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Government

Ethics Newsgram

Annual Ethics Conference

The Sixth Annual Government Ethics Conference was held in Philadelphia, Pennsylvania, from September 9-12. It was the largest ethics conference ever with approximately 475 attendees. The theme of the conference was "Transitions and Transformations." Jack Quinn, Counsel to the President, was the keynote speaker. He discussed "ethics during an election year" and the need to "strike a balance between" or harmonize ethical obligations as civil servants with pressures and rights during the election process. Joe Gangloff, an attorney with the Department of Justice, addressed a plenary session on "Prosecutive Reflections," which focused on Federal prosecution of ethics violations. John Howard, Assistant General Counsel at TENNECO, a private industry Fortune 100 Company, discussed the role of ethics in corporate America, stressing that although the Government and corporate America have a different bottom line, good ethics is good business

for everyone. Richard Danzig, Under Secretary of the Navy, spoke about the importance of ethical behavior and perceptions of incongruity between civilian and military ethical standards.

As in previous years, conference participants attended a variety of the 35 sessions. Some of the topics included post-employment issues, Internet ethics, multimedia for ethics training, and transitioning people and records during an election year. Participants were free to select from any of the sessions during each of the five 90-minute concurrent sessions. In addition, an introductory track on ethics issues was included this year for employees new to the ethics field.

One new feature at this year's conference was an awards presentation by Mr. Potts for strong agency ethics programs and the ethics officials who manage those programs. Other events included a special session on "Meeting Your Ethics and Training Needs with Technology," a preview of the latest OGE video entitled "Ethics Inquiry," and an Interagency Ethics Council meeting.



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Ethics Programs Step into the 21st Century

Several sessions at the Government Ethics Conference demonstrated that technology is playing a part in maintaining and improving ethics programs and ethics training efforts. In "Close Encounters of the Computer Kind," agencies discussed their tracking systems. The systems begin with recording the designation of an employee as a financial disclosure filer and continue through the filing process, outside and official duty activities, ethics training, recusals and waivers, and other related ethics issues. The session, "The Answer to Your Dreams: A Computerized Ethics Tracking System," provided a live demonstration and in-depth discussion of such a system at National Institutes of Health.

"Meeting Your Ethics Training and Research Needs with Technology" was a special session to demonstrate recently developed technology. It included demonstrations of:

- OGE 450 Software Program
- The Ethics CD-ROM
- OGE World Wide Web Site
- The Ethics Bulletin Board (TEBBS)
- Department of Interior's SF 278 and SF 450 software programs
- Center for Disease Control's Jetform 450
- National Cancer Institute's Ethics Data System
- Department of Veterans Affairs' Financial Disclosure Tracking System

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Director's Column

One of the great benefits of our annual conference is the opportunity it provides to meet with other people in the ethics community to share our experience and expertise. Over the years, the conference has been a very useful means of strengthening the network of support for the ethics program. Each year we have tried to build on past experience in designing new sessions and workshops that meet the practical needs and concerns of ethics officials.

To give just one example, there was a need expressed for introductory-level conference sessions for new ethics officials. At our conference in Philadelphia, we offered such sessions on public financial disclosure, gifts rules and the conflict of interest laws. These sessions were very well received and we expect to continue to offer presentations of this type when we meet next year in Williamsburg, Virginia.

This fall we launched an initiative that seeks to bring the opportunities and benefits of shared experience to the regions. We have held the first of a series of luncheon meetings with regional ethics officials in New York. Later next year we plan to hold a one-day regional ethics conference in New York with workshops and sessions similar to those offered at the



annual conference. A program is also in the works for Atlanta with other regions to follow.

Eventually we hope to see self-sustaining associations of ethics officials in the regions that can carry forward the ethics endeavors that grow out of these meetings. These associations can share ideas, resources, and common concerns in order to get the job done. In this way the power of networking can be extended to the regions in order to build an even stronger ethics program in the executive branch.

Public Financial Disclosure Review Course Developed

A four-hour module of instruction called "Public Financial Disclosure Review" has been developed by OGE. It was presented for the first time to students at the conference. This module is intended to train beginning Public Financial Disclosure Report (SF 278) reviewers to complete a technical review and conflict of interest analysis and formulate possible solutions to any conflicts they discover on an SF 278.

