

The original documents are located in Box 40, folder “Transition Reports (1977) - Vice President (5)” of the John Marsh Files at the Gerald R. Ford Presidential Library.

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FILE

OFFICE OF
THE VICE PRESIDENT

FILE MANUAL

DRAFT

1974



Section I

FILES OPERATION

The success or failure of the filing system is dependent on properly carrying out several basic steps. These steps consist of setting up the system, preparing the filing material, finding papers in the files and charging them out, keeping the files orderly, breaking the files, and retiring inactive files.

These steps are explained in detail so that an efficient filing system can be provided.

A. Setting up the System

1. Selecting Folders, Labels, and Guides

The types of folders, labels, and guides used and their manner of preparation affect the appearance and efficiency of the files. The specific arrangement of the folders with the folder labels and their guides will be discussed in Section II. Supplies should be standardized as much as possible to obtain the following advantages:

- Neater appearance through uniformity.
- Faster supply replenishment.
- Fewer requisitions.

a. File Folders

Extensive tests of various types of file folders have shown that kraft folders are the best for general use because of durability, economy, and space occupied in the file drawers. Kraft folders, 11-point, square-cut, with reinforced top, are recommended.

Square-cut folders have a tab which covers the full width of the folder. They provide neatness and uniformity in appearance.

b. Folder Labels

Labels should be placed on the left side of the folder tab ending approximately one-half inch from the end of the tab. Pressure sensitive, color-code labels are recommended, as they may be typed, peeled off the back and attached to the folders. They adhere to the folder, and the corners of the label will not come loose.



c. File Guides

- (1) Guide cards, with the first position tabs, should be used to mark the beginning of each primary subject in the file.
- (2) Guide cards, with second or third position tabs, should be used to identify sub-subjects, where volume of files and range of subjects require guiding to ease files reference.

2. Typing File Copies

All letters to be typed will have in addition to the original, a set of manifold carbon copies. These manifolds will consist of:

Yellow (Official File Copy)	Filed by Subject.
White (Cross Reference)	Filed by Subject or name.
Green (Alphabetic Name or Control File Copy)	Filed alphabetic by name.
Pink (Chronologic Copy)	Filed in date order by preparing office.
Blue (Reading Copy)	Filed in date order and destroyed when seen by appropriate officials.

B. Preparing Material for the Files

The real test of any file system is not how quickly material can be filed but how quickly it can be produced. Therefore, give the utmost care to the classifying and preparation of material for filing.

1. Inspecting

Inspect material to make certain that all file copies are present.

2. Assembling

Assemble each unit of file material by stapling the yellow file copy on top of the incoming communication, if any, and place the green copy on top, unfastened.

3. Classifying

a. Classification and Its Importance

Classification is the process of finding the correct file group under which a record should be filed and the subordinate subjects (or file groups) which should be cross-referenced. This is the most vital of all processes having to do with getting papers into the files.



The ability to locate papers promptly after they have been filed depends largely on the care and skill used to determine the proper subject of the papers at the time they are placed in the files.

A paper may cover one subject or several. The subjects may be either obvious or obscure. The system outlined in this manual is intended to bring together related subjects. Papers on related subjects, however, can be logically and consistently brought together in the files only when classifying techniques are sound.

Successful classification is based upon the following requirements:

- Knowledge and understanding of the office and its activities; familiarity with how records are asked for and used; and knowledge of the classification or subject outline in this manual.
- Analytical ability.
- Proper techniques.

b. Classifying Techniques

Read and analyze the correspondence or other material to select the proper file designation by referring to the Subject Outline or the Alphabetic Index. Be consistent in classification. Similar or overlapping subjects may require cross-referencing.

c. Official File Copy

An Official File Copy consists of the original incoming documents, plus the yellow outgoing file copy. Sometimes there will be no outgoing response and therefore an original incoming document is then considered an Official File copy. Conversely there will also be times when you will only have a yellow outgoing file copy.

d. Marking for the File

After determining the classification, mark it in the upper right corner of the Official File copy.



4. Cross-referencing

Cross-references are needed to facilitate prompt location of documents. Cross-references are of three types:

- A carbon copy of an outgoing letter.
- A quick-copy of the letter or other paper (Copy the cover sheet only if there are several pages).
- A cross-reference form. (EXHIBIT I)

If possible, prepare at typing time sufficient cross-reference copies. Cross-reference copies for the Subject Files are white. If there is no outgoing correspondence, or if too few copies were typed, use a quick-copy.

