



A Publication of the
Office of Government Ethics
for the Executive Branch

Summer 1995 Vol. 12 No. 2

Government

Ethics Newsgram

Privatization Issues Affect Federal Employees

Introduction

Reinvention...privatization...
devolution...franchising... public/private
partnerships... contracting out...

While many of these terms were unfamiliar to employees just a few years ago, they are now part of most employees' everyday vocabulary. At virtually every Department and agency, Federal functions and operations are being reviewed to determine whether they should be performed in the same way or, indeed, whether they should continue to be performed by the Federal Government at all. The trend appears irreversible—current agency programs and operations increasingly will be transferred to the private sector.

What does this new emphasis on “reinventing” or “privatizing” Government mean for employees engaged in these activities? What issues are they likely to confront?

Background

In 1993 Vice President Gore launched the National Performance Review (NPR) with the aim of making Government more responsive to the needs of the public and

empowering Government employees to perform their jobs more efficiently. Subsequently, in December of 1994, President Clinton initiated Phase II of the NPR, calling for an overall downsizing of the Federal Government. Since that time, departments and agencies have been generating a large variety of proposals for reducing Government operations.

Some of these proposals simply involve terminating a particular service; others involve more elaborate methods for eliminating or reducing Federal involvement in a particular Government function, while ensuring that the function continues to be carried out, perhaps by a state or local Government, by a quasi-Government corporation, by a Government contractor, or even by an employee-owned corporation.

United States Code (U.S.C.) and the procurement integrity provisions in title 41 may apply to their activities. Even though downsizing agency operations may be a top priority, employees involved in implementing a proposal to privatize a certain agency function must comply with the requirements of these provisions.

The following is a brief discussion of situations where issues may arise. Of course, employees should be aware that there may be any number of other cases where problems can develop. Questions concerning privatization necessarily must be examined on a case-by-case basis.

Financial Interest Concerns 18 U.S.C. § 208

A fundamental conflict might arise when an agency's decision to privatize a certain function would have a direct and predictable effect on an employee's financial interest. This might happen, for example, where an agency decides to contract out a particular agency function and the prospective contractor would be required to hire the Government employees whose Federal positions would be eliminated by the contracting out. In the absence of a waiver, section 208 of title 18 would generally bar an affected employee from participating in such a matter.¹

Similarly, an employee who is part of an association that is establishing an Employee Stock Ownership Plan (ESOP) to secure a contract to perform a Government service would have a disqualifying financial interest in the agency's decision to contract out the function.² In both cases, the employees affected by the privatization plan would have a financial interest in the new positions to be established for them in the private sector.

Continued on page 2 column 1

Increasingly, ethics officials are being asked whether employees may participate in so-called “privatization” activities.

And because many of the proposals may be implemented by employees who currently perform the functions and operations under review, questions concerning the applicability of the criminal conflict of interest and procurement integrity statutes naturally arise. Increasingly, ethics officials are being asked whether employees may participate in so-called “privatization” activities.

The first thing that employees involved in privatizing Government functions need to know is that the conflict of interest restrictions contained in title 18 of the

inside:

Privatization Issues	2
OGE Calendar of Ethics Reports	4
Conflict of Interest Laws and Students	6
New Pamphlet Published	6
Honoraria Update	6
Airline Ticket Ruling	7
SGE Video Available	7
Questions for Conference Session	7
TEBBS Report	8
Ethics News Briefs	8
Investments Chapter to be Issued	8

Privatization Issues continued from page 1

Section 208 would also be implicated where an employee has an arrangement for future employment, or is negotiating for employment with a person or entity who is seeking to contract with the Government, or to purchase a franchise from the Government, or to establish any other relationship with the Government to perform a function that is being privatized. In cases where an employee is negotiating, or has an arrangement for future employment with a prospective contractor, franchisee, or other similar firm, section 208 would bar the employee's participation in matters affecting the firm regardless of whether the employee's position would be eliminated or otherwise affected by privatization.³

Representation Issues 18 U.S.C. §§ 203 and 205

Although section 208 is likely to pose the most significant problem for employees involved in privatization activities, in some cases sections 203 and 205 might also raise issues. These provisions bar an employee from representing another, with or without compensation, before any department, agency or court in connection with a particular matter in which the United States is a party or has a direct and substantial interest.