In the class, the students analyze the SF 278 of a filer and his spouse. Through classroom lecture, group work, and completion of their own student workbook pages, students learn to consider every entry on an SF 278 report step-by-step and to analyze it for completeness and conflict of financial interest. By the conclusion of the course, the students

work their way to a complete, correct report for the filer. The report serves as a reference for public financial report review.

The packet of instruction contains a lesson plan, 17 accompanying slides, and a student workbook. The instructor may make copies of all materials contained in the packet for his/her use. The optional video, "Public Financial Disclosure: A Closer Look" and the reference materials, including "Public Financial Disclosure: A Reviewer's Reference," must be obtained separately. The module of instruction is intended for use by an ethics official who has knowledge of the SF 278 and who will serve as the course instructor.

To obtain the complete module of instruction, contact the Ethics Information Center.

Ethics Programs

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A rousing discussion on "Internet Ethics" helped ethics officials realize the issues surrounding personal use of the Internet and e-mail provided by the Government and the ethics of linking Government sites to non-Federal sites. A demonstration of ethics training on the Internet was included in "Lecture No More: Multimedia in Ethics Training" along with demonstrations of stand-alone computerized training and the Department of Justice game, "Quandaries," which is under development.



Government Ethics Newsgram

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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.

Final CD Regulations Published

The Office of Government Ethics has published final regulations for the Certificate of Divestiture (CD) program (see 61 *Federal Register* 32633-32636, June 25, 1996). The revised regulations, which became effective on July 25, 1996, include important requirements which make clear when and how CDs are available. CDs can be used, subject to strict requirements, to defer capital gain taxation on sales of property **subsequent** to ethics program determinations at both the agency and OGE levels.

Understanding the CD System

In order to understand the dynamics of the CD system, it is important to emphasize that the CD scheme is a tax provision which is administered within the executive branch ethics program. As a tax provision

under section 1043 of the Internal Revenue Code, it has many of the same subtleties and complexities commonly encountered in tax provisions. As a feature of the ethics program, it must be implemented in a manner which conforms to ethics program principles.

On the ethics program side, the revised regulations emphasize that the proposed qualifying divestiture must be a timely disposition under the normal ethics agreement mechanism (or its equivalent). In other words, the CD process may not be used as a mechanism to hold property beyond the time that ethics program requirements would otherwise normally allow.

As a matter of tax law, there are a number of principles that grow out of the limitation of the CD procedure to transactions that would result in capital gains. For example,

gain which would be treated under the income tax laws as compensation income, such as from the sale of property received for services or with respect to employer-granted stock options, is not eligible for tax-deferral treatment.

Additionally, certain rules have been included in the regulations to prevent unfair and unintended benefits from being conferred by the granting of a CD. For example, a CD will not be issued with respect to property acquired at a time when it was a prohibited holding, or if all similar or related property is not also being divested.

Achievements in the Ethics Community

Mr. Potts opened the final day of the Government Ethics Conference by awarding what he hopes are "the first in a series" of awards designed to recognize achievements in the ethics community. The ethics programs receiving these awards were selected from programs reviewed by OGE's Program Review Division this year. The awards were presented for outstanding achievement in developing and managing the ethics program when the OGE review teams found no items calling for recommendation. Receiving recognition for excellent programs in 1996 were:

- U.S. Agency for International Development
- Board of Governors of the Federal Reserve System
- White House Office
- Defense Special Weapons Agency
- U.S. Army Infantry Center at Fort Benning, Georgia, and
- Department of the Navy, specifically including:
 - Navy Headquarters
 - Naval Sea Systems Command
 - Naval Facilities Engineering Command

- Naval Criminal Investigation Service
- Naval Air Warfare Center Weapons Division
- Naval Air Station, Pensacola, Florida.

Mr. Potts commended these agencies for their strong individual ethics programs and praised them for their contribution to the executive branch ethics program.

Mr. Potts stated that next spring he expects to solicit nominations for similar awards recognizing exceptional individuals and programs from the executive branch ethics community.



