, badge, or insignia that identifies the agency or the position of the employee
- May not participate in political activity while in any government office space
- May not participate in political activity while in a government owned or leased vehicle or while using a privately owned vehicle in the discharge of official duties
- May not serve as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee of a partisan political group, or be a candidate for any of these positions
- May not organize or reorganize a political party organization or partisan political group
- May not serve as a delegate, alternate, or proxy to a political party convention
- May not address a convention, caucus, rally, or similar gathering of a political party or partisan political group in support of or in opposition to a candidate for partisan political office or political party office, if such address is done in concert with such a candidate, political party, or partisan political group
- May not canvass for votes in support of or in opposition to a candidate for partisan political office
- May not endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material
- May not initiate or circulate a partisan nominating petition
- May not drive voters to polling places in concert with a political party, partisan political group or a candidate for partisan political office