Section 205, for example, would bar a current employee from making any oral or written communication to the Government on behalf of another individual, or on behalf of any corporation, partnership or other similar entity, to obtain a contract or other arrangement to perform a Government function that is being privatized. Thus, an employee could not submit a proposal to the Government on behalf of a group of employees who are seeking to obtain a contract to perform a privatized Government function through an employee-owned company or ESOP. The restriction would apply whether or not the employee's position would be eliminated because the function was being privatized.⁴ Employees who wished to submit such a proposal would have to retain a non-employee to represent them in this matter.

Procurement Integrity 41 U.S.C. § 423

Procurement officials involved in privatization activities would be required to comply with additional restrictions on

their conduct. The procurement integrity provisions found at 41 U.S.C. § 423 bar a procurement official from discussing employment with a competing contractor, soliciting or receiving gratuities from a competing contractor, or making an unauthorized disclosure of proprietary or source selection information. In addition, 41 U.S.C. § 423 prohibits a former procurement official from engaging in certain post-employment activities.

For procurement officials involved in privatization activities, the restriction on discussing future employment with a competing contractor has particular relevance. Such an employee could not, for example, negotiate a position with a newly-formed corporation that expects to bid on the Government contract that will be awarded. By contrast, under the prohibition in 18 U.S.C. § 208, a non-procurement official employee involved in a similar privatization activity would simply have to disqualify himself from acting in Government matters affecting the corporation.⁵

Similarly, a former procurement official would face more stringent post-employment restrictions than a non-procurement official employee involved in the same matter. For example, the procurement official described in the hypothetical situation above could not, for two years, participate in the performance of the contract awarded to the private corporation.

On the other hand, it is also significant that certain actions can be taken by employees involved in privatization activities without triggering procurement official status. Thus, an employee would not generally become a procurement official solely by participating in management studies or by taking certain action in connection with a procurement conducted under the procedures of Office of Management and Budget Circular A-76. **See** 48 C.F.R. § 3.104.

Post Employment Restrictions 18 U.S.C. § 207

The majority of the post-employment restrictions that would be applicable to former employees whose positions have been eliminated through privatization are contained in 18 U.S.C. § 207. Of the statute's substantive restrictions, three are most likely to impact former employees who move to the private sector as a result of the transfer of Government functions.

Each of these three restrictions prohibits former employees from communicating to or appearing before the Government on behalf of another, with the "intent to influence" the Government concerning certain matters.

The first two of these restrictions, 18 U.S.C. § 207(a)(1) and 207(a)(2), prohibit any former employee from representing another person or entity before any Federal Department, agency, or court concerning certain "particular matters" involving "specific parties" — like contracts, grants, or lawsuits — in which the individual participated or over which he had official responsibility as a Government employee. If the matter was under the individual's official responsibility during his last year of Government service, the restriction lasts for two years. The restriction is permanent if the individual participated personally and substantially in the matter as a Government employee.

Continued on page 3 column 1

Government Ethics Newsgram

The **Government Ethics Newsgram** is published by the U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. Telephone (202) 523-5757. TDD (202) 523-1200. Fax (202) 523-1251.

Editor: Jo Lee Hazelwood.

Assistant Editor: Donna Cencer.

Contributing Editors: Donald Jump; Laura Lanigan; James O'Sullivan; Cecilia Owens.

Public Affairs Liaison: Janet Roell.

Publication Coordinator: JoAnn Wood.

We welcome any news and information related to Government ethics which you might wish to bring to the attention of OGE and the executive agencies as well as your candid critiques and suggestions. Quoting or reprinting materials contained in this publication is strongly encouraged and may be done without seeking OGE permission.

The Director of the Office of Government Ethics has determined that the publication of this periodical is necessary to the transaction of the public business of OGE, as required by law.

Privatization Issues continued from page 2

The restrictions of sections 207(a)(1) and (a)(2) might apply where certain Government matters are transferred in process to a private contractor to complete, and the former Government employee who worked on the matter would now work on the same matter for his new employer (the private contractor).

For example, if an agency contracted out the responsibility for performing safety inspections of certain public utilities, a

In most cases, the various conflicts of interest restrictions should not obstruct privatization initiatives.

former employee who now works for the private contractor may not represent the contractor back to his former agency in connection with a safety inspection report he worked on while he was an agency employee and which he is now completing for his new employer. In this hypothetical case, the former employee would be permanently barred from representing anyone back to the Government on that inspection.

The one-year restriction of 18 U.S.C. § 207(c) prohibits a former "senior" employee from communicating to or appearing before an employee of his former agency to seek action on any matter. This prohibition applies even if the former senior employee was never involved in the matter as a Government employee.⁶

As a general matter, section 207 will not restrict an employee involved in the privatization process from accepting employment with any particular employer. The provisions can, however, serve to limit a former employee's ability to interact with the executive branch as he performs functions that in the past were accomplished by Government employees. Nevertheless, depending upon the duties performed by the employee while in Government, 18 U.S.C. § 207(a)(1) and (a)(2) may not limit a former employee's contacts with current executive branch employees at all.⁷

Conclusion

In most cases, the various conflicts of interest restrictions should not obstruct privatization initiatives. However, agencies should be aware that they will have to be flexible in developing strategies for privatizing, and, where appropriate, may have to consider issuing waivers, reassigning certain employees, or using the

expertise of persons outside of an affected office to facilitate the privatization of Government operations and functions. Officials involved in implementing privatization programs, along with the ethics officials who advise them, must take all steps possible to ensure that employees affected by privatization activities do not inadvertently violate any applicable statutes or regulations.

Endnotes:

1. Participation in particular matters that affect only an employee's Federal "salary" is not barred under section 208 because salary is not a disqualifying financial interest within the meaning of section 208. **See** Memorandum for Stephen Potts, Director, Office of Government Ethics, from Walter Dellinger, Acting Assistant Attorney General, Office of Legal Counsel, Re: Ethics Issues Related to the Federal Technology Transfer Act of 1986 (September 13, 1993). The precise scope of the term Federal "salary" has never been delineated.

2. Certain preliminary discussions about whether a specific agency function should be privatized may not have a direct and predictable effect on an employee's financial interests because the possible effect of the matter on the employee's interests would be too speculative. For example, a preliminary review of an agency function made with the intent of determining whether the function should be continued to be conducted by the agency or should be eliminated altogether, or transferred to another agency or to a state or local government, or privatized in some way is not likely to have a direct and predictable effect on an employee's financial interest. Thus section 208 would not bar an employee's participation in the preliminary discussions.

3. The Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635.601 **et seq.**, bar an employee from participating in particular matters that would affect the financial interests of someone with whom the employee is "seeking employment." While the term "seeking

employment" includes an arrangement or negotiation for employment as described in 18 U.S.C. § 208, it also includes a broader array of activities such as simply sending a resume to a prospective employer or making a similar unsolicited communication about the possible employment. Employees engaged in privatization activities must ensure that their conduct is consistent with part 2635.

4. Although section 205 would permit an employee to represent **himself** to the Government in an attempt to obtain a contract to perform a Government function that is being privatized, a provision of the Federal Acquisition Regulations prohibits the Government from awarding a contract to a Government employee except for compelling reasons. **See** 48 C.F.R. § 3.601.

5. A very limited category of procurement officials may receive special permission to discuss future employment with a competing contractor, provided they are disqualified from further participation in the pending procurement. **See** 41 U.S.C. § 423(c).

6. Certain senior employees may communicate to or appear before components of their former agencies if those components have been designated as separate agencies or bureaus by OGE. In addition, the applicability of section 207(c) can be waived altogether as to certain senior employee positions or categories of positions.

7. Regardless of the duties, the interaction of former senior employees with current Government employees is restricted by 18 U.S.C. § 207(c) for one year.