Introductory Ethics Course Developed

OGE premiered portions of its Introduction to Ethics course at the conference. The sessions received rave reviews. Modules of the introductory course will be offered in Washington, DC three to four times per year to ensure that new ethics officials receive training soon after they enter positions as ethics officials.

Unlike past introductory courses, these sessions consist of student exercises, group discussions, and case studies. When the entire course is completed, it will provide a program management orientation to new DAEOs and will cover each subpart of the Standards of Conduct.

This course is the first of many that OGE expects to design and deliver under the newly organized Course Development section of the Education and Program Services Division. If you have any suggestions for training courses, please contact Cecilia Owens, the Project Manager for Course Development, at 202-208-8000, extension 1118.

New Materials Enhance Ethics Information Center

The Ethics Information Center (EIC) continues to be a valuable source to obtain training materials and ideas for developing ethics training. More and more agencies are looking in the EIC for innovative training ideas to assist them in organizing their training efforts. Video-tapes and computer-related training tools are the most frequently requested materials.

Two videotapes contained in the EIC that lean toward the "lighter side" yet cover basic concepts are *Judge for Yourself* produced "in house" by the Federal Aviation Administration and *The Good, The Bad, and The Ethical* produced by the Department of Defense. *Judge for Yourself* is in a talk show format and

covers the subparts of the Standards of Conduct, the conflict of interest statutes, frequent flyer miles, discounts, and financial disclosure requirements. *The Good, The Bad, The Ethical* uses a silent movie western with open captioning to convey issues related to conflict of interest, misuse of Government resources, outside activities, and financial disclosure.

The EIC staff is continually looking for new training materials, especially in video or electronic format. If your agency has created a new training tool, please share it with other agencies by providing a copy to the EIC manager. Although your new materials may be agency specific, computer-generated materials may

especially be useful to other agencies. You may send your submissions to:

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

The EIC operates Monday through Friday from 8:30 a.m. to 4:00 p.m. If you would like to visit the EIC, contact either Tonda King or Sandy McKinzy at 202-208-8000, extensions 1229 or 1212, respectively, to schedule an appointment.

Standards Amended to Conform with HARA

The Office of Government Ethics has amended various sections of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, to conform with the Hatch Act Reform Amendments of 1993 (HARA), Pub. L. 103-94. See 61 *Federal Register* 50689-50691 (September 27, 1996). Under HARA, all executive branch employees, with the exception of employees in certain agencies and positions listed at 5 U.S.C. § 7323(b) and 5 C.F.R. § 734.401, and members of the uniformed services, may take an active part in political management or political campaigns. However, no employee may knowingly solicit, accept, or receive a political contribution from any person except under limited circumstances. Previously, the Hatch Act had restricted the political activities of all but a relatively small class of higher level employees.

The gift exception at 5 C.F.R. § 2635.204(f) had provided that "[a]n employee who is exempt under 5 U.S.C. § 7324(d) from the Hatch Act prohibitions against active participation in political management or political campaigns may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, in connection with such active participation, by a political organization described in

26 U.S.C. § 527(e)." This gift exception has been amended to reflect the redefined class of executive branch employees who, pursuant to HARA, may take an active part in political management or political campaigns, and to permit those employees to accept from a political organization meals, lodgings, transportation and other benefits, including free attendance at events, when provided in connection with their active participation in political management or political campaigns. In addition, the exception and the example following it were reworded to reflect the thrust of HARA to permit political activities rather than prohibit them.

The brief reference to the Hatch Act at 5 C.F.R. § 2635.801(d)(7), among other statutes and regulations applicable to employees' outside employment or other outside activities, has been replaced with a reference to HARA. Finally, a note in the fundraising section of the Standards, following 5 C.F.R. § 2635.808(a)(2), has been reworded to refer employees to the restrictions in HARA, at 5 U.S.C. § 7323(a)(2), on the solicitation, acceptance, or receipt of political contributions, and to reflect changes made by HARA to the restrictions on political solicitations in title 18 of the U.S. Code.

Klatches Capture Concerns

For more than two years, the desk officers have been facilitating periodic morning klatch discussions, or informal gatherings, for executive branch ethics officials. The klatches have provided a forum in which ethics officials can discuss program concerns, share ideas and solutions, and network with other participants in an informal setting. Past discussions have focused on financial disclosure, gifts, Government downsizing, and the Education and Program Services Division reorganization.

Desk officers need your ideas for klatches in the upcoming year! If you have suggestions for klatch topics for 1997, or if you would like to participate in a klatch, contact your desk officer.

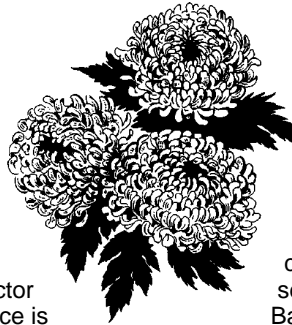


Kudos in Ethics Community

Stuart Gilman, Special Assistant to the Director at OGE, as a member of the Governmental Accomplishment and Accountability Task Force, has received the 1996 Presidential Citation of Merit from the American Society for Public Administrators. The Task Force's 15 members include senior officials from OMB and the NPR, as well as State and local officials and academics.

The Task Force has provided training for hundreds of public officials on the positive and negative aspects of reinvention. It

has produced over 50 case studies on reinvention and these have been recommended for use in training and evaluation to all agency heads and administrative officers by John Koskinen, Deputy Director of OMB. The Task Force is in the process of developing a video tape on reinvention projects and creating a permanent "Center" to monitor the impact, success and failure of these projects.



Steve Winnick, Designated Agency Ethics Official, Department of Education, has been named one of six best bosses in America by Redbook magazine. He was nominated by two co-workers, **Amy Comstock** and **Joan Bardee**, who wanted to spend more time with their children. Winnick worked out a schedule that allows Comstock and Bardee to each work three days a week and share the title of ethics counselor for the department.

Ethics News Briefs

Supplemental Agency Ethics Regulations Update:

With OGE's concurrence and cosignature, the following additional agencies have issued, for codification in title 5 of the Code of Federal Regulations (C.F.R.), interim final or final rule supplemental standards of ethical conduct for their employees (in addition to the executive branchwide standards at 5 C.F.R. part 2635). Some of the agencies also replaced their residual old standards which have been superseded with a cross-reference to the new provisions and reissued certain unsuperseded provisions.

Department of Energy (interim final rule) — 61 *Federal Register* 35085-35088 (July 5, 1996).

Federal Deposit Insurance Corporation (final rule amendments) — 61 *Federal Register* 35915-35916 (July 9, 1996).

Department of Housing and Urban Development (final rule) — 61 *Federal Register* 36246-36251 (July 9, 1996).

Office of Personnel Management (interim final rule) — 61 *Federal Register* 36993-36997 (July 16, 1996).

Department of Health and Human Services (final rule) — 61 *Federal Register* 39756-39767 (July 30, 1996).

Federal Mine Safety and Health Review Commission (final rule) — 61 *Federal Register* 39869-39872 (July 31, 1996).

Department of Transportation (final rule) — 61 *Federal Register* 39901-39904 (July 31, 1996).

Environmental Protection Agency (final rule) — 61 *Federal Register* 40500-40504 (August 2, 1996).

National Archives and Records Administration (final rule) — 61 *Federal Register* 40505-40506 (August 5, 1996).

Paperwork Notices and Forms Clearance:

OGE has published its second round paperwork notice, regarding its request for three-year renewal without change, of the Standard Form 278 Executive Branch Personnel Public Financial Disclosure Report. See 61 *Federal Register* 41162-41164 (August 7, 1996). Agencies are being asked to notify filers of certain technical revisions to the disclosure and paperwork laws regarding the report form. In addition, OGE has received three-year approval of the Office of Management and Budget under the Paperwork Reduction Act for a slightly modified OGE Form 201, which is used for access to SF 278s and other covered records. The new form was provided to the executive departments and agencies via October 16, 1996, DAEOgram (DO-96-038) and is available on TEBBS.

