

# **federal register**

THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 129

PART III



---

## **DEPARTMENT OF THE INTERIOR**

Office of the Secretary

■

### **EMPLOYEE RESPONSIBILITIES AND CONDUCT**

Revised Requirements and Procedures

**Title 43—Public Lands: Interior**  
**SUBTITLE A—OFFICE OF THE SECRETARY**  
**OF THE INTERIOR**  
**PART 20—EMPLOYEE RESPONSIBILITIES**  
**AND CONDUCT**

The regulations of the Department of the Interior governing the conduct and responsibilities of regular and special employees of the Department are revised. The revision involves extensive reorganization and editing of regulations previously published, deletion of obsolete provisions and addition of new requirements and procedures related to conflict of interest matters. The specific new or expanded provisions of most significance include the following:

1. Section 20.735-3 prescribes new organizational responsibilities for administration of employee conduct and conflict of interest regulations.

2. Section 20.735-12 incorporates statutory restrictions applicable to specific bureaus of the Department into Departmental regulations.

3. Section 20.735-13 extends specific prohibitions of interests in certain industries or lands to employees of the Mining Enforcement and Safety Administration, Geological Survey and selected groups within the Office of the Secretary.

4. Section 20.735-14 includes revised restrictions related to the special interests of employees in Indian and Alaska Native organizations.

5. Section 20.735-21 establishes requirements for affected employees to certify that they are aware of and in compliance with the specific restrictions cited in sections 20.735-12 and 13.

6. Section 20.735-22 includes expanded criteria and procedures for filing of employee statements of employment and financial interest.

7. Section 20.735-23 includes expanded procedures for review and analysis of employee statements of employment and financial interest.

8. Section 20.735-24 describes actions which may be ordered to remedy a conflict or apparent conflict between an employee's official position and private interests.

9. Section 20.735-25 establishes new appeals procedures applicable to orders to remedy conflict or apparent conflict situations.

10. Section 20.735-43 establishes revised procedures for the filing of statements of employment and financial interests by special Government employees.

Paragraph 20.735-22(a) of the revised regulations provides that employees " \* \* \* whose position is listed in Appendix C to this part shall file a statement of Employment and Financial Interest. (form DI-212)." The listing of positions published on December 6, 1974 (39 FR 42681), as an Appendix to 43 CFR 20.735 has not been revised. Pending revision of the listing and its publication as Appendix C, the Appendix published on December 6, 1974, shall remain in effect as

the listing of positions for which statements are required.

Because Part 20 consists of rules of agency organization, procedure and practice, adoption of the revised Part 20 through the rulemaking procedure prescribed in 5 U.S.C. 553 is not required and the revised Part 20 is accordingly adopted without resort to that procedure. In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971, on rulemaking procedures, interested persons may, however, submit written comments, suggestions, data or arguments concerning the revised Part 20 to the Director, Office of Audit and Investigations, U.S. Department of the Interior, Washington, D.C. 20240, on or before August 1, 1975. All such comments received will be given full consideration.

This revision of Part 20 was approved by the Civil Service Commission on June 18, 1975, and shall be effective July 3, 1975.

Dated: June 30, 1975.

STANLEY K. HATHAWAY,  
 Secretary of the Interior.

**Subpart A—General Provisions**

- |          |   |
|----------|---|
| Sec.     |   |
| 20.735-1 | Policy and general responsibilities.                  |
| 20.735-2 | Definitions.  |
| 20.735-3 | Delegations of authority and channels for counseling. |
| 20.735-4 | Sanctions.  |

**Subpart B—Conflict of Interest**

- |           |  |
|-----------|--|
| 20.735-11 | Scope of subpart.  |
| 20.735-12 | Statutory prohibitions.  |
| 20.735-13 | Specific prohibitions imposed by regulation.   |
| 20.735-14 | Indian and Alaska Native organizations.  |
| 20.735-15 | Financial interests.   |
| 20.735-16 | Outside work and interests.  |
| 20.735-21 | Certificates of disclaimer.  |
| 20.735-22 | Employees required to file statements of employment and financial interests: Manner of filing. |
| 20.735-23 | Review and analysis of statements.   |
| 20.735-24 | Procedures for resolving conflicts of interest.  |
| 20.735-25 | Appeals procedures.  |

**Subpart C—Ethical and Other Conduct and Responsibilities of Employees**

- |           |                                   |
|-----------|-----------------------------------|
| 20.735-31 | Scope of subpart.                 |
| 20.735-32 | Gifts, entertainment, and favors. |
| 20.735-33 | Teaching, lecturing, and writing. |
| 20.735-34 | Government property.              |
| 20.735-36 | Indebtedness.                     |
| 20.735-37 | Specific types of conduct.        |

**Subpart D—Special Government Employees, Responsibilities, Ethical and Other Conduct**

- |           |   |
|-----------|---|
| 20.735-41 | Statutes relating to conflict of interest.        |
| 20.735-42 | Restrictions upon special Government employees.   |
| 20.735-43 | Statements of employment and financial interests. |

**Subpart E—Bibliography of Statutes**

- |           |  |
|-----------|--|
| 20.735-51 | Miscellaneous statutory provisions and restrictions. |
|-----------|--|

**Appendices**

APPENDIX A-1 EMPLOYEE CERTIFICATION—U.S. GEOLOGICAL SURVEY

APPENDIX A-2 EMPLOYEE CERTIFICATION—BUREAU OF INDIAN AFFAIRS

APPENDIX A-3 EMPLOYEE CERTIFICATION—BUREAU OF LAND MANAGEMENT

APPENDIX A-4 EMPLOYEE CERTIFICATION—BUREAU OF MINES

APPENDIX A-5 EMPLOYEE CERTIFICATION—MINING ENFORCEMENT AND SAFETY ADMINISTRATION

APPENDIX A-6 EMPLOYEE CERTIFICATION—OFFICE OF THE SECRETARY

APPENDIX B-1 CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS (FORM DI-212)

APPENDIX B-2 CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS (FORM DI-213)

AUTHORITY: The provisions of this Part 20 issued under E. O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964-1965, Comp.; 5 CFR 735.104; 5 U.S.C. 301.

**Subpart A—General Provisions**

**§ 20.735-1 Policy and general responsibilities.**

(a) *Purpose.* These regulations set forth Department policies and identify principal laws and regulations which relate to employee conduct and responsibilities. The regulations are applicable to all regular and special employees of the Department. Exceptions to this general provision are stated in the specific section or paragraph to which they apply.

(b) *General policy.* Employees of the Department are expected to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government. Employees are expected to comply with all Federal statutes, Civil Service Commission regulations and Department regulations. The conduct of employees should reflect the qualities of courtesy, consideration, loyalty to the United States, a deep sense of responsibility for the public trust, promptness in dealing with and serving the public, and a standard of personal behavior which will be a credit to the individual. These principles apply to official conduct and to private conduct which affects in any way the ability of the employee or the Department to effectively accomplish the work of the Department.

(c) *Conformance with policy.* Employees are required to carry out the announced policies and programs of the Department. The right of employees to express personal opinions and points of view will be respected. Such opinions or points of view will not, however, reduce the employee's responsibility to effectively perform the duties which he or she is assigned. An employee is subject to appropriate disciplinary action if he or she fails to carry out any lawful regulation, order, or policy, or deliberately refuses to obey the proper requests of

superiors having responsibility for his or her performance.

(d) *Bureau responsibility* (1) Heads of bureaus and offices authorized to take action under § 20.735-3 shall establish and maintain internal procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of the regulations in this part. Such supplementary guidelines may include specific or additional restrictions applicable to employees of the bureau or office. They shall be approved by the Department Ethics Counselor before they are issued.

(2) Copies of the regulations in this part shall be given to each employee and special Government employee upon entrance to duty. Each bureau and office shall remind its employees and special Government employees of the regulations in this part at least once annually, through a publication or memorandum issued to all employees. In addition, announcements of vacancies in those positions for which a statement of employment and financial interest is required (§ 20.735-22) will alert applicants to the filing requirement.