A common occurrence which requires cross-referencing is when more than one name or subject is connected with a case.

C. Filing Records

1. Sorting and Arranging

When the material has been properly marked and assembled, separate it into file groups (i.e., Agriculture, Public Relations, and so forth), and arrange it in alphabetical order or numerical sequence, as the case may be. Be consistent when arranging alphabetically. Unless one set of rules is followed, it will become difficult to find wanted documents.

- a. Sort subject file material in alphabetical sequence according to subject title. Within each subject, arrange material in numerical sequence.
- b. Place each unit of file material in the appropriate folder with the left side of the material down. Material within the folder should be arranged with the latest date in front. If successive folders containing material on the same subject are necessary, the folders should be arranged chronologically with the latest in front.

2. Do's and Don'ts of Good Filing

Neatness and orderliness are the essence of filing efficiency. The following are a few suggestions that will help maintain the office files in a neat and orderly manner:



a. Identify File Drawers

Label file drawers adequately to indicate what files, subjects, or names are filed in them. Also indicate the year. Filing can be accomplished much more rapidly if cabinets are arranged systematically and all file drawers are properly labeled. The material in file drawers should be arranged from front to back in strict sequence of the subject outline.

b. Keep Papers Straight

When placing material in file folders, do not let the papers extend beyond the edges of the folders.

c. Avoid Overloaded File Folders

The scoring along the bottom of the folders should be creased, as necessary, to adjust the folder to increased contents. About three-quarters of an inch is the normal capacity of the kraft folder. When the capacity of the folder has been reached, additional material on the same subject should be placed in another folder bearing identical identification to the full folder and arranged with the folder containing the more recent material in front. The inclusive dates of the material should be marked on the tab of the earlier folder.

d. Avoid Overcrowded File Drawers

If the file drawer is not too crowded, papers can be added without removing the contents of the folder.

e. Fastening Papers

Fastening of papers to the folders is only justified when:

- (1) Papers need to be divided into temporary and permanent categories.
- (2) Papers need to be divided within a folder to provide immediate reference to a particular type of document.
- (3) Papers are highly valuable or irreplaceable.
- (4) There is not much interfiling of papers.

f. Keep the Filing Current

Don't let a backlog of unfiled material accumulate. Try to file material each day on an established schedule.



D. Finding Records

To find papers desired, use the information available concerning them and relate this information to the filing system. The following steps illustrate how to do this:

1. When receiving a request for file material, obtain, if possible, sufficient information to identify the file, that is, the names of individuals or agencies, the dates, and the subject of the material.
2. If uncertain of the exact file or subject, consult the Subject Outline or the Alphabetic Index to help limit the area of search.
3. If only name references are given, search the Alphabetic Name File which sometimes is known as the Central Control File.
4. If the material cannot be located in the files and is of a recent date, a check of the unfiled materials should be made. If this effort does not prove successful, consider the following possibilities:
 - a. It may never have been received.
 - b. It was received but is in the hands of some other staff member.
 - c. It has been misfiled or misplaced.
 - d. It was received but was forwarded to another staff member without being charged out.
5. When removing material from a file drawer or folder, prepare a charge-out card. (Exhibit II) Put it into the folder or file drawer in place of the material removed. Punch holes in top of requested documents and ACCO file on a File Backing Sheet with latest date on top. Backing sheet must be stamped "Return to VP Central Files." When the material has been returned to the file, the charge-out card should be removed and the entry indicating the charge can be cancelled by drawing a line through it.



E. Breaking the Files

1. Definition

Files are "broken" or "cut off" by stopping the filing of documents in one set of folders as of a predetermined date and thereafter filing under the same file classification in another set of folders.

2. Continuity Reference

When files are cut off or broken, material necessary to current operations should be brought forward into the new files. When earlier material must be brought forward, prepare a Continuity Reference Form (Exhibit III) for each file that is being consolidated with the latest correspondence. The Continuity Reference Form is used to show that material has been brought forward from one year to another. Fill in the appropriate information opposite each caption.

F. Retiring and Disposing of Records

A goal of good records management is to avoid keeping files in operating office space when they are not used frequently. Such files can be transferred regularly to a less active area. Systematic records retirement is essential if files needed for current operations are not to be clogged with obsolete material.

Screening or "weeding" of files on a paper-by-paper basis should not be undertaken for retirement of files. This method of sorting is a cumbersome, time-consuming way to reduce bulk.