OGE Calendar of Ethics Reports

Items Required without Specific Dates	Authority
1. Financial interest waivers considered/issued under 18 U.S.C. § 208(b)(1) and (b)(3).	E.O. 12674, § 301(d)
2. Copies of agency conflict of interest opinions.	5 U.S.C. App. § 403(2) 5 C.F.R. § 2638.313
3. Notice of conflict of interest referral (OGE Form 202).	5 U.S.C. App. § 402(e)(2) 5 C.F.R. § 2638.603(b)
4. Notification of disposition of referrals and any related disciplinary or remedial action.	5 U.S.C. App. § 402(e)(2) 5 C.F.R. § 2638.603(c)
5. Notice of actions taken to comply with ethics agreements of Presidential appointees confirmed by the Senate.	5 U.S.C. App. § 110 5 C.F.R. § 2634.804
6. Requests for Public Financial Disclosure Report (SF 278) exclusions for new entrant, annual, and termination filers.	5 U.S.C. App. § 101(f)(5) 5 C.F.R. § 2634.203(c)(1)
7. Requests for SF 278 extensions for new entrant, annual, and termination filers.	5 U.S.C. App. § 101(g) 5 C.F.R. § 2634.201(f)
8. Request for waiver of public SF 278 filing for senior level special Government employees (SGE) serving more than 60 but fewer than 130 days during the calendar year.	5 U.S.C. App. § 101(i) 5 C.F.R. § 2634.205
9. Requests for waiver of SF 278 late filing fee.	5 U.S.C. App. § 104(d)(2) 5 C.F.R. § 2634.704(b)
10. Requests for waiver of public reporting of personal gifts.	5 U.S.C. App. § 102(a)(2)(C) 5 C.F.R. § 2634.304(f)
11. Requests for agency separate component designation for 18 U.S.C. § 207(c).	18 U.S.C. § 207(h) 5 C.F.R. § 2641.201(e)
12. Requests for exemption from senior employee position designation under 18 U.S.C. § 207(c).	18 U.S.C. § 207(c)(2)(C) 5 C.F.R. § 2641.201(d)
13. Requests for OGE formal advisory opinions.	5 U.S.C. App. § 402(b)(8) 5 C.F.R. § 2638.304 & § 2638.312
14. Agency supplemental regulations to the interim OGE executive branch financial disclosure regulation.	5 C.F.R. § 2634.103
15. Agency supplemental regulations to OGE's executive branch standards of ethical conduct.	E.O. 12674, § 301(a) 5 C.F.R. § 2635.105
16. Requests for certificates of divestiture.	26 U.S.C. § 1043 5 C.F.R. § 2634.1002(b)(1)

OGE has revised its Calendar of Ethics Reports to help its readers keep track of the various required reports due to OGE (or to the executive agencies as noted). For this calendar, 5 U.S.C. App.

references are to the appendix containing the Ethics in Government Act of 1978. The full citation is 5 U.S.C. App. (Ethics in Government Act of 1978). Similarly, citations to Executive Order 12674, as

modified by Executive Order 12731, are cited as E.O. 12674. Finally, the regulations referenced in the Code of Federal Regulations (C.F.R.) are OGE's, unless otherwise noted.

Due Date	Report / Request / Action	Authority
2/1	Agency ethics program questionnaire for previous calendar year.	5 U.S.C. App. § 402(b)(10) & (e)(1) 5 C.F.R. App. § 2638.602(a)
May	Updated listing of Presidential appointees confirmed by the Senate and other persons, copies of whose SF 278s are required to be filed with OGE.	5 U.S.C. App. § 402(b)(10) 5 C.F.R. § 2638.601
5/15	Annual SF 278 Report filing deadline (to be filed with agencies).	5 U.S.C. App. § 101(d) 5 C.F.R. § 2634.201(a)
5/15	Separate annual confidential reporting by SF 278 public filers (SGEs excluded) of payments to charities in lieu of honoraria (future OGE form — not yet effective; to be filed with agencies, then provided to OGE on 8/15 of each year).	5 U.S.C. App. § 102(a)(1)(A) 5 C.F.R. § 2636.205(b)
5/31	Semiannual report of travel payments accepted from non-Federal sources under 31 U.S.C. § 1353 from 10/1 to 3/31. <i>Negative reports required.</i>	31 U.S.C. § 1353(d) 41 C.F.R. § 304-1.9(a) (GSA regulation)
6/29	Requests for further 45-day OGE extensions to the annual SF 278 filing deadline, if already extended by agencies.	5 U.S.C. App. § 101(g) 5 C.F.R. § 2634.201(f)
8/15	Annual transmittal of reviewed separate confidential reports of payments to charities in lieu of honoraria (future requirement — not yet effective).	5 U.S.C. App. § 102(a)(1)(A) 5 C.F.R. § 2636.205(g)
9/15	Certified SF 278s from Presidential appointees confirmed by the Senate, Designated Agency Ethics Officials, and other specified individuals. Advise OGE if review takes longer.	5 U.S.C. App. § 103(c) 5 C.F.R. § 2634.602(c)
10/31	Annual Confidential Financial Disclosure Report (SF 450) filing deadline (standard form to be filed with the agencies).	E.O. 12674, § 201(d) 5 U.S.C. App. § 107(a) 5 C.F.R. § 2634.903(a)
11/30	Annual update of current agency separate component designations for 18 U.S.C. § 207(c).	18 U.S.C. § 207(h) 5 C.F.R. § 2641.201(e)(3)(ii)
11/30	Annual update of positions previously exempted from senior employee designation under 18 U.S.C. § 207(c).	18 U.S.C. § 207(c)(2)(C) 5 C.F.R. § 2641.201(d)(3)(ii)
11/30	Semiannual report of travel payments accepted from non-Federal sources under 31 U.S.C. § 1353 from 4/1 to 9/30. <i>Negative reports required.</i>	31 U.S.C. § 1353(d) 41 C.F.R. § 304-1.9(a) (GSA regulation)