(e) *Employee responsibility*. It is the responsibility of employees to familiarize themselves, and to comply with the regulations in this part. Employees are expected to consult with their supervisors and personnel officers on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest employees may obtain authoritative advice and guidance from Ethics Counselors, Deputy Ethics Counselors, Assistant Ethics Counselors, or the Department Ethics Counselor (§ 20.735-3). In addition, policy and decision-making officials should be careful in dealing with representatives of private industry so as not to give an opinion or decision contrary to expressed Department or bureau policy. A memorandum of discussion may be prepared to document discussions with representatives of private industry for future reference.

(f) *Conduct codes of specific groups*. Special codes of conduct may be developed, or adopted if established by the profession in which the employee is engaged, by the Department for specific groups of employees engaged in the same occupation or profession. Special codes of conduct may be considered in cases where (1) the number of employees involved is large, or (2) the work is performed by members of the group with minimum direct supervision. Proposals for special codes of conduct including procedures for their implementation will be submitted to the Department Ethics Counselor for approval. The Office of Organization and Personnel Management and the Office of the Solicitor shall concur in such codes before they are issued.

§ 20.735-2 Definitions.

"Bureau." Refers to program-oriented organization of the Department of the Interior, such as the Geological Survey,

Bureau of Mines, or the Mining Enforcement and Safety Administration.

"Office." Refers to the specific offices to which authority to administer employee conduct regulations is delegated by § 20.735-3.

"Employee." Refers to a regular officer or employee of the Department who is appointed or employed to serve more than 130 days in any period of 365 days.

"Executive Order." Refers to Executive Order 11222 of May 8, 1965.

"Special Government Employee." Refers to an employee or officer of the Department of the Interior who is retained, designated, appointed, or employed to perform temporary duties with or without compensation, for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time or intermittent basis (18 U.S.C. 202).

§ 20.735-3 Delegations of authority and channels for counseling.

(a) *Designation of Ethics Counselors*.

(1) The Assistant Secretary-Management is responsible for administering the regulations governing the conduct and responsibilities of employees in the Department of the Interior. The Assistant Secretary-Management shall designate a Department Ethics Counselor who shall:

(i) Provide advice, assistance, and guidance to all levels of Ethics Counselors within the Department.

(ii) Monitor the conflict of interest program, using reports requested of bureaus and offices and periodic audits performed by the Office of Audit and Investigation. These audits will be conducted on a cyclical basis to ensure that each bureau or office is reviewed at least once every three years or upon request of the Department Ethics Counselor.

(iii) Review statements of employment and financial interests for those Department employees cited in § 20.735-22(c) (1).

(iv) Elect to exercise, for reasonable cause, the authorities and responsibilities of any other Ethics Counselor within the Department either for the duration of an individual case or totally for a period not to exceed six months.

(2) Each bureau head, the Solicitor, the Director of the Office of Hearings and Appeals, and the Director of the Office of Water Research and Technology are designated as Ethics Counselors. Ethics Counselors are responsible for administering the regulations governing the conduct and responsibilities of employees in their respective bureaus or offices.

(3) Each Ethics Counselor shall designate the Bureau Personnel Officer (or other qualified headquarters employee) as Deputy Ethics Counselor. Deputy Ethics Counselors may carry out operational duties of the Ethics Counselor within their bureaus or offices under the general direction of the Ethics Counselor, including reviewing statements of employment and financial interests, informally resolving conflict of interest situa-

tions, and answering employee conduct questions.

(4) Each Ethics Counselor may also designate regional or area personnel officers (or other qualified employee) as Assistant Ethics Counselors to perform the operational duties of the Ethics Counselor at the field office level. Assistant Ethics Counselors may be designated within the bureau or office headquarters provided the Department Ethics Counselor concurs in the need for such Assistants.

(5) The Chief, Division of Personnel Services, Office of Secretarial Operations, is designated Deputy Ethics Counselor for employees and special Government employees of the Office of the Secretary and other offices for which personnel services are provided by this division. The Assistant Secretary-Management shall perform the functions of a bureau or office Ethics Counselor with respect to these employees. The Office of Hearings and Appeals, the Office of the Solicitor, the Office of Water Research and Technology, and those employees identified specifically within the responsibilities of the Department Ethics Counselor are excluded from the provisions of this paragraph.

(b) *Channels for counseling*. (1) Each employee and special Government employee shall be informed annually by the bureau or office head of the name, address, and telephone number of the Ethics Counselor whom he or she may contact.

(2) It is the Department's policy to encourage responsible disposition of counseling requests at the level at which they are first received. Ethics Counselors, if located in the field, may seek advice from Regional Solicitors, or from the Associate Solicitor for General Law if located in Washington, D.C. Matters of unusual significance or complexity may be referred through channels to the Department Ethics Counselor.

(3) Employees may also request counseling assistance from the Regional Solicitors or the Associate Solicitor for General Law, as appropriate. Such requests will be made through the Ethics Counselor serving their office.

§ 20.735-4 Sanctions.

Violations of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Such disciplinary action shall be taken in accordance with applicable laws, Executive Orders, or regulations (see Federal Personnel Manual and additions thereto).

Subpart B—Conflict of Interest

§ 20.735-11 Scope of subpart.

(a) *Content*. This subpart prescribes policies and procedures for the avoidance of conflicting interests in connection with an employee's Government position or in the discharge of his or her official responsibilities, and sets out the requirements for reporting and reviewing financial interests and outside employment.

## RULES AND REGULATIONS

(b) *Types of requirements.* All employees are subject to two types of requirements in connection with apparent or actual conflicting financial interests. One is a criminal statute, 18 U.S.C. 208, which by its terms prohibits participation by any employee in certain official activities where he or she has a conflicting personal financial interest. Other requirements have been established under Executive Order 11222. The Executive Order and Civil Service Commission regulations require that employees occupying certain Government positions must report all personal interests and outside employment by filing a statement of employment and financial interests. The statute and the Executive Order have the common objective of deterring the occurrence of conflicting financial interest situations. The statute prohibits and punishes, while the Executive Order requires the statement of employment and financial interests which is intended to serve as an aid to the employee and those who review his or her statement in avoidance of the conflicting situation through advice and counseling.

(c) *General applicability.* The requirements of 18 U.S.C. 208 apply to all employees of the Department notwithstanding the requirement under this subpart for filing a statement of employment and financial interests by certain employees. All employees shall avoid acquiring a financial interest or taking any action that could result in a violation of 18 U.S.C. 208 or of these regulations.

#### § 20.735-12 Statutory prohibitions.

(a) The statutes generally spoken of as the conflict of interest laws, insofar as they relate to regular employees, are sections 203, 205, 207, 208, and 209 of Title 18 of the United States Code. The Department of Justice, in a memorandum of January 28, 1963 (28 FR 985; 18 U.S.C. 201, note) summarized the main provisions of conflict of interest laws as follows:

A regular officer or employee of the Government—that is, one appointed or employed to serve more than 130 days in any period of 365 days—is in general subject to the following major prohibitions (the citations are to the new sections of Title 18 of the United States Code):

1. He may not, except in the discharge of his official duties represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United

States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restraint described in paragraph 3 if the matter is one in which he participated personally and substantially.

5. He may not receive any salary, or supplementation of his Government salary, from a private source as compensation of his services to the Government (18 U.S.C. 209).

(b) In addition to the general provisions contained in Title 18 U.S.C. the following restrictions are imposed specifically on selected Department of the Interior employees by other statutes.

(1) 43 U.S.C. 11 applies to the Bureau of Land Management employees. Section 11 provides:

The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

An employee, or the spouse of an employee, or the spouse of an employee, stationed in Alaska may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in the State of Alaska.

(2) 30 U.S.C. 6 imposes certain restrictions upon Bureau of Mines employees. Section 6 provides:

In conducting inquiries and investigations authorized under sections 1, 3, and 5 to 7 of this Title neither the Director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property.

Nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, at a compensation not to exceed \$10 per day, in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

(3) 43 U.S.C. 31(a) imposes certain restrictions upon Geological Survey employees. Section 31(a) provides in part:

The Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

Employees of the Geological Survey are restricted by section 31(a) from holding personal or private interests, direct or indirect, in lands whose title is in the United States. They are also restricted from holding personal or private interest, direct or indirect, in the mineral wealth of such lands. This latter provision is extended by 20.735-13(b) to restrict employees of the Geological Survey from holding substantial personal or private interests, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

(4) 25 U.S.C. 68, which concerns trading with Indians provides:

No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of \$5,000, and shall be removed from his office.

#### § 20.735-13 Specific prohibitions imposed by regulations.

(a) *Mining Enforcement and Safety Administration employees.* Neither the Administrator nor any member of the Mining Enforcement and Safety Administration shall have any personal or private interest, direct or indirect, in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property. Nothing herein shall be construed as preventing the temporary employment by the Mining Enforcement and Safety Administration in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by the Mining Enforcement and Safety Administration. The Administrator of the Mining Enforcement and Safety Administration may authorize exceptions to this restriction on an individual basis for cause.

(b) *Geological Survey employees.* In addition to the statutory restrictions cited in § 20.735-12(b) (3), employees of the Geological Survey shall not hold substantial personal or private interests, direct or indirect, in any private mining enterprise doing business in the United States. The Director of Geological Survey may authorize exceptions to this restriction on an individual basis for cause.

(c) *Office of the Secretary.* The statutory restrictions quoted in § 20.735-12(b) shall also apply to the employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a statement of employment and financial interests. The Secretary may authorize exceptions to these restrictions for individual employees or a class of employees for cause.

#### § 20.735-14 Indian and Alaska Native organizations.

(a) *General restrictions.* Indian and Alaska Native employees are subject to the general restrictions on financial interests set forth in § 20.735-15 and on outside work set forth in § 20.735-16.

(b) *Special conditions.* Many Indian or Alaska Native employees of the Department, especially within the Bureau of Indian Affairs are members of federally recognized tribes, bands, pueblos or corporations created under the Alaska Native Claims Settlement Act. These employees cannot absolve themselves of tribal membership or ownership in Indian or Alaska Native corporations. Additionally, by operation of law and

policy, the Bureau of Indian Affairs must give preference to Indians in all personnel actions, and is pursuing a policy of Indian Self-Determination. In recognition of these factors, membership in an Indian tribe, band or pueblo which receives services from Interior or ownership of interests in an Indian or Alaska Native corporation established under the Indian Reorganization Act or the Alaska Native Claims Settlement Act shall not be considered a conflicting interest except as restricted by the provisions of this section. Ownership of interests in an Indian or Alaska Native corporation shall be reported by the employee on the statement of employment and financial interests whenever such a statement is required.

(1) An Indian or Alaska Native employee of the Bureau of Indian Affairs may not serve as an officer or representative of his or her tribe, band, pueblo or corporation if the tribe, band, pueblo or corporation is within the jurisdiction or area of responsibility of the office to which the employee is assigned.

(2) An Indian or Alaska Native employee of the Department shall not make nor participate in a substantial manner in any decision of the Department if he has a private direct interest as defined in § 20.735-15(b) in the results of the decision. If the decision is one which the employee would be expected to make if he or she had no direct interest, the matter shall be referred to the next higher authority of the Department which does not have such private direct interest in an appropriate form but without recommendation by the employee having a private direct interest.

(3) The restrictions stated in this section shall apply to temporary and intermittent employees and consultants employed by the Department except employees or consultants who are members of boards or other organization, which have as a principal purpose consultation with the Department or Bureau of Indian Affairs on the programs and policies of the Department related to Indians and Alaska Natives.

(4) The terms "officer or representative" as used in this section mean the occupant of an elective or other position in the official governing body of the tribe, band, pueblo or corporation or any position of the governing body which carries with it the right to vote in the proceedings of the body or to make substantial decisions on behalf of the governing body.

(c) *Exceptions.* The Commissioner of Indian Affairs may make exceptions to the restrictions contained in this section when circumstances justify. Criteria and procedures for such exceptions shall be published by the Commissioner with the approval of the Department Ethics Counselor and provided to the Indian and Alaska Native organizations to which the restrictions apply.

§ 20.735-15 Financial interests.

(a) No Department employee shall:

(1) Have a direct or indirect financial interest that conflicts substantially, or

appears to conflict substantially, with his or her Government duties and responsibilities.

(2) Engage in, directly or indirectly, a financial transaction resulting from, or primarily relying on, information obtained through his or her Government employment.

(3) Have an interest in a contract with the Government or with the Indians for the purchase, transportation, or delivery of goods or supplies for the Indians (18 U.S.C. 437). While Federal employees may, under regulations of the Secretary, purchase products, services or commodities from Indians, such purchases may not be made for the purposes of resale (25 U.S.C. 87(a)).

(b) *Definitions:*

"Apparent Conflict." A situation where a reasonable member of the public could suppose an employee to be in conflict, even though he or she might not be.

"Conflict." A situation where an employee's public duty is or will be affected by his or her interest, such as when the employee owns or has an interest in a company, land, or other entity, which is or will be affected by operations or decisions he or she makes or in which he or she is involved.

"Direct Interest." Ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest includes the holdings of a spouse and minor child. The holdings of other relatives who live in the employee's home are also considered to be direct interest of the employee.

"Indirect Interest." Ownership of a financial interest by an employee in the name of another person where the employee still reaps the benefits. This is considered the same as a Direct Interest insofar as these regulations are concerned (except as qualified by § 20.735-24(a) (3) and (4)).

§ 20.735-16 Outside work and interests.

(a) *Policy.* Outside work is permitted to the extent that it does not prevent an employee from devoting his or her primary interests, talents, and energies to the accomplishments of his or her work for the Department or tend to create a conflict between the private interests of an employee and the employee's official responsibilities. The employee's outside work shall not reflect discredit on the Government or the Department.

(b) *Definitions:*

"Active Proprietary Management." An outside work business affiliation in which ownership is coupled with responsibility for day to day management efforts in making decisions, supervising operations, dealing with the public, and otherwise discharging essential tasks in the direction of the business.

"Outside Work." All gainful employment other than the performance of official duties including but not limited to self-employment, working for another employer, the management or operation of a private business business for profit (including personally-owned businesses, partnerships, corporations, and other business entities).

(c) *Restrictions.* (1) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his or her Government employment. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest falls in this category. Incompatible activities include but are not limited to outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner.

(2) An employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This includes acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest.

(3) A Bureau of Mines or Mining Enforcement and Safety Administration employee may not work on any private report as to the valuation or the management of any mine or other private mineral property with or without remuneration.

(4) A Geological Survey employee may not work on any surveys or examinations for private parties or corporations with or without remuneration.

(5) Active proprietary management of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his or her primary employer, the Federal Government. Employees are especially urged to seek the advice of their Ethics Counselors before committing themselves to such activities.

(6) An employee shall not perform outside work:

(i) Which is of such a nature that it may be reasonably construed by the public to be the official act of the Department; or

(ii) Which involves the use of Government facilities, equipment, and supplies of whatever kind; or

(iii) Which involves the use of official information not available to the public.

(7) While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work he or she performs for the Government, no employee may perform outside work:

(i) If the work is such that the employee would be expected to do it as a part of his or her regular duties; or

(ii) If the work involves active proprietary management of a business closely related to the official work of the employee; or

(iii) If the work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.

## RULES AND REGULATIONS

(8) A Government employee shall not use his or her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person particularly one with whom he or she has family, business or financial ties.

(9) This section does not preclude an employee from:

(i) Participation in the activities of national or state political parties which are not otherwise prohibited by law (§§ 20.735-37 (i) and (j)); or

(ii) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

#### § 20.735.21 Certificates of disclaimer

Each employee covered by the restrictions in § 20.735-12 and § 20.735-13 will sign a certificate upon entrance to duty or upon transfer between bureaus or offices indicating that he or she is aware of the restrictions pertinent to his or her employment and that he or she is in compliance with such restrictions. Each employee currently employed and covered by one or more of the restrictions in § 20.735-12 and § 20.735-13 will sign such a certificate within 120 days of the effective date of these regulations unless the head of the bureau or office concerned determines that a similar certificate previously signed by the employee is adequate. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action under the provisions of § 20.735-23 through 25. (See Appendix A for applicable certificate.)