G. Filing Classified and/or Sensitive Records

Classified papers are filed under the same guidelines as used for unclassified material. However, classified papers are housed in equipment affording necessary security. A cross-reference form placed in the file folder indicating that the material is filed in security cabinets will provide a guide to finding. The cross-reference form will not reveal the content of the classified material. If an entire folder is kept in security cabinets, a charge-out card should be used.

H. Location of File Manual

The master File Manual should be located in the front of the first drawer of the files. Additional refinements of the file system will be made only after consulting the person responsible for the files, and at that time, all copies of the file manual will be amended to reflect the latest change.

Section II

FILE GROUPS

A. Subject Files

Subject Files are maintained for subject-oriented papers. The subject material housed in these files includes correspondence, memoranda, reports, and other documents which are logically classified and filed under subject categories. They are filed in a series of folders labeled in accordance with an approved subject system of coding.

1. Classification

Each piece of material sent to the file must be classified, and that subject classification actually marked on the paper in the upper right-hand corner. All material to be refiled must be placed in the same location it occupied previously. Marking the classification allows exact replacement of the material in the file and eliminates the man-hour loss associated with repeated reclassification of material being returned to the file. In using the subject classification scheme, some subjects will be rarely used. In these instances only a primary folder should be prepared, and all documents filed in this folder regardless of the secondary or tertiary classification marked on them. Should this single folder reach ten or more documents in size, it can then be subdivided into possible two or more secondary folders for easy finding.

2. Arrangement

The file folders are arranged in the file by primary subject categories, then by secondary and tertiary subjects. These categories form logical subdivisions of the primary subjects, which pull together all material on a given subject. Folders should only be made for those subject titles for which there is a definite current or anticipated need. If only an occasional document relates to a secondary subject, the material may be filed in the primary folder, behind the guide card. A separate folder is prepared for a secondary subdivision when ten papers or more have accumulated in the primary folder.

3. Guide Cards

Guide cards, 1/3 cut, are the best choice for subject files, since the first or left tab card is the principal one used. The left position is used to show each of the primary subjects.

in the classification scheme. Occasionally a secondary topic in the system becomes so important to the users of the file that this may justify setting up a guide card in the second or center position to speed retrieval of material from that segment of the file. Use of the guide cards with proper primary labeling will materially reduce the search effort required to find and use the material contained in the subject file (EXHIBIT IV).

B. Alphabetic Name File - Sometime known as the Central Control File

File here, alphabetically by name, all documents pertaining to a specific person, company, or organization. Do not file material here that could be filed more appropriately in a subject file. Do not set up a folder for each name, but file in general alphabetic folders. When sufficient volume on a specific person or organization is accumulated, remove this from the general file, make a folder, and file it behind the general alphabetic folder.

C. Magnetic Card Produced Letter File

Letters answered by a form or robo letter shall be filed separately and identified as to the type of letter used as a response. Incoming letters only will be batch filed by date of response.

D. No Answer File

Drop file here, alphabetic by first letter of last name, all correspondence which does not require an answer. Prepare only a folder for each letter of the alphabet. When a folder has reached its capacity, close out the folder by date, and prepare another folder which states portion of alphabet covered, date span, and file in front of the previous lettered folder.