Applying Conflict of Interest Laws to Students

Every summer and throughout the academic year, students who are enrolled in high schools, trade schools, colleges, and universities across the country work for the Federal Government. Often, questions arise regarding whether these students are subject to the criminal conflict of interest statutes, 18 U.S.C. §§ 202-209.

The authority under which students are appointed determines the application of the criminal conflict of interest statutes. Students can be appointed as volunteers, special Government employees (SGE), or regular employees, each requiring different applications of the conflict of interest statutes. OGE discussed each of these appointment types in Informal Advisory Letter 90x5.

Some students who work for the Government are appointed as volunteers under the authority of 5 U.S.C. § 3111, and are compensated in the form of class credit

as opposed to salary. Under this authority, volunteers are considered to be Federal employees for limited purposes only (such as injury compensation and tort claims). They are not subject to the conflict of interest statutes.

Some student workers may be designated as SGEs when they are appointed. This means they work no more than 130 days during any period of 365 consecutive days, with or without compensation (see 18 U.S.C. § 202). These students are subject to the conflict of interest statutes, with certain qualifications. They are treated less restrictively in 18 U.S.C. §§ 203, 205, and 209 than regular employees, but not in §§ 207 and 208. See "Applicability of Ethics Rules and Regulations to Special Government Employees," **Government Ethics Newsgram**, Vol. 10, No. 2 (Summer 1993).

Students must be designated as SGEs at the time of their appointment in order to

have SGE status. If not otherwise designated, the student is a regular employee regardless of the number of days the student works. Students who are regular Government employees are fully subject to the conflict of interest statutes. Students need not be compensated to be considered fully subject to the conflict of interest statutes.

In addition to the criminal conflict of interest statutes, students should be aware of any agency-specific statutory prohibitions, the standards of conduct, and supplemental standards of conduct regulations. They might also be subject to the financial disclosure requirements.

The authority under which students are hired is indicated on their SF 50-B, Notification of Personnel Action. Your agency's personnel office can assist you in obtaining the appropriate authority designation.

New Pamphlet Published

OGE recently published an ethics training pamphlet dealing with the Standards of Ethical Conduct and related ethics laws, entitled, **A Brief Wrap on Ethics**. This 20-page easy-to-read pamphlet provides anecdotal treatment of the basic ethics laws and regulations using simple examples to aid reader understanding.

The pamphlet is currently available for purchase through the Superintendent of Documents' order line, 202-512-1800. Orders may also be faxed to 202-512-2250, but only if you pay by Visa, MasterCard, or Purchase Order. The stock number for

A Brief Wrap on Ethics is 052-003-1401-7.

The price is \$1.50.