#### § 20.735-22 Employees required to file statements of employment and financial interests: Manner of Filing.

(a) *Who shall file.* Each employee whose position is listed in Appendix C to this part shall file a Statement of Employment and Financial Interests (form DI-212). The head of each bureau or office will annually review and update the related portion of Appendix C to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than April 30 of each year. The Secretary may revise Appendix C by the addition or deletion of positions at any time he determines such revisions are required to carry out the purpose of law, the Executive Order, the Civil Service Commission regulations, or the regulations of this part. Additions to, deletions from, and other amendments of the list of positions in Appendix C are effective upon actual notification to the incumbents that the change affecting their position has been approved by the Civil Service Commission. The amended Appendix C shall be submitted annually for publication in the FEDERAL REGISTER. Employees are and shall be included in the Appendix C pursuant to the following criteria:

(1) Employees paid at a level of the Federal Executive Schedule in subchapter II of chapter 53 of Title 5, United States Code.

(2) Employees in administrative law judge positions regardless of pay level.

(3) Employees classified at GS-13 or above (or comparable pay level) who are in positions whose duties and responsibilities require making a Government decision or taking a Government action which could result in a conflict of interest. Examples (not all-inclusive) of such duties are:

Contracting and procurement.  
Administering or monitoring grants, loans or subsidies.

Selecting concessioners, approving or administering concessions contracts, or approving concessions management policies.

Regulating, auditing, or inspecting private or other non-Federal enterprise.

Recommending policy for private or other non-Federal enterprise.

Sitting on special committees that may influence policies on private or other non-Federal enterprise.

Appraising or acquiring real estate for the Government.

Enforcing Federal laws.

Conducting other activities where the decision or action has an economic impact on the interests of any private or other non-Federal enterprise.

(4) Employees in other positions classified at GS-13 or above (or comparable pay level) who are in positions whose duties and responsibilities may create an appearance of a conflict of interest. Presidential Interchange Executives and other employees on loan to the Department from industry or other non-Government agency are included under this requirement. Others which may be included are those positions involving such duties as the following:

Participation in the decision-making process on matters that may affect private or other non-Federal enterprise.

Planning or developing activities that may affect private or other non-Federal enterprise.

Reviewing results of operations.  
Meeting with public media personnel or preparing and disseminating public information.

Supervising others who must file employment and financial interest statements.

Analyzing or reviewing economic data relating to or of potential value to non-Federal enterprise.

Conducting any other activities that could have an economic impact on the interests of any private or other non-Federal enterprise.

(5) Employees classified at GS-12 or below who are in positions that meet the criteria for positions at GS-13 or above and also:

Who have duties similar to those of a GS-13 in the same occupation in those areas of responsibility where a significant potential for conflict of interest exists.

Who function with a minimum of supervision either because of the nature of their job or because of remote location.

Who make Government decisions that directly affect the economic interests of any private or other non-Federal enterprise.

(6) Filing by employee on temporary assignment or detail.

(i) In some instances, temporary assignments or details will involve employees in policy or decision-making situations different from those in the employee's regular position. An employment and financial interest statement may be necessary, either because the position to which the employee is temporarily assigned is listed in the appendix to this regulation, or because the bureau or office head, task force leader, or project manager, may decide the temporary or detail position requires it.

(ii) In these instances, the temporarily assigned or detailed employee shall file an employment and financial interest statement before the effective date of the assignment or detail, or, if the employee has a statement on file, it shall be updated and reviewed by the applicable Ethics Counselor for conflict or possible conflict with the employee's new duties.

(iii) Each bureau or office is responsible for implementing § 20.735-22(a) (6) (ii) so that statements are filed or updated and reviewed. Assignments of 30 days or less are exempt from the requirement.

(b) *When to file.* Each employee required to file a statement of employment and financial interest shall file such a statement on Form DI-212. (See Appendix B.) The Ethics Counselors shall notify each such employee and furnish the form to the employee by June 15 of each year. The employee shall file a completed statement of employment and financial interest with the appropriate Ethics Counselor:

(1) By no later than July 31 of each year showing holdings and interests as of June 30, or

(2) Within thirty days after notification that his or her position has been added to the list in Appendix C, or

(3) At the time of entrance on duty if a new employee. Persons transferring between bureaus or offices will be treated as new employees.

(c) *Where to file.* (1) The Department Ethics Counselor, his or her immediate supervisor, and the Assistant Secretary-Management will file statements with the Under Secretary.

(2) Persons in the following positions will file statements with the Department Ethics Counselor: The Under Secretary; Deputy Under Secretaries; Assistants to the Secretary; Solicitor and Deputy Solicitor; Assistant and Deputy Assistant Secretaries; Heads of bureaus and offices; the High Commissioner and Deputy High Commissioner of the Trust Territory; the Governor and Secretary of American Samoa; and such others as the Secretary may designate.

(3) Employees in the Office of the Solicitor (except for the Solicitor and Deputy Solicitor) will file statements with the Solicitor or the Deputy Ethics Counselor for the Office of the Solicitor, as the Solicitor may direct.

(4) Employees in the Office of Hearings and Appeals (except for the Director) will file statements with the Director, Office of Hearings and Appeals or the Deputy Ethics Counselor for the Of-

fice of Hearings and Appeals as the Director may direct.

(5) Employees in the Office of Water Research and Technology (except for the Director) will file statements with the Director, Office of Water Research and Technology or the Deputy Ethics Counselor for the Office as the Director may direct.

(6) Employees and special Government employees in the Office of the Secretary and in other Department offices, except those employees mentioned in paragraph (c) (1), (2), (3), (4), and (5), of this section will file statements with the Chief, Division of Personnel Services, Office of Secretarial Operations.

(7) Employees and special Government employees in bureaus (except for the head of the bureau) will file statements with the bureau head, Deputy Ethics Counselor, or the Assistant Ethics Counselor as the head of the bureau may direct.

(d) *What to report.* (1) Employees will report all information required on form DI-212 (Appendix B-1). An employee is not required to report connection with, or interest in:

(i) A professional society;

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(2) Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and 13), an employee may also exclude:

(1) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry.

(ii) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(3) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans must be reported by employees on form DI-212. Such interests shall be reviewed on a case by case basis to assure that they do not place the employee in a conflict or appearance of conflict situation.

(4) If any information required to be included on a statement of employment and financial interests or supplementary statement is not known to the employee but is known to another person, the employee shall request that other person to submit information on his behalf of form DI-212 to the appropriate Ethics Counselor. This requirement may be waived for holdings in an approved blind trust (§ 20.735(a)(3)).

(e) Confidentiality of employees' statements.

(1) Each statement of employment and financial interests is a "Nonsecurity Confidential" document and will be held in confidence. The statement will be transmitted in a blue envelope so marked by the employee to the Ethics Counselor designated in paragraph (c) of this section. Ethics Counselors are responsible for maintaining the statements in strict confidence. Employees having access to statements shall not allow information to be disclosed from statements except to those individuals who must have access in order to carry out responsibilities assigned by these regulations or specific law.

(2) Statements of employment and financial interest will be retained by the Ethics Counselors who actually perform the review. The personnel office holding the employee's official personnel folder must be notified when the review has been completed. All statements shall be destroyed two years after an employee leaves a position in which a statement is required or two years after the employee leaves the Department, whichever is earlier.

§ 20.735-23 Review and analysis of statements.

(a) Each employee and special Government employee statement shall be reviewed by the Ethics Counselor with whom it is filed by no later than August 31 of each year to ensure that the employee is in compliance with these regulations. The Ethics Counselor may consult with the Regional Solicitor, or the Division of General Law of the Office of the Solicitor in Washington, as the case may be (§ 20.735-3(b)(2)), in the conduct of the review. The Ethics Counselor will exercise judgment and reasonableness in reviewing statements, but will be alert to potential conflicts, actual conflicts, or apparent conflicts which may be indicated.