**CROSS-
REFERENCE**

*(Name, number, or
subject under
which this form
is filed)*



**IDENTIFI-
CATION
OF
RECORD**

DATE

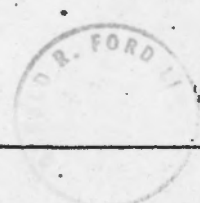
TO

FROM

**BRIEF
SUMMARY
OF
CONTENTS**

FILED

*(Name, number, or subject
under which the document
itself is filed)*



DESCRIPTION OF CORRESPONDENCE OR DOCUMENT BEING BROUGHT FORWARD

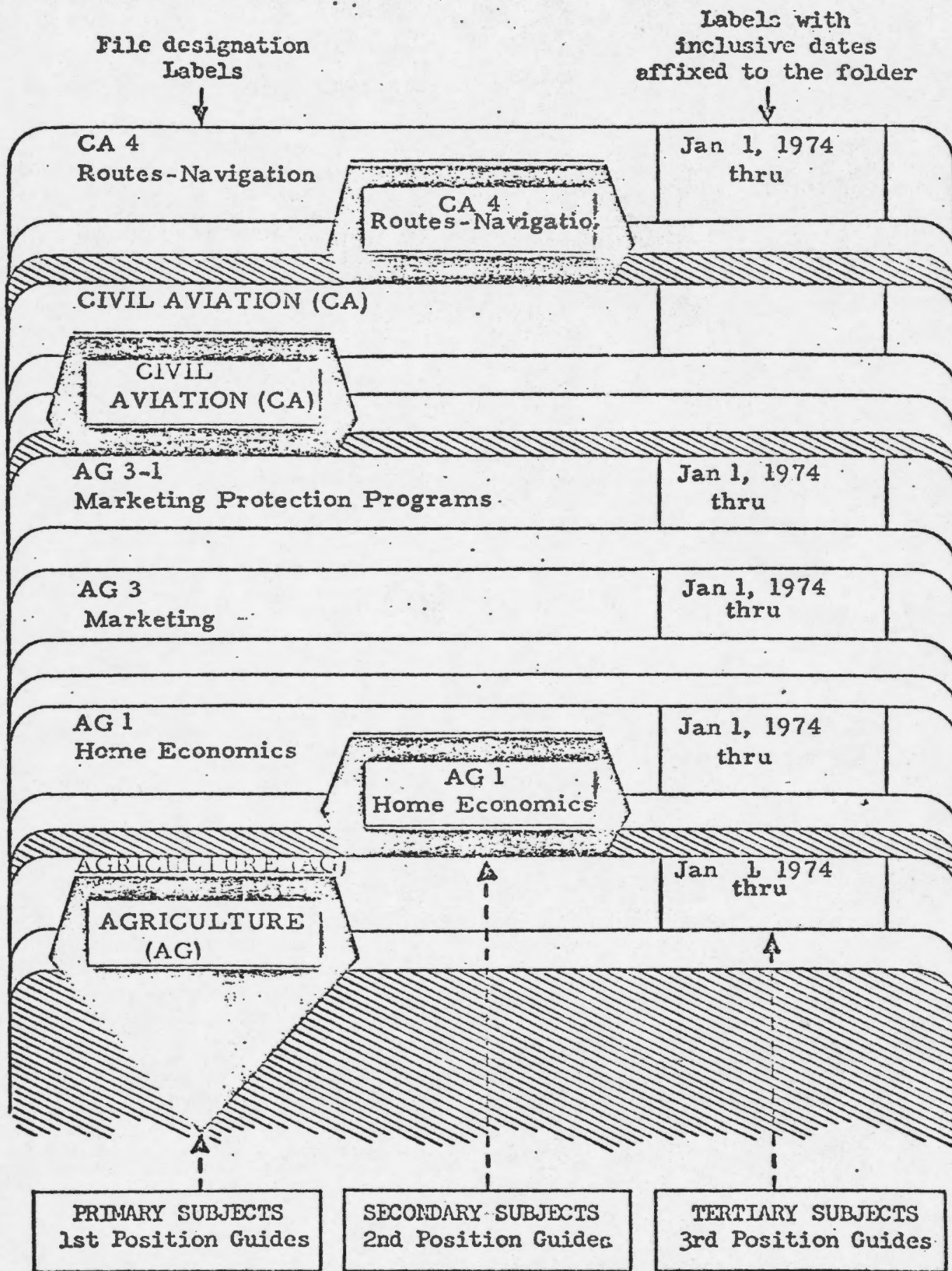
SUBJECT <i>(Under which this form is filed)</i>	
DATE <i>(Under which this form is filed)</i>	
TO	
FROM	
BRIEF SUMMARY OF CONTENTS	

BROUGHT FORWARD and filed with the documents described below

SUBJECT	
DATE	
TO	
FROM	



ARRANGEMENT OF FOLDERS, GUIDES AND LABELS



NOTE; In the average drawer, one guide for every 10 to 15 folders should serve.



FILING CATEGORIES

PRIMARY SUBJECTS	SYMBOLS
AGRICULTURE	AG
ARTS	AR
ATOMIC ENERGY	AT
BUSINESS-ECONOMICS	BE
CIVIL AVIATION	CA
COMMODITIES	CM
COUNTRIES	CO
DISASTERS	DI
EDUCATION	ED
EMPLOYMENT ASSISTANCE	EM
ENDORSEMENTS	EN
FEDERAL AID	FA
FEDERAL GOVERNMENT	FE
FEDERAL GOVERNMENT-ORGANIZATIONS	FG
FINANCE	FI
FOREIGN AFFAIRS	FO
GIFTS	GI
HEALTH	HE
HIGHWAYS-BRIDGES	HI
HOLIDAYS	HO
HOUSING	HS
HUMAN RIGHTS	HU
IMMIGRATION-NATURALIZATION	IM
INDIAN AFFAIRS	IN
INSURANCE	IS
INTERNATIONAL ORGANIZATIONS	IT
INVITATIONS	IV
JUDICIAL-LEGAL MATTERS	JL
LABOR-MANAGEMENT RELATIONS	LA
LEGISLATION	LE
MEDALS-AWARDS	MA
MEETINGS-CONFERENCES	MC
MESSAGES	ME
NATIONAL SECURITY-DEFENSE	ND
NATURAL RESOURCES	NR
OUTER SPACE	OS
PARKS-MONUMENTS	PA
PEACE	PC
PERSONNEL MANAGEMENT	PE
POLITICAL AFFAIRS	PL
POSTAL SERVICE	PO
PRESIDENT	PP
PROCUREMENT-DISPOSAL	PQ