OGE Form 450 Review Guide Published

OGE recently published a new pamphlet entitled *OGE Form 450: A Review Guide*. The pamphlet is an expanded and updated replacement version of the review guide issued in 1993 for the Standard Form (SF) 450. The new review guide covers OGE Form 450, which is replacing the SF 450.

The 60-page reference guide is designed for anyone who reviews the OGE Form 450 or administers agency confidential financial disclosure systems. The guide presents an overview of the confidential financial disclosure system and the specific requirements of the OGE Form 450. The guide includes appropriate reference materials and guidance on conducting effective reviews.

If you are interested in ordering a copy of the review guide, several options are available. It can be ordered through SupDocs at GPO, stock number 052-003-01461-1, at a cost of \$6.50. The review guide can also be obtained free of charge on diskette from the Ethics Information Center or downloaded from TEBBS. The review guide is also included on OGE's web site and the most recent edition of the Ethics CD-ROM which came out in late October. For further information, please contact the Ethics Information Center.

Public Law No. 104-179

Office of Government Ethics Authorization Act

The law reauthorizing the Office of Government Ethics for three years through fiscal year 1999 became effective upon signature on August 6, 1996 (see Office of Government Ethics Authorization Act of 1996, Pub. L. 104-179). The law also makes amendments to the post-employment law, provides for gift acceptance authority for OGE, and makes a number of technical ethics-related amendments.

Post-Employment Amendments

One post-employment amendment changes the definition of a "senior employee" to whom the one-year cooling-off restriction contained in 18 U.S.C. § 207(c) applies. In positions outside the Executive Level Schedule, the new law links this restriction to the rate of pay of those who serve at level 5 of the Senior Executive Service. Prior to this amendment, the definition of "senior employee" for that

group was linked to the rate of pay for level V of the Executive Schedule. One significant consequence of this change in the law is that executives at SES level 4, who would have automatically become subject to the stricter post-employment law as a result of a recent pay increase in the SES schedule, absent a temporary waiver by OGE, will not be subject to the restriction in section 207(c).

A second post-employment amendment provides for an additional exception from the one-year no contact restrictions found at 18 U.S.C. § 207(c) and (d). This exception for certain political activity allows senior and very senior employees to make certain communications or appearances which would otherwise be prohibited provided that they are made solely on behalf of a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee or a political party.

OGE Gift Acceptance

The new law also authorizes OGE to accept gifts of money, use of facilities,

personal property or services for the purpose of aiding or facilitating the work of the Office of Government Ethics. OGE sought this authority primarily to enable it to accept the use of facilities and services in connection with its education program. The law requires OGE to develop rules on the utilization of the authority in order to assure that any gift accepted under the authority does not compromise or appear to compromise the integrity of OGE programs or any official involved in those programs. OGE plans to draft rules that could be adapted by agencies for use of their own gift authority.

Housekeeping Amendments

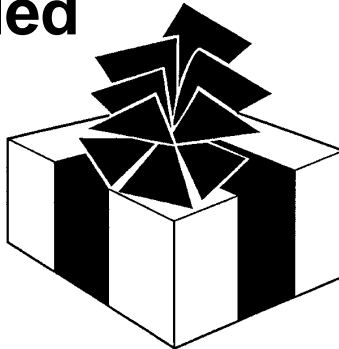
The law also contains a number of housekeeping amendments, including a repeal of the requirement that agencies display the Code of Ethics for Government Service.

A more detailed discussion of this law is found in the August 21, 1996, DAE Ogram (DO-96-034).

Widely Attended Gatherings Gift Exception Expanded

Agency ethics officials are often asked to provide ethics advice on whether agency employees can accept gifts of free attendance to widely attended gatherings. The Office of Government Ethics recently issued a final regulation (61 *Federal Register* 42965-42970, August 20, 1996; as corrected at 61 *Federal Register* 48733, September 16, 1996) effective September 19, 1996, revising the gift exception for certain such events at 5 C.F.R. § 2635.204(g) of the executive branch Standards of Ethical Conduct regulation. Last year, OGE issued proposed amendments to this exception (see Ethics News Brief, Fall 1995 *Newsgram*).