(b) In the event that an employee's statement of employment and financial interest reflects a potential conflict, conflict, or apparent conflict, the Assistant or Deputy Counselor shall endeavor to resolve the matter informally with the employee. If it cannot be so resolved, the employee's statement, and a full report of efforts made to determine the existence or non-existence of conflict and to resolve it shall be referred to the bureau or office Ethics Counselor for appropriate action under § 20.735-24.

(c) The Department Ethics Counselor shall be advised by memorandum of the final disposition of each employee's statement of employment and financial interest which reflects a potential conflict, conflict, or apparent conflict. Such reports are required from each Assistant, Deputy or bureau or office Ethics Counselor reviewing the statement.

(d) At all stages in the review process employees shall be provided full opportunity to offer information and explanation prior to a final determination.

(e) Each bureau and office shall certify to the Department Ethics Counselor that all required reviews of statements

have been completed. Certificates are required annually by no later than September 15.

§ 20.735-24 Procedures for resolving conflicts of interest.

(a) *Remedial action to affect resolution.* Violations of the regulations in this part, including the statutory regulations which are incorporated, by an employee or special Government employee may be cause for mandatory remedial action. If the bureau or office Ethics Counselor decides that remedial action is required, immediate action shall be initiated to eliminate the conflict or appearance of conflict of interest within a reasonable time, generally ninety days. Remedial action may include any of the following actions:

(1) *Reassignment or restriction of the employee.* If an employee is in a job where there is a conflict of interest, it may be possible to reassign the employee to another job where no such conflict would exist. It may also be possible to restrict the employee from performing the particular duties that are creating the conflict or the appearance of a conflict of interest. Although the number of cases where this remedy can be used should be rare, the possibility should be explored before divestiture of interest is ordered.

(2) *Divestiture of the interest.* If the conflict involves the ownership of stocks, lands, etc., or outside employment or business interest, the bureau or office Ethics Counselor may order the employee to divest himself/herself of the stocks, land, or business interest or to discontinue outside employment, whichever is appropriate. Divestiture of interest shall be ordered in all situations where reassignment or restrictions of an employee will not resolve the conflict or where the conditions for a trust described below are not met.

(3) *Establishment of a Blind Trust.* The Department Ethics Counselor may allow an employee the option to place holdings in a blind trust. A blind trust is established when by written agreement, the employee gives complete control and legal title to a trustee. Employees are permitted to use a blind trust unless such an action is specifically precluded by a statutory restriction (§ 20.735-12). In order to be acceptable as a remedy for a conflict of interest situation, the blind trust must meet the following conditions:

(i) Employees shall have no knowledge of and no control over the holdings in the trust.

(ii) Employees must direct the trustee to divest the corpus of those holdings which created the conflict of interest. Such divestiture is required as soon as reasonably possible.

(iii) Employees must direct the trustee not to acquire holdings which would or could create a conflict of interest situation.

(iv) The agreement must cover all required matters and must be approved in advance by the Department Ethics Counselor and the Office of the Solicitor.

## RULES AND REGULATIONS

(4) *Other forms of trust.* Employees who have preexisting trusts or inherited trusts (not established by themselves) may, in rare instances and on a case-by-case basis received authorization to continue the trust provided the employee has no control over its management or assets.

(b) *Authority to order remedial action.* (1) Each bureau or office Ethics Counselor is authorized and shall order resolution of conflict of interest situations within their bureaus and offices. The advice of the Solicitor or Department Ethics Counselor may be sought before such an order is issued. This authority may not be redelegated.

(2) The Assistant Secretary-Management will be responsible for ordering resolution of conflict of interest situations for employees who file with the Chief, Division of Personnel Services, Office of Secretarial Operations (§ 20.735-22(c) (4)).

(3) The Under Secretary is responsible for ordering resolution of conflict of interest situations for employees who file with the Under Secretary (§ 20.735-22(c) (1)) or the Department Ethics Counselor (§ 20.735-22(c) (2)) except for situations involving himself or herself and Assistants to the Secretary.

(4) The Secretary shall order resolution of conflict of interest situations involving the Under Secretary and Assistants to the Secretary.

(c) *Disciplinary action.* An employee who refuses to comply with an order for remedial action shall be considered to be in violation of these regulations and may be subject to disciplinary action including suspension or removal from his position as provided by § 20.735-4.

#### § 20.735-25 Appeals procedures.

(a) *Employee's complaint on filing requirement.* Any employee required to file a statement of employment and financial interest under § 20.735-22 shall be given an opportunity for review through the Department's grievance procedure as to whether his or her position has been improperly included.

(b) *Employees complaint on conflict of interest decision.* (1) An employee has the right to appeal an order for remedial action under § 20.735-24 and shall have 30 days to exercise this right before any disciplinary action is initiated. Appeals shall be made in writing.

(2) Orders for remedial action issued by a bureau or office Ethics Counselor may be appealed to the Assistant Secretary-Management whose decision shall be final.

(3) Orders for remedial action issued by the Assistant Secretary-Management may be appealed to the Under Secretary, whose decision shall be final.

(4) Orders for remedial action issued by the Under Secretary may be appealed to the Secretary whose decision shall be final.

(5) Each appeal shall be considered by a review board consisting of the Department Ethics Counselor, a representative of the Solicitor, and a representative of the Office of Organization and

Personnel Management. The review board shall:

(1) Obtain from the appropriate Ethics Counselor a full statement of actions and considerations which led to the order for remedial action including any supporting documentation or files used by the Ethics Counselor.

(ii) Obtain from the employee all information, exhibits or documents which he or she feels should be considered before a final decision is made.

(iii) Provide to the official who will decide the appeal an advisory recommendation on the appeal. The views of dissenting members of the review board shall also be provided.

(6) An employee may request that a final decision made under the procedures in this paragraph be reviewed through the Department's grievance procedures.

#### Subpart C—Ethical & Other Conduct and Responsibilities of Employees

##### § 20.735-31 Scope of Subpart.

(a) *Standards of conduct.* This subpart contains policies, procedures and restrictions concerning the ethical and other conduct and responsibilities of employees in the discharge of their official responsibilities. Civil Service regulations state that any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct on the part of a Federal employee is cause for his or her removal from the service of the Government. Employees are expected to maintain high standards of ethical, moral, and other conduct and to avoid any actions which could reflect adversely on the Department or the Government service or which would jeopardize the employee's effectiveness in dealings with his peers, supervisors, and the public.

##### § 20.735-32 Gifts, entertainment, and favors.

(a) *Soliciting or accepting gifts.* Except as provided in paragraph (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with this Department;

(2) Conducts operations or activities that are regulated by this Department; or,

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duty.

(b) *Voluntary donations.* Except as specifically authorized by law, employees are not authorized to accept on behalf of the United States voluntary donations from private sources for travel expenses in the form of cash, or of services in kind, such as hotel accommodations. Bona fide reimbursement for actual expenses for travel and such other necessary subsistence may be accepted if no Government payment or reimbursement is made. However, an employee may not be reimbursed or payments made for him for excessive personal living expenses, gifts or

entertainment or if such reimbursement is prohibited by law relating to the specific situation in which it is offered. An employee who is officially directed to participate in a convention, seminar, or similar meeting of an association on an active duty basis and is authorized to receive per diem and other travel expenses from the Government, shall not accept travel, subsistence, or payment of other expenses from the association or outside organization (46 CG 689).

(c) *Exclusions.* (1) The prohibitions of subparagraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) An employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) An employee may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans;

(4) An employee may accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value.

(d) *Actions to be avoided.* An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(e) *Soliciting contributions.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as a marriage, illness, or retirement.

(f) *Gifts from foreign government.* An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. It is Congressional policy that employees and their families shall not accept or retain gifts except under the following circumstances:



(1) When the gift is of minimal value and the gift is tendered as a souvenir or mark of courtesy;

(2) When refusal of a gift of more than minimal value would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States it may be accepted. However:

(i) If gifts of more than minimal value are accepted they shall not be retained. They must be deposited with the Chief of Protocol, Department of State, unless he has authorized the Agency to retain the gift for official use (22 CFR 3.5).

(ii) If a gift of more than minimal value is tendered in the form of travel or accommodation expenses, the offer should be referred to the Department of State for handling in accordance with the authorities of that Department.

(iii) "Minimal value" is defined as a retail value that would not exceed \$50 in the United States.

**§ 20.735-33 Teaching, lecturing and writing.**

(a) *General Policy.* Employees are encouraged to engage in teaching, lecturing, or writing that is not prohibited by law, the Executive Order, Civil Service regulations or the regulations of this part.

(b) *Using information obtained because of employment.* An employee shall not teach, lecture, or write using information obtained because of his or her Government employment, except when that information has been or on request will be made available to the general public, or when the Secretary of the Interior or his designee gives written authorization that use of non-public information is in the public interest.

(c) *Preparing persons for examinations.* An employee shall not teach, lecture, or write to prepare a person or class of persons for an examination given by the Civil Service Commission or the Board of Examiners for the Foreign Service.

(d) *Officers and officials.* The Secretary, the Under Secretary, Assistant Secretaries, heads of bureaus and other Department officers, and key full-time officials who report directly to the Secretary as his principal assistants, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance the subject of which:

(1) Is devoted substantially to the responsibilities, programs, or operations of this Department; or

(2) Draws substantially on official data or ideas which are not part of the body of public information.

**§ 20.735-34 Government property.**

(a) *General responsibility.* Employees shall be held accountable for Government property and moneys entrusted to their individual use or in connection with their official duties. It is their responsibility to protect and conserve Government property and to use it economically and for official purposes only.

(b) *Misuse of Government vehicles.* Employees shall not use or authorize the

use of a Government-owned or leased motor vehicle for other than official purposes. (Interior Property Management Regulations 114-38.50.)

(c) *Misuse of Government aircraft.* Employees shall not use or authorize the use of a Government owned or leased aircraft for other than official purposes. (Interior Property Management Regulation 114-38.5312).

**§ 20.735-36 Indebtedness.**

(a) *Employee responsibility.* An employee:

(1) Should pay each just financial obligation (one either acknowledged by the employee or reduced to judgment by a court);

(2) Must refund salary overpayments, travel expense advances, and pay income taxes when due so as not to embarrass the Department;

(3) Must pay a final determination of indebtedness for state or local taxes so as to prevent embarrassment to the Department.

(b) *Department responsibility.* The Department will not act as a collection agency for private debts owed by its employees, except as required by law, nor does the Department, or any bureau or office, determine the validity or amounts of disputed debts.

(c) *Access to employees.* Whether by telephone or otherwise, creditors or collectors shall not have access to employees on premises occupied by the Department during working hours. If, nevertheless, the employee is approached during working hours, he shall inform the creditor or collector that he is not allowed to transact private business during official hours and that any discussions must be held after hours and away from Department premises.

(d) *Disciplinary action.* An employee may be subject to removal if his failure to meet just financial obligations becomes chronic or causes an embarrassment to or places undue burden on the Department. A decision to remove an employee for these reasons must be taken with full consideration for any extenuating circumstances over which the employee has no control, such as sickness, accident, or death in the family.

**§ 20.735-37 Specific types of conduct.**

(a) *Negotiations for employment.* It is the policy of the Department that employees shall not negotiate for future non-Federal employment with persons or organizations having business with the Department which the employee is called upon to officially render advice on or make judgments about. In the event that an employee desires to negotiate for such employment, he or she shall request permission from his or her supervisor. The supervisor will consult with the appropriate Ethics Counselor. If the supervisor and the Ethics Counselor determine that the proposed negotiations will not adversely affect the Government's interests, the supervisor may authorize the employee to proceed to negotiate.

(b) *Selling or soliciting.* Employees and other persons are prohibited from selling

or soliciting for personal gain within any building or on any lands occupied or used by the Department without proper permission.

(c) *Gambling activity.* An employee shall not participate while on duty for the Government in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket. However, this paragraph does not preclude activities:

(1) Necessitated by the employee's law enforcement duties; or

(2) Carried out by employees to solicit their own members for support of employee organizations or welfare funds under policies and procedures approved by the Department.

(d) *Money lending activities.* The practice of money lending between or among employees is to be discouraged. Organized financial lending activities by employees, except when officially sponsored by the Department, are prohibited. Properly constituted employee credit unions that provide various financial services to employee members are sanctioned.

(e) *Endorsements.* Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(f) *Habitual use of intoxicants.* An employee who habitually uses intoxicants to excess is subject to removal (5 U.S.C. 7352). Disciplinary action will be considered if an employee rejects or ignores treatment or other appropriate assistance.

(g) *Community and professional activities.* Employees are encouraged to participate in the activities of professional societies and civic organizations whose purpose and objectives are not inconsistent with those of the bureau in which they are employed or of the Department. However, such participation must not affect adversely an employee's performance at his regularly assigned duties.

(h) *Budget estimates and legislation.* Since the enactment of the Budget and Accounting Act of 1921, it has been Executive policy to consider budget estimates transmitted to the Congress with the approval of the President to be binding upon the executive departments and agencies. Employees are expected to conform to this policy by refraining from efforts to promote an increase in the Department budget as approved by the President. Employees are also required to refrain from promoting or opposing legislation relating to programs of the Department without the official sanction of the proper Department authority. It should be clearly understood, however, that nothing in this policy is to be considered as restraining or interfering with the obligation of employees to respond freely and candidly to any congressional

inquiries made of them in regard to appropriations or related matters.

(i) *Political activity.* Subchapter III of Chapter 73 of Title 5, United States Code (formerly referred to as the Hatch Act) states generally that employees may not use their official authority or influence for the purpose of interfering with an election or affecting its results, and they may not take an active part in political management or in political campaigns. An employee is subject to dismissal for violation. (5 CFR Part 733 and Chapter 733, Federal Personnel Manual.) Information regarding the prohibition against employees engaging in political activity, including certain exceptions, is contained in Pamphlet 20 "Political Activity of Federal Officers and Employees", issued by the Civil Service Commission.

(j) *Political affiliation.* Under the Civil Service regulations, no person in the Executive Branch with authority to take or recommend a personnel action relative to a person in, or an eligible candidate or applicant for, a position in the competitive service, may make inquiry concerning his political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Executive Branch against or in favor of an employee in, or an eligible candidate or applicant for, a position in the competitive service because of his political affiliation (5 CFR, Part 733, and Chapter 733, Federal Personnel Manual).

(k) *Equal employment opportunity policies.* It is the policy of the Federal Government that there shall be no discrimination based on such factors as race, creed or religion, color, national origin, political affiliation, physical handicap, sex, age, union membership or non-membership, and similar matters not related to merit and fitness.

(l) *Nepotism.* Employment by reason of blood or marriage relationships rather than merit is prohibited. No employee shall supervise a member of his family except in emergency situations such as forest fires, floods, earthquakes, or at isolated field stations or where there is a shortage of quarters. Exceptions in other situations may be made with the approval of the head of the bureau or office. (Regarding summer employees, refer to current Department directives.)

(m) *Employee organizations.* An employee may not be a member of an organization of Government employees that advocates the overthrow of our constitutional form of government in the United States (5 U.S.C. 7311). Employees are also prohibited from striking against the Federal Government. Further information regarding employee affiliation with employee organizations is found in the Departmental Manual, Part 370, Chapter 711, Labor Management Relations.

(n) *Patents.* Patent regulations issued by the Secretary, 43 CFR 6, define the rights and obligations of employees with respect to any inventions made or developed while they are employed in the De-

partment. Under the regulations each employee shall submit a report on any invention made or developed to the Solicitor, through supervisory channels. This includes inventions developed on Government time and those developed on the employee's time and with his materials.