PUBLIC RELATIONS
PUBLICATIONS
REAL PROPERTY
RECREATION-SPORTS
RELIGIOUS MATTERS
REPORTS-STATISTICS
SCIENCES
SOCIAL AFFAIRS
SPEECHES
STATE AND LOCAL GOVERNMENTS
TRADE
TRANSPORTATION
TRIPS
UTILITIES
VICE PRESIDENT
VICE PRESIDENT'S OFFICE
WELFARE

PR
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VP
VS
WE





OFFICE OF THE VICE PRESIDENT
WASHINGTON

July 3, 1975

MEMORANDUM FOR ~~THE~~ The Vice Presidential Staff

~~SUBJECT:~~ Fire Alarm System

The General Services Administration has recently completed the installation of a new Fire Alarm System for the Old Executive Office Building.

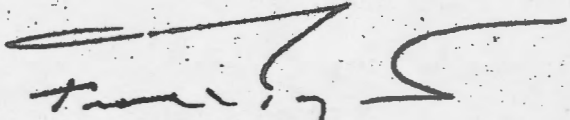
Should the System be activated by a Pull Box, a voice announcement will automatically be transmitted throughout OEGB via loud speakers.

~~The~~ voice announcement will indicate the location of the fire and direct occupants to leave the building. Occupants are directed NOT to use the elevators.

Occupants should become familiar with the closest exits from their office location and location of the Fire Alarm Pull Boxes.

Pull Box locations closest to the Vice Presidential Staff offices are outside of Room 289A, 299, 261 1/2, 597 and the interior of Room 578.

Should there be a false alarm a manual override feature of the new Fire Alarm System can be used to inform occupants that there is no fire and to return to their offices.


Frank R. Pagnotta
Assistant to the Vice President
for Administration



Richard Allison



OFFICE OF THE VICE PRESIDENT

WASHINGTON

July 5, 1975
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MEMORANDUM FOR THE STAFF OF THE VICE PRESIDENT

FROM : Peter J. Wallison *PJW*
Counsel to the Vice President

SUBJECT: Standards of Conduct/Confidential State-
ment of Employment and Financial Interests

The Vice President has adopted official Standards of Conduct for employees of his Office. These Standards formally supersede similar guidelines which applied to the conduct of the White House staff in general, including the Vice President's Executive Office staff. The Counsel to the Vice President will act as "Counselor" as that term is used in the Standards.

These Standards apply to employees, consultants, and special Government employees of the Office of the Vice President, whether or not their salaries or fees are paid out of funds appropriated to the President or to the Senate. Members of the Vice President's staff who are paid out of Senate funds must of course continue to adhere to applicable regulations of conduct for Senate employees.

I have attached:

(a) a copy of the Standards (Tab A) together with (as an appendix to the Standards) a copy of the Code of Ethics for Senate employees;

(b) a copy of the Federal criminal statutes on conflicts of interest and related matters (P.L. 87-949) applicable to both Executive and Legislative branch employees (Tab B); these and other statutory and executive requirements are included in the Standards;



(c) a summary of the regulations applicable to the White House staff (Tab C); the regulations which apply to the White House staff are substantially the same as the Standards, and the attached summary is included to assist you in quickly reviewing the Standards.

Please read these materials carefully and retain them for future reference.

Financial Disclosure

All employees paid at a level equivalent to GS-13 (\$20,677) and above, and all special Government employees regardless of grade, are required to submit to the Counselor a "Confidential Statement of Employment and Financial Interests." The Vice President has requested that both Executive and Legislative branch employees of the Office complete this form.

Even if you have already completed such a form, Civil Service Commission regulations require that your statement be updated as of June 30 in each year. Two copies of the form are attached to this memo (Tab D).

Please return one completed original copy of the form to me, Office of the Vice President, Old Executive Office Building, Room 280, in a sealed envelope marked "Personal-In-Confidence." One copy should be retained for your files. All information reported will be kept confidential, subject to the applicable regulations governing review and determination as to conflicts of interest.

Please note, in completing the Statement, that:

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



2. The information to be listed does not require a showing of the amount of financial interest in, indebtedness with respect to, or the value of, real property.
3. 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.
4. The interest, if any, of a spouse, minor child, or other member of your immediate household must 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 blood or in-law relations who are residents of your household.

Any changes in, or additions to, the information contained in your initial statement should be reported in a supplementary statement at the end of the calendar quarter in which the change occurs, or in the case of special Government employees, at the time the change occurs.

If you have any questions regarding the foregoing, please contact me at 395-4242.

*Not my - for
PJM - 21 Jan 76*

*NFA in
30 Jan
glw*



A



STANDARDS OF CONDUCT FOR THE
OFFICE OF THE VICE PRESIDENT

I. General Provisions.

1. Purpose and scope.
2. Definitions.
3. Special Government employees.
4. Counselor.
5. General responsibilities of employees.
6. General standards of conduct.
7. Disciplinary action.

II. Conflicts of Interest and Ethical Conduct.

8. Conflicts of interest.
9. Financial interests.
10. Additional prohibitions - regular employees.
11. Exemptions and exceptions from prohibition of conflict of interest statutes.
12. Salary of employees payable only by United States.
13. Gifts, entertainment, and favors.
14. Outside employment and other activity.
15. Use of Government services and property.
16. Misuse of information.
17. Indebtedness.
18. Gambling, betting, and lotteries.
19. General conduct prejudicial to the Government.
20. Conduct and responsibilities of special Government employees.
21. Additional prohibitions - special Government employees.
22. Miscellaneous statutory provisions.

III. Reporting of Employment and Financial Interests.

23. Reporting of employment and financial interests - regular employees.
24. Reporting of employment and financial interests - special Government employees.
25. Reviewing statements - remedial action.

IV. Supplemental Regulations or Instructions.

26. Supplemental regulations or instructions.



I. General Provisions.

1. Purpose and Scope.

(a) The maintenance of the highest standards of honesty, integrity, impartiality, and ethical conduct by regular employees and special Government employees is essential to assure the proper performance of Government business and to command the respect and confidence of the American public in their Government. The avoidance of misconduct and conflicts of interest on the part of regular employees and special Government employees through informed judgment is indispensable to the maintenance of these standards.

(b) The standards of conduct outlined below are required of all employees of the Office of the Vice President in both the executive and legislative branches. Applicability of these standards to employees of the legislative branch in no way relieves them of their responsibilities under similar standards imposed by that branch.

(c) The standards set forth herein reflect prohibitions and requirements imposed by the laws of the United States, but to the extent that such laws are paraphrased below, such restatement is intended for informational purposes only and in no way constitutes an interpretation or construction of applicable laws that is binding upon the Government. In addition, attorneys who are employed by the Office of the Vice President are subject to the Code of Professional Responsibility of the American Bar Association.

2. Definitions.

(a) "Office" means Office of the Vice President.

(b) "Employee" or "regular employee" means any employee of the Office, both those in the executive branch and in the legislative branch, but does not include a special Government employee.



(c) "Special Government employee" means an individual who is retained, designated, appointed, or employed to perform with or without compensation for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties, either on a full time or intermittent basis.

(d) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(e) "Standards" means the standards of conduct, Sections 1 through 26, outlined herein.

3. Special Government employees.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees, all provisions of these Standards relating to employees are applicable also to special Government employees.

4. Counselor.

(a) The Legal Counsel of the Office is the "Counselor" for the purposes of these Standards. The Counselor shall advise employees as to the applicability and interpretation of these Standards, and any laws and regulations referred to herein.

(b) The Counselor shall serve as the Office's liaison with the Civil Service Commission and the Department of Justice on any matters covered by these Standards.

(c) Communications between the Counselor and an employee shall remain confidential, except that the Counselor may in appropriate circumstances disclose such communications to the Vice President.

(d) The Counselor shall notify all employees and special Government employees of the Office of the availability of counseling services and of how and where such services are available. Such notification shall be made within 90 days after the effective date of these Standards and periodically thereafter. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of his/her entrance on duty.



(e) The Counselor shall have copies of these Standards distributed to each employee and special Government employee within 30 days after the effective date thereof. In the case of a new employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of his/her entrance on duty.

5. General responsibilities of employees.

(a) All employees and special Government employees have the responsibility of reading and familiarizing themselves with the contents of this Part and with House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service" which is attached to these Standards as Appendix A.

(b) Copies of all regulations and statutes referred to in these Standards together with various explanatory materials, are available for inspection in the office of the Counselor at any time during regular business hours.

(c) Any employee or special Government employee who is uncertain as to the application of any regulation in these Standards, or of any provision of law, to any particular situation in which he/she is or may be involved, is obligated to contact the Counselor for advice and guidance.

6. General standards of conduct.

(a) All employees shall conduct themselves on the job in such a manner that the work of the Office is efficiently accomplished, and courtesy, consideration, and promptness are observed in dealings with the Congress, the public and other governmental agencies.

(b) All employees shall conduct themselves off the job in such a manner as not to reflect adversely upon the Office or the Federal service.

(c) In all circumstances, employees shall conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by these Standards, 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 of judgment 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.

7. Disciplinary action.

(a) A violation of any provision of these Standards by an employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to other remedial action in cases where an employee's or special Government employee's financial interests result in a conflict or apparent conflict of interest, see §25.)

Any disciplinary or remedial action taken pursuant to these Standards shall be effected in accordance with any applicable laws, Executive Orders, and regulations.

II. Conflicts of Interest and Ethical Conduct.

8. Conflicts of interest.

(a) A conflict of interest may exist whenever an employee has a substantial personal or private interest in a matter which involves his/her duties and responsibilities as an employee. The maintenance of public confidence in the Government demands that an employee take no action which would constitute the use of his/her official position to advance personal or private interests. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that his/her official position might be used for private advantage.

(b) Neither the pertinent statutes nor the standards of conduct prescribed in the Standards are to be regarded as entirely comprehensive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his/her duties and responsibilities as an employee, make certain that his/her actions do not have the effect or appearance of the use of an official position for the furtherance of the employee's interest or those of his/her family or business associates.



(c) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in Chapter II of the Criminal Code, 18 U.S.C. 201-224. Penalties are provided for violations, including, variously, fine, imprisonment, dismissal from holding any office of honor, trust, or profit under the United States.

9. Financial interests.

(a) Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which, to the employee's own knowledge, he/she has a financial interest (cf. 18 U.S.C. 208).

(1) For the purposes of this section

(i) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, investigation, the rendering of advice, or otherwise;

(ii) A particular matter is a judicial or other proceeding, an application, request for ruling or other determination, a contract, claim, controversy, charge, accusation, arrest or other matter; and

(iii) A financial interest is the interest of the employee or his/her spouse, minor child, partner, organization in which the employee is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom the employee is negotiating or has any arrangement concerning prospective employment.

(b) An employee may not have a financial interest which --

(1) Establishes a substantial personal or private interest in a matter which involves his/her duties as an employee; or

(2) Is entered into in reliance upon, or as a result of, information obtained through his/her employment; or



(3) Results from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his/her duties.

(c) Aside from the restrictions prescribed in these Standards, employees are free to engage in lawful financial transactions to the same extent as private citizens. Employees should be aware that the financial interests of their spouses or minor children and blood relatives who are full-time residents of their households are regarded, for the purposes of this section, as financial interests of the employees themselves.

(d) An employee who has a financial interest (other than a financial interest exempted under paragraph (e) of this section) in a particular matter which is within the scope of his/her official duties shall make a full disclosure of that interest to the Counselor, in writing. The employee shall not participate in such matter unless and until he/she receives a written determination by the Vice President that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of that employee (cf. 18 U.S.C. 208). If the Vice President does not make such a determination, then the Vice President shall direct such remedial action as may be appropriate under the provisions of §25.

(e) The financial interests described in (1) and (2) below are hereby exempted from the restrictions of paragraph (a) of this section as being too remote or inconsequential to affect the integrity of an employee's services in a matter (cf. 18 U.S.C. 208):

(1) Stocks, bonds, policies, properties, or interests in a mutual fund, investment company, trust, bank or insurance company, as to which the employee has no managerial control or directorship. In the case of a mutual fund or investment company, this exemption applies only where the assets of the fund or company are diversified; it does not apply where the fund or company advertises that it specializes in a particular industry or commodity.



(2) Interest in an investment club: Provided, That the fair value of the interest involved does not exceed \$5,000, and that the interest does not exceed one-fourth of the total assets of the investment club.

(f) This section does not apply to special Government employees, who are subject to the provisions of §20.

10. Additional prohibitions - regular employees.

(a) A regular employee is subject to the following prohibitions.

(1) An employee may not, except in the discharge of 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) An employee may not, after his/her 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 the employee participated personally and substantially for the Government (cf. 18 U.S.C. 207(a)).

(3) An employee may not, for one year after his/her 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 the employee's official responsibility during the last year of his/her Government service (cf. 18 U.S.C. 207(b)). The temporary restraint is permanent if the matter is one in which the employee participated personally and substantially. See subparagraph (2) of this paragraph.

(4) An employee may not receive any salary, or supplementation of his/her Government salary, from a private source as compensation for services as a Government employee (cf. 18 U.S.C. 209). See §12 of these Standards.

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see §11.



11. Exemptions and exceptions from prohibitions of conflict of interest statutes.

(a) Nothing in these Standards shall be deemed to prohibit an employee, if it is not otherwise inconsistent with the faithful performance of his/her duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in these Standards shall be deemed to prohibit an employee from acting, with or without compensation, as agent or attorney for that employee's parents, spouse, child, or any person for whom, or for any estate for which, the employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which the employee has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his/her official responsibility, as defined in section 202(b) of Title 18, U.S.C., provided that the Vice President approves.

(c) Nothing in the Standards shall be deemed to prohibit an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in §9, the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval or certification of his/her activities as provided for by section 205 of Title 18, U.S.C., shall make application therefor in writing to the Counselor.

(2) A former employee, including a former special Government employee, who desires certification with regard to his/her activities under section 207 of Title 18, U.S.C., shall make application therefor in writing to the Counselor.

(3) The Counselor for the Office shall report promptly to the Vice President all matters reported

to the Counselor under these Standards which require consideration of approvals, certifications, or determinations provided herein.

12. Salary of employee payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his/her services as an employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality (cf. 18 U.S.C. 209).

(b) Nothing in this section shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, nor from accepting contributions, awards, or other expenses under Chapter 41 of Title 5, U.S.C. (the former Government Employees Training Act).

13. Gifts, entertainment and favors.

(a) Except as provided in paragraph (b) of this section an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, honorarium, travel or accommodations expense or the like, 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 a Government agency;

(2) Conducts operations or activities which are regulated by a Government agency; or

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



(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, honorarium, travel or accommodation expense or the like or other thing of monetary value from a friend, parent, spouse, child or other close relative when the circumstances make it clear that the family relationships involved are the motivating factor;

(2) Accept food or refreshments in the ordinary course of a luncheon or dinner meeting or other meeting where an employee may properly be in attendance;

(3) Accept reimbursement for travel expenses in connection with official Government duties from an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended. Before the acceptance of such reimbursement, the employee shall provide the Counselor with a written description of the reimbursement to be provided, for the Counselor's approval. The Counselor shall keep a copy of this report and the official response on file;

(4) Accept loans from banks or other financial institutions on customary terms to finance proper or usual activities of employees, such as home mortgage loans; and

(5) Accept unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(c) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than the official. An employee shall not make a donation as a gift to an employee in a superior official position (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 marriage, illness or retirement.



(d) A gift or gratuity, the receipt of which is prohibited by paragraph (a) of this section, shall be returned to the donor with a written explanation why the return is necessary. A copy of the written explanation shall be submitted to the Counselor for filing in the employee's Official Personnel Folder. When return of a gift is not possible, the gift or gratuity shall be submitted to the Counselor with a written explanation why the return is not feasible. The Counselor shall turn the gift or gratuity over to a public or private charity or charitable institution and make a record of its disposition.

(e) The Constitution (Art. 1, sec. 9, par. 8) prohibits acceptance from foreign governments, except with the consent of Congress of any emolument, office, or title. The Congress has provided for the receipt and disposition of foreign gifts and decorations in 5 U.S.C. 7342. See also Executive Order 11320, 31 F.R. 13739, and the regulations pursuant thereto in 22 CFR Part 3 (as added 32 F.R. 6569). Any such gift or thing which cannot appropriately be refused shall be submitted to the Counselor for transmittal to the State Department.

14. Outside employment and other activity.

(a) An employee shall not engage in outside employment, activities, or professional practice not compatible with the full and proper discharge of the duties and responsibilities of his/her Government employment. Incompatible activities include, but are not limited to:

(1) 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, a conflict of interest; or

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his/her Government duties and responsibilities in an acceptable manