

**NSSI Science Technical Group**  
**Ethics Briefing**  
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# *Today's Topics*

- **Special Government Employees**
- **Executive Order 12674**
- **Title 18 of the United States Code**
- **Standards of Conduct**

# Why am I a Special Government Employee (SGE)?

- Federal Advisory Committees: Are members appointed as a representative or because of qualifications only?
- 18 USC § 202 test:
  - Officer or employee in Executive Agency
  - Appointed to perform temporary duties
  - With or without compensation
  - No more than 130 days out of any 365 days

# What Does SGE Status Mean?

- Subject to Ethics Laws and Standards of Conduct
- Must file a *confidential* financial disclosure when appointed/reappointed

# ***Executive Order 12674***

- **Public service is a public trust.**
- **Employees shall not use public office for private gain.**
- **Employees shall not solicit or accept a gift from any person or entity seeking official action from or affected by the employee's agency.**

# ***Executive Order 12674***

- **Employees shall not use nonpublic government information to further any private interests.**
- **Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.**

# ***Ethics Laws in Title 18 of the United States Code***

- **201 – Bribery**
- **203 – Compensation for Representational Activities**
- **205 – Representational Activities**
- **207 – Post Employment**
- **208 – Financial Conflicts of Interest**

# 18 U.S.C. § 201

- Unlawful to solicit or accept a **bribe**
- A bribe is anything of value offered, solicited or accepted in exchange for being influenced in the performance of official duty



# ***18 U.S.C. § 203 & 205***

- **SGE may not represent any third party before a Federal agency or court if U.S. is party or has interest**
- **“Particular matter involving specific parties”**
  - **Focused on and affects legal interests of identifiable persons who are involved in the matter**
  - **Contrast matters of general applicability**
- **If SGE has participated personally and substantially as SGE (or any DOI matter if serving more than 60 days in preceding 365 days)**

# ***18 U.S.C. § 203 & 205 cont'd***

- **With or without pay**
- **Representation requires an arrangement with ability to speak on behalf of another person and generally requires intent to influence the government on their behalf**
- **Exceptions for representing self, parents, spouse, children, estate unless personally & substantially involved; grants & contracts with U.S. if approved by Director; sworn testimony**
- **Avoid problems and limit communications with NPS regarding BHI Partnership matters**

# *18 U.S.C. § 207*

## *Post-employment “Revolving Door”*

- **Lifetime Ban** covers any particular matter involving specific parties in which you were personally and substantially involved
- **Two Year Ban** covers all particular matters involving specific parties under supervisor’s authority in last year without regard to personal involvement
- **Prohibited Activity:** Communicating with or appearing before agency/employee or court on behalf of another with intent to influence if U.S. is a party or has an interest in the matter

## *18 U.S.C. § 208*

**SGE may not participate personally and substantially in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest**

# ***18 U.S.C. § 208***

## ***Imputed Interests***

- **Spouse; minor children**
- **General partner**
- ***Organization in which the employee serves as officer, board member, employee***
  - ***EXCEPT: SGEs on Advisory Committees: Employment is not disqualifying in matters of general applicability if employer not specially affected***
- **An organization with whom the SGE is negotiating for future employment**

## *18 U.S.C. § 208*

**Recusal** (disqualification) -- agreement not to participate in a particular matter in which the employee has an imputed interest.

– Preferably in writing

**Waivers** - DOI determination that need for SGE's services outweighs potential for conflict of interest created by the financial interest involved.

***18 U.S.C. § 209***  
***Dual Compensation***

- Does not apply to SGEs
- Besides, what's two times nothing?

# No Using Appropriated Funds for Lobbying

- **18 U.S.C. § 1913 and other laws prohibit use appropriated funds to influence Members of Congress or any state, local, territorial or tribal jurisdiction or official to favor or oppose any legislation, law, appropriation or policy**
  - Except if it's your job and only then through proper channels
- **No “grassroots” lobbying: You may not tell someone to contact a state, local, territorial or tribal government regarding any pending legislation**
- **Exceptions:** good faith responses to request for info
  - Strictly factual public statements without slant



# Standards of Conduct: Gifts From Outside Sources

- Gifts from prohibited sources or given because of your position
  - **Exclusions:** snacks, greeting cards, certificates, plaques, items of little intrinsic value, items paid for by gov't, items you pay market value for, discounts available to public or all gov't employees
  - **Exceptions:** Items worth \$20 or less (but NEVER cash), waiver of conference fees for speakers, widely attended gatherings, gifts based on personal relationship, outside business or employment, travel expenses incident to work

# Standards of Conduct:

## Impartiality

- SGE must disqualify from any particular matter involving specific parties that would directly & predictably affect the financial interest of:
  - Member of household
  - Close relative or friend
  - Business relationship (but not employer if only interest is salary and employer not specially affected)

# Misuse of Position

- Use of title or reference to service on BHI Partnership for financial gain
  - Financial transaction
  - Coerce/induce another to provide benefit
- Use of non-public information
- Unauthorized commitment
- Use of Government property

# Political Activity

- Hatch Act
- No partisan political activity while actually performing duties as SGE
- May not solicit or accept political contributions or otherwise engage in activities that support a candidate in a partisan election

# *Questions or Comments*

- **If you have any further questions please contact your DFO, who will call NPS Ethics Counselor or the Departmental Ethics Office**
- **BLM Ethics Counselor: Stephanie Langseth**
  - **202 208-4695; [Stephanie\\_Langseth@wo.blm.gov](mailto:Stephanie_Langseth@wo.blm.gov)**
  - **DOI Ethics Office: Hale Hawbecker**
  - **202 208-7960; [Hale\\_Hawbecker@ios.doi.gov](mailto:Hale_Hawbecker@ios.doi.gov)**

# The End

'Bye, Y'all!