(o) *Practitioners.* The Department has adopted regulations and restrictions applicable to individuals who practice before the Department. These are included in 43 CFR 1. Former officers or employees, including special Government employees, cannot practice at any time with regard to matters in which they participated personally and substantially as a Government employee through decision, approval, disapproval, or recommendation. Also, if a period of one year has not passed since the termination of their employment with the Government, they cannot practice with regard to any matter that was under their official responsibility.

(p) *Notary.* An employee is prohibited from charging fees for performance of any notarial act for any employee of the Federal Government in his official capacity or for any person during the hours of such notary's service to the Government (E.O. 977, Nov. 24, 1908).

(q) *Franking Privilege and Official Stationery.* An employee is prohibited from using Government franked envelopes, with or without applied postage, or official letterhead stationery for personal business (18 U.S.C. 1719).

(r) *Fraud or False Statements in a Government matter.* Employees are responsible for certification on Government documents issued by them. Special attention is required in the Certification of Time and Attendance Reports, Applications for Employment, Requests for Travel Reimbursement, and Purchase Orders and Receiving forms (18 U.S.C. 1001).

(s) *Embezzlement of Government property.* Employees shall not convert, even temporarily on loan, for personal use any Government property or equipment; nor use Government purchase authority, even though reimbursement is made, for personal acquisitions (18 U.S.C. 641, 643, and 654).

(t) *Use of Official Title.* Employees are prohibited from using their official titles in conducting private business or participation in private or public groups activities. Use is strictly limited to those occasions and circumstances where representation is official.

(u) *Carrying of Weapons.* Employees, except those specifically designated to perform enforcement, police or similar duties requiring the use of firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior. Notwithstanding this paragraph, employees may carry firearms on Interior lands under the same conditions and in accordance with procedures and authorization established for members of the general public.

#### Subpart D—Special Government Employees Responsibilities, Ethical and Other Conduct

##### § 20.735-41 Statutes relating to conflict of interest.

The Department of Justice in a memorandum of January 28, 1963, (28 FR 985; 18 U.S.C. 201 note), summarized the major provisions of the conflict of interest laws insofar as special Government employees are concerned as follows:

1. (a) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205).

(b) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in subparagraphs (a) and (b) apply to both paid and unpaid representation of another. These restrictions in combination are, of course, less extensive than the one described in the corresponding paragraph 1 in the list set forth above with regard to regular employees.

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restriction described in paragraph 3 if the matter is one in which he participated personally and substantially.

##### § 20.735-42 Restrictions upon special Government employees.

In most instances, special Government employees are subject to the Federal statutes relating to standards of conduct the same as regular employees. Although all these statutes are not referenced in these regulations, the more pertinent ones are listed § 20.735-51(a). The special Government employee should become acquainted with these. In addition, the attention of the special Government employee is directed to the following regulations which are of particular application and relate to the area of ethical conduct as a special Government employee:

(a) *Use of Government employment.* A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance

of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

(b) *Use of inside information.* A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) Special Government employees may teach, lecture, or write in a manner not inconsistent with the provisions governing employees (see § 20.735-31).

(c) *Coercion.* A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favors.* Except as provided in § 20.735-32(a), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

**§ 20.735-43 Statement of employment and financial interests.**

(a) Each special Government employee who occupies a position of consultant or expert shall file a statement of employment and financial interests as provided in paragraph (b) of this section. A special Government employee who does not occupy a position of consultant or expert shall, nonetheless, file such a statement if the position is found by the appointing officer to be of such a nature or at such a level of responsibility that the submission of a statement is necessary to protect the integrity of the Government. Special Government employees occupying positions other than those mentioned in this paragraph are not required to file statements.

(b) Special Government employees who are required to submit statements of employment and financial interests pursuant to paragraph (a) of this section shall fill out and submit to the appropriate Ethics Counselor designated in § 20.735-22, form DI-213, "Statement of Employment and Financial Interests." This form provides for the reporting of:

- (1) All employment, including employment without compensation; and
- (2) All financial interests, including any interest held by the spouse or minor child or relation living in the same household of a special Government Employee. The special Government employee is not required to report connection with, or interest in:

- (i) A professional society;
- (ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(iii) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry.

(iv) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies;

(c) In an instance involving the proposed employment of a special Government employee for highly specialized and limited duties, the head of a bureau or office may propose to the Department Ethics Counselor a reporting of financial interests restricted to such interests as may be determined to be relevant to the duties the special Government employee is to perform. If a restricted reporting of financial interests is approved by the Department Ethics Counselor in advance of employment, Form DI-213 may be revised to reflect the narrower requirement.

(d) The statement of employment and financial interests shall be submitted before the special Government employee enters on duty. Each special Government employee shall keep his statement current through his employment with the Department by the submission of supplementary statements. Statements filed by special Government employees shall be reviewed, processed and retained in the same manner as those filed by regular employees (§ 20.735-23).

(e) For the purpose of this section the terms "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

- (1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or
- (2) A veterinarian whose services are procured to provide care and service to animals.

**Subpart E—Bibliography of Statutes**

**§ 20.735-51 Miscellaneous statutory provisions and restrictions.**

(a) Employees will become acquainted with the statutory provisions that relate to their ethical and other conduct, among which the following are particularly relevant:

- (1) House Concurrent Resolution 175, 85th Congress 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service."
- (2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.
- (3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibitions contained in the Freedom of Information Act against failing to disclose information disclosure of which is required by that Act (5 U.S.C. 552(a)(4)(F)).

(7) The prohibitions against (i) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) disclosure of confidential information (18 U.S.C. 1905); and (iii) disclosure of information which is restricted by the Privacy Act (5 U.S.C. 552a(i)(1)).

(8) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(9) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(10) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(11) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(12) The prohibition against fraud or false statements in a Government matter, (18 U.S.C. 1001).

(13) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(14) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(15) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(16) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(17) The prohibition against political activities in subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(18) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(b) The foregoing statutes shall be available for review in the office of each Ethics Counselor.

**APPENDIX A-1—U.S. GEOLOGICAL SURVEY, EMPLOYEE CERTIFICATION**

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed of the statutory restrictions contained in Title 43, U.S. Code, Section 31(a), which provides that employees of the Geological Survey shall have no personal or private interest in the lands

## RULES AND REGULATIONS

or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

The Department has determined that these restrictions prohibit an employee of the Geological Survey from having any personal or private interest, direct or indirect, in lands whose title is in the United States. Further, an employee of the Geological Survey is prohibited by the U.S. Code from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties. By paragraph 20.735-13(b) of the Regulations, the Department has also prohibited an employee of the Geological Survey from having personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

I certify I do not have any personal or private interest, direct or indirect, in the public lands of the United States nor in the mineral wealth of such lands.

I also certify I do not have any personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where the Director has authorized me to have such interest.

-----  
(Date) (Signature of Employee)

## INSTRUCTIONS

1. All applicable employees of the U.S. Geological Survey shall complete the certifications on this form.
2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.
3. If an employee is unable to sign the certificate he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A-2—BUREAU OF INDIAN AFFAIRS  
EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed and am in compliance with the statutory restrictions contained in Title 25 U.S.C., Section 68, which prohibits any person employed in Indian affairs in the Department of the Interior from having interest or concern in any trade with the Indians, except for, and on account of, the Federal Government.

I also certify I will not in the future acquire any such interest or concern in violation of the law, so long as I am employed in the Department and involved with Indian affairs.

-----  
(Date) (Signature of Employee)

## INSTRUCTIONS

1. All applicable employees of the Bureau of Indian Affairs shall complete the certifications on this form.
2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.
3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A-3—BUREAU OF LAND MANAGEMENT  
EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I understand and that I am in compliance with the statutory restrictions in Title 43 U.S.C. 11, which provides: The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from office.

I also certify that neither I nor my spouse has, nor is either of us in the process of acquiring, in violation of 43 CFR, Part 7, any interest, direct or indirect, in any lands or resources administered by the Bureau of Land Management.