Honoraria Update

On February 22, 1995, the Supreme Court decided in **United States v. National Treasury Employees Union (NTEU)**, 115 S. Ct. 1003, that the Ethics in Government Act ban on receiving payments of money or any thing of value ("honoraria") for speeches, appearances and articles, at 5 U.S.C. App. § 501(b), violates the First Amendment freedom of speech rights of the persons on whose behalf that case was brought. The Court's decision described those people as every "employee," as defined in the regulations at 5 C.F.R. § 2636.102(c) and (d), "below grade GS-16," who - but for the statutory ban at 5 U.S.C. § 501(b) - would receive honoraria.

As Designated Agency Ethics Officials (DAEO) were informed in March 3, 1995, memorandum entitled "Honoraria," (DO-95-011) there is some question as to how the description "below grade GS-16" should be applied to employees who are not in General Schedule (GS) positions at GS-15 or below, or who were not among the respondents in **United States v. NTEU**. While "employee" is clearly defined in 5 C.F.R. § 2636.102 to indicate that the Ethics in Government Act honoraria ban covers everyone in the executive branch except the President, Vice President, enlisted members of the uniformed

services, and special Government employees, "below grade GS-16" does not have a clear definition. There are a variety of pay systems for executive branch personnel other than the General Schedule. Moreover, grade GS-16 no longer exists, having been abolished (together with grades 17 and 18 of the General Schedule) by the Federal Employees Pay Comparability Act of 1990.

The Department of Justice, in consultation with the OGE, is working on a resolution of the question of how to interpret "below grade GS-16" in the context of the Court's decision. The question had not been resolved when this edition of the **Government Ethics Newsgram** went to press. Guidance about this issue will be provided by OGE as soon as possible.

In the March 3, 1995, memorandum there is a discussion of various provisions other than the honoraria ban in 5 U.S.C. App. § 501(b) that continue to restrict the receipt of compensation from sources outside the Government by the persons on whose behalf **United States v. NTEU** was brought and other executive branch employees. DAEOs should ensure that employees at their agencies are aware of those continuing restrictions.

Airline Ticket Ruled Government Property

In a November 14, 1994 decision, the Comptroller General of the United States ruled that a complimentary airline ticket received by a Federal employee incident to official travel is property of the U.S. Government. **Dwight Davis-Complimentary Airline Ticket-Official Travel**, B-257704, Nov. 14, 1994.

While on official travel, Dwight Davis, of the Internal Revenue Service, received a complimentary airline ticket after his flight was delayed for five hours. Mr. Davis argued that he should be allowed to retain the ticket for his personal use.

Government-wide regulations obligate employees to turn over to their agencies all "promotional materials...received by employees in connection with official travel." Federal Travel Regulation (FTR), 41 C.F.R. § 301-1.103(b) (1993). Mr. Davis argued that the ticket was not "promotional material" because the airline provided the ticket to him as a result of the airline's poor performance, and not in

connection with any promotion of purchase of the original ticket. The Federal Travel Regulation, however, specifically includes among its examples of promotional items "gifts" and "credits toward future free" service. FTR § 301-1.103(b).



The Comptroller General opined that although Mr. Davis would limit the term "promotional materials" to include only those items given in connection with booking or purchasing a ticket, the language in the regulation clearly includes anything of value given to enhance a company's image or customer service. In this case, the free ticket Mr. Davis received was clearly intended to promote the airline's image.

An exception to the Federal Travel Regulation permits Federal employees to retain compensation given to travellers who voluntarily relinquish their reserved seats on oversold flights. FTR § 301-3.5(c). Mr. Davis analogizes the circumstances of his receipt of the free ticket to this provision. Payment for voluntarily relinquishing a seat, however, is unique in that it advances the Government's regulatory policy requiring airlines to encourage volunteers to give up their seats on oversold flights. **See Charles E. Armer**, 59 Comp. Gen. 203, 205 (1980).

Furthermore, the Federal Travel Regulation explicitly prohibits employees from keeping compensation when an airline involuntarily bumps them from a flight. The Comptroller General held that an involuntary delay is more analogous to an involuntary bump than the excepted circumstances. FTR § 301-3.5(b). Accordingly, the Comptroller General ruled that Mr. Davis must relinquish the complimentary ticket for use by his agency.

SGE Video Available

OGE's latest videotape, "The Ethical Choice: Ethics for Special Government Employees (SGE)," may be purchased from the National Technical Information Service (NTIS) for \$45.00 plus \$4.00 shipping and handling. This videotape follows three SGEs through many of the ethical hurdles they face in the course of their Government service. You may order the videotape by calling the NTIS sales desk at 703-487-4650. Please identify the videotape by its complete title and its stock number, AVA19673-VNB1.



Questions Solicited for Conference Session

The 1995 U.S. Government Ethics Conference Planning Committee is introducing a new feature to the 1995 U.S. Government Ethics Conference. It is a session exclusively devoted to answering some of the most difficult ethics questions faced by agency ethics officials. The Committee is currently soliciting questions to be discussed at the session. If you'd like your questions considered for discussion, submit them to:

Barbara Mullen-Roth
Associate Director for Education
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

or Fax to 202-523-1251.

The deadline for consideration is August 11, 1995.

The theme of this year's Conference is "Ethics in an Era of Change." Included on its agenda will be an OGE program

managers' update on current and future OGE projects, a 3 1/2 hour "Introduction to Ethics" training course, and concurrent sessions on a multitude of ethics topics.

The 1995 U.S. Government Ethics Conference will be held September 12-15, 1995, at the Williamsburg Marriott in Williamsburg, VA.



TEBBS Report

Since The Ethics Bulletin Board System (TEBBS) went on-line in September 1994, it has received over **10,000** calls. There are now 2,219 registered TEBBS users from all over the world, including Australia, Germany, and Japan. OGE is pleased to provide TEBBS as a service to the Government ethics community and to those members of the public interested in Government ethics.

TEBBS provides information about ethics legislation, regulations, policies, opinions, and other Government ethics materials, including the **Government Ethics Newsgram**. For public access, call 202-523-1186.



Ethics News Briefs

Supplemental Agency Ethics Regulations Update

With OGE's concurrence and co-signature, the following additional agencies have issued or proposed, for codification in title 5 C.F.R., supplemental standards of ethical conduct for their employees (in addition to the executive branch-wide standards at 5 C.F.R. part 2635):

Office of Management and Budget (final rule) — 60 *Federal Register* 12396-12398 (March 7, 1995).

United States Postal Service (proposed rule) — 60 *Federal Register* 15700-15703 (March 27, 1995).

Export-Import Bank of the United States (interim final rule) — 60 *Federal Register* 17625-17628 (April 7, 1995).

Federal Deposit Insurance Corporation (final rule) — 60 *Federal Register* 20171-20178 (April 25, 1995).

Treasury Department (final rule) — 60 *Federal Register* 22249-22255 (May 5, 1995).

OMB, the Eximbank and the FDIC also revoked the superseded provisions of their old standards and added cross-references to the new provisions in their own C.F.R. titles. All tolled, 61 executive branch

Departments and agencies have now reserved, through OGE and the Office of the Federal Register, new 5 C.F.R. chapters for supplemental ethics regulations. Of that number, 16 have already issued proposed, interim, or final rules.

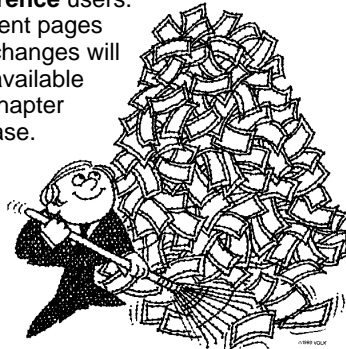
Miscellaneous

OGE has updated its semiannual regulatory agenda. See 60 *Federal Register* 24108-24113 (pt. XXXV) (May 8, 1995).

Investments Chapter to be Issued

Previously reserved from initial publication, Chapter Eight of **Public Financial Disclosure: A Reviewer's Reference**, entitled "Investments," will be available in the fall. In addition, OGE has made some revisions and clarifications to other pages of the **Reference**, based on comments received from **Reference** users.

Replacement pages for these changes will be made available with the Chapter Eight release. Watch for further updates!



Office of Government Ethics
Suite 500, 1201 New York Avenue, NW
Washington, DC 20005-3917

Official Business
Penalty for Private Use, \$300

Bulk Rate
Postage & Fees Paid
Office of Government Ethics
Permit NO. G-726