- The final rule allows agencies to authorize their employees to accept unsolicited invitations to certain widely attended gatherings **from nonsponsors**, in addition to sponsors, where there has been a determination of an agency interest under the regulatory provisions **and provided**, in the case of nonsponsor invitations, that more than 100 persons are



expected to attend the event and the gift of free attendance has a market value of \$250 or less. The additional 100 person threshold and \$250 ceiling requirements for nonsponsor gifts are designed to ensure that any gift of free attendance that an employee is permitted to accept from a nonsponsor is in the best interests of the agency concerned and does not involve an appearance of undue influence or loss of impartiality. In the past, agency employees could be authorized to accept unsolicited gifts of free attendance at all or part of a widely attended gathering from only the sponsor of the event (other than an exception for press dinners as provided by

the White House), subject to a determination of agency interest.

- Agencies can also, in appropriate circumstances and provided others in attendance will generally be accompanied by a spouse or other guest, authorize an employee to accept free attendance for a **guest** to accompany the employee to a widely attended gathering or to a conference or other event at which the employee is assigned to participate as speaker, panel participant or other presenter of information. Under the old rule, only an accompanying spouse could so attend free of charge. In such cases involving nonsponsor invitations, the value of the guest's free attendance must be aggregated with that of the employee's in determining whether the \$250 cap is met.

- The final rule also reemphasizes the fact that widely attended gatherings are those events expected to be attended by a **large** number of persons and at which persons **with a diversity of views or interests** are expected to be present.

<http://www.access.gpo.gov/usoge>

The new web site was premiered at the OGE Annual Ethics Conference in September in Philadelphia.

In addition to the new home page, all information currently available through TEBBS and the OGE CD-ROM is easily accessible through the web site. Current items include the Executive orders, statutes, and regulations which form the basis for the executive branch ethics program, as well as all DAEOgrams, advisory letters, and similar interpretive memoranda. OGE publications and written information about video and audio training materials are also on the site. Information will be updated as new materials are published. All OGE forms are available in PDF format, allowing them

to be downloaded for agencies' use. The web site also provides hot links and search capabilities.

The web site address is:
<http://www.access.gpo.gov/usoge>



Employees May Represent Employee Groups

Federal employees may now represent employee organizations before the U.S. Government under certain circumstances as a result of the enactment of the Federal Employee Representation Improvement Act of 1996 (see Pub. L. 104-177). The new law which amends section 205(d) of title 18 of the United States Code allows employees to represent, without compensation, certain non-profit "cooperative, voluntary, professional, recreational or similar organization[s] or group[s]." For the group to qualify, a majority of the organization's members must be current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

In addition, certain matters are not covered by this expanded exemption from the prohibition on representation of private interests before the Government contained in 18 U.S.C. § 205. Employees could not represent employee groups if the matter involved litigation or administrative proceedings where the organization is a party. The exemption also does not cover claims against the Government or matters where the organization is seeking grants, contracts or cash from the Government.

A special provision in the law makes it clear that nothing in section 205 would prevent employees acting pursuant to certain specified labor-management relations authorities from making representations to their department or agency.

The law took effect upon signature on August 6, 1996. OGE supported the legislation as a positive step toward more open interaction between the Government and employee groups on matters of mutual interest. A more detailed discussion of this law is found in the August 21, 1996, DAEOgram (DO-096-034).

Reproduce OGE Form 450

Many agencies applaud the use of the OGE Form 450, Confidential Financial Disclosure Form, because it is so easy to obtain. As published in a DAEOgram (DO-96-011) February 27, 1996, each agency should reproduce its own supplies of OGE Form 450 locally. The form is intended to be reproduced with black printing on white paper, without color shading. If your agency should need another camera-ready original form, you may obtain one from OGE. If you would like to print supplies of OGE Form 450 electronically, please contact your OGE Desk Officer for a diskette or access TEBBS or the OGE Home Page.

Have you missed recent issues of the Government Ethics Newsgram? Get them quickly on TEBBS! Call 202-208-8030 for public access.

All forms, review guides, and past issues of the Government Ethics Newsgram are on our web site.

Rules for the Road Developed

OGE has developed a handy new pamphlet, *Rules for the Road*, as an aid to agency ethics officials, departing employees, and other interested persons. It summarizes many of the laws that may restrict certain activities of employees once they leave Federal service.

This pamphlet describes these laws without using any legal citations. It is intended to assist ethics officials in counseling employees about the application of these restrictions and other matters concerning employment after the Federal service.

The pamphlet is divided into five parts: "If You Want to Represent Others Before the Government"; "If You Want to Accept Compensation from an Employer that Represents Others Before the Government"; "If Your Government Work Has Related to Procurement"; "If Your Government Work Has Related to International Negotiations"; and "If You Have Been a High-Level Government Official." A brief note also alerts employees about obligations they may have when seeking future employment.

Agencies should reproduce their own copies. You may request a camera-ready original for copying from Rhonda Curtis at OGE, 202-208-8000, ext. 1231.

Exemplary Program at Department of Navy

In an effort to highlight existing ethics programs as resources for the ethics community at large, we continue our series of articles describing exemplary ethics programs. OGE's Program Review Division staff recently completed a review of the Department of the Navy's (Navy) excellent ethics program.

Navy's ethics program relies heavily upon coordination between the primary ethics office within Navy's Office of General Counsel and the ethics counselors and officials in component organizations. Cooperation and communication are fundamental to the consistent and cohesive management which is the essence of Navy's program.

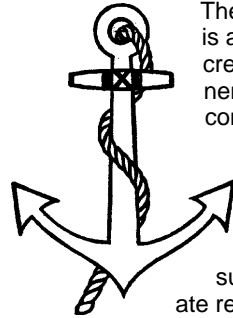
The General Counsel of the Navy is the Designated Agency Ethics Official (DAEO), and the Judge Advocate General is Alternate DAEO. These positions provide high-level support to Navy's ethics program. The Assistant General Counsel (Ethics) (AGC (Ethics)) is primarily responsible for managing and coordinating Navy's ethics program. Ethics counselors throughout the Navy are responsible for the day-to-day administration of the ethics program at their respective organization, activity, or geographic area.

The public financial disclosure system is effectively managed Navywide through a cooperative effort between ethics counselors within each component and officials

from both civilian and military personnel offices. The civilian public reports are filed initially with the appropriate ethics counselor and are finally reviewed and certified by the AGC (Ethics). The public reports filed by military personnel are also initially filed with their respective ethics counselors. However, they are finally reviewed and certified at Navy's Office of the Judge Advocate General (OJAG).

Despite the great number of confidential filers at Navy which necessitates a vast, decentralized program, the confidential system is still effective.

The confidential system is administered discretely at each component, primarily by the component's ethics counselor. Typically, reports are filed with and initially reviewed by the filer's immediate supervisor. Intermediate reviews by administrative officers, paralegals, or personnel officials, are followed by final review and certification by the component ethics counselor.



The Navy places considerable emphasis on training, making it an especially strong element of the overall ethics program. To meet OGE's annual training requirements, the AGC (Ethics) and officials from the Department of the Army's Standards of Conduct Office provided joint training at the Pentagon from August through

December 1995. Employees who did not attend this training attended courses conducted by their respective ethics counselors. In addition, Navy ethics officials continually provide ethics training beyond that required by OGE and Department of Defense regulations. For example, the AGC (Ethics) and other ethics counselors routinely lead panel discussions and provide ethics training during the annual Navy Office of General Counsel conferences. Ethics counselors from OJAG also routinely provide post-employment briefings at pre-retirement and transition seminars.

Counseling is provided by the ethics counselors within Navy's component organizations. The AGC (Ethics) provides overall guidance to the ethics counselors and often assists them in providing accurate advice. In addition to advising personnel within their own component organization, OJAG ethics counselors provide a significant amount of ethics advice to over 200 ethics counselors and staff judge advocates throughout the Navy. The AGC (Ethics) also conducts a monthly ethics roundtable with ethics counselors from throughout the Navy to discuss current issues and to share information.

Office of Government Ethics
1201 New York Avenue, NW., Suite 500
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