I further certify I understand that if either I or my spouse acquires during my employment, interest in lands or resources administered by the Bureau of Land Management, by gift, devise, bequest or operation of law, that I am required to submit a statement of facts surrounding such acquisition promptly through channels to my bureau head for transmittal to the Secretary of the Interior for decision or other necessary action.

-----  
(Date) (Signature of Employee)

## INSTRUCTIONS

1. All applicable employees of the Bureau of Land Management shall complete the certifications on this form.
2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.
3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A-4—BUREAU OF MINES EMPLOYEE  
CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify that I have been informed of and that I am in compliance with the statutory restrictions contained in Title 30 U.S.C., Section 6, which prohibit employees of the Bureau of Mines from owning any interest in any mine under investigation.

I also certify I do not have any personal or private interest in a mine or in a mining company owning a mine, if the mine or its product is under investigation by the Bureau.

I further certify I will not accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or private mineral property, other than or part of my official duties.

-----  
(Date) (Signature of Employee)

## INSTRUCTIONS

1. All applicable employees of the Bureau of Mines shall complete the certifications on this form.
2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.
3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A-5—MINING ENFORCEMENT AND  
SAFETY ADMINISTRATION (MESA) EM-  
PLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify I have been informed of the restrictions established by paragraph 20.735-13(a) of the regulations which prohibits employees of MESA from having any interest, direct or indirect, in any mine or mining company which may be directly affected by the work of MESA through its investigations, technical research, or other activities.

I also certify I do not have any personal or private interest, direct or indirect, in a mine or mining company which may be directly affected by the work of MESA except where specifically authorized by the Administrator.

I further certify I will not accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or private mineral property, other than or part of my official duties.

-----  
(Date) (Signature of Employee)

## INSTRUCTIONS

1. All applicable employees of the Mining Enforcement and Safety Administration shall complete the certifications on this form.
2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.
3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A-6—OFFICE OF THE SECRETARY OF  
INTERIOR, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I understand that under regulations issued by the Secretary of the Interior the statutory restrictions listed below apply to me and to other employees in the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a Statement of Employment and Financial Interest. Therefore, I certify that I understand and that I am in compliance with the following restrictions except where specifically authorized by the Secretary.

- (1) Title 43 U.S.C. 11 which provides that certain employees are prohibited from direct-

**RULES AND REGULATIONS**

28299

ly or indirectly purchasing or becoming interested in the purchase of any of the public land, and that any person who violates this section shall forthwith be removed from office.

(2) Title 25 U.S.C. Section 68, which provides that any person employed in Indian affairs in the Department of the Interior is prohibited from having interest or concern in any trade with the Indians, except for, and on account of, the Federal Government.

(3) Title 30 U.S.C. 6, which provides that employees are prohibited from owning stock in any mine or mining company which may directly benefit by work of the Bureau of Mines through its investigations, technical research, or economic studies.

(4) Title 43 U.S.C. 31(a) which provides that employees shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. The Department

has determined that these restrictions prohibit personal or private interest, direct or indirect, in lands whose title is in the United States or in the mineral wealth of such lands.

(Date)

(Signature of Employee)

**INSTRUCTIONS**

1. All applicable employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Form **DI-212**  
REV. 6-75

**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS**  
**(FOR USE BY GOVERNMENT EMPLOYEES)**  
*This is a "Non-Security Confidential" Statement*

APPENDIX B-1

1. NAME (Last, first, initial)		2. TITLE OF POSITION	
3. DATE OF APPOINTMENT IN PRESENT POSITION		4. BUREAU AND OFFICE	

**PART I. EMPLOYMENT AND FINANCIAL INTERESTS.** List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant, or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write NONE.

NAME & KIND OF ORGANIZATION (USE PART I DESIGNATIONS WHERE APPLICABLE)	ADDRESS	POSITION IN ORGANIZATION (USE PART I (B) DESIGNATIONS IF APPLICABLE)	NATURE OF FINANCIAL INTEREST, E.G., STOCK, PRIOR BUSINESS INCOME (USE PART I (B) & (C) DESIGNATIONS IF APPLICABLE)

**PART II. CREDITORS.** List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS, E.G., PERSONAL LOAN, NOTE, SECURITY

**PART III. INTERESTS IN REAL PROPERTY.** List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

NATURE OF INTEREST, E.G., OWNERSHIP, MORTGAGE, LIEN, INVESTMENT TRUST	TYPE OF PROPERTY, E.G., RESIDENCE, HOTEL, APARTMENT, FARM, UNDEVELOPED LAND	ADDRESS (IF RURAL GIVE P.O. OR COUNTY AND STATE.)

**PART IV. INFORMATION REQUESTED OF OTHER PERSONS.** If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the data upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME & ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER

*I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.*

(Date)

(Signature)

**RULES AND REGULATIONS**

**INSTRUCTIONS**

For use by an officer or employee as required by 43 CFR 20.735-22, Sec. 402 of Executive Order 11222, dated May 8, 1965, and Civil Service Commission Regulations.

**General Requirements**—The information furnished in this statement may not be disclosed except as the Civil Service Commission or the Secretary may determine for good cause shown.

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and -13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs,

or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property. However, additional information of this type may be requested.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in Part IV of your statement. This requirement may be waived for holdings in an approved blind trust (§ 20.735-24(a)(3)).

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part IV. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

APPENDIX B-2

Form DI-213  
REV. 6-75

UNITED STATES DEPARTMENT OF THE INTERIOR  
**CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS**  
(FOR USE BY SPECIAL GOVERNMENT EMPLOYEES)  
*This is a "Non-Security Confidential" Statement*

**PART I - TO BE COMPLETED BY AGENCY**

1. Name (last, first, initial)	2. Birth Data (month, day, year)
3. Bureau and Office Organizational Segment	4. PERIOD OF APPOINTMENT (this Agency) FROM TO

**PART II - TO BE COMPLETED BY APPOINTEE**

1. a. Number of days already worked during a consecutive 365-day period  
 (1) with this Department  
 (2) with other Federal agencies

b. Estimated remaining number of days expected to work during the consecutive 365-day period  
 (1) with this Department  
 (2) with other Federal agencies

c. TOTAL

2. FEDERAL GOVERNMENT EMPLOYMENT - List all other Federal agencies in which you are presently employed. (If none, write "none.")

AGENCY AND LOCATION	TITLE OR KIND OF POSITION	APPOINTMENT PERIOD	
		FROM	TO

3. NON-FEDERAL EMPLOYMENT - Name all corporations, companies, firms, State or local Government organizations, research organizations, and educational or other institutions in which you are serving as an employee, officer, member, owner, trustee, director, expert, adviser, or consultant, with or without compensation. (If none, write "none.")

NAME AND KIND OF ORGANIZATION (e.g., manufacturing, research, insurance)	LOCATION (City, State)	TITLE OR KIND OF POSITION

4. FINANCIAL INTERESTS - List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. (If none, write "none.")

Information to be listed does not require a showing of amount of financial interest or value of real property. Interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. Member of your immediate household includes only those blood relations who are full-time residents of your household.

ORGANIZATION		
NAME	KIND (manufacturing, storage, public utilities, etc.)	NATURE OF INTEREST AND IN WHOSE NAME HELD

If additional space is required, use reverse side

I CERTIFY that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I UNDERSTAND that if, during the period of my appointment, I undertake a new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period.

(Date) \_\_\_\_\_ (Signature) \_\_\_\_\_

RULES AND REGULATIONS

ORGANIZATION		NATURE OF INTEREST AND IN WHOSE NAME HELD
NAME	KIND (manufacturing, storage, public utilities, etc.)	

INSTRUCTIONS

For use by a special Government employee as required by 43 CFR 20.735-43, Sec. 306 of Executive Order 11222, dated May 8, 1965, and Civil Service Regulations.

*General Requirements*—The information furnished in this statement may not be disclosed except as the Civil Service Commission or the Secretary may determine for good cause shown.

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and -13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property. However, additional information of this type may be requested.

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part II No. 4. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

[FR Doc.75-17355 Filed 7-2-75;8:45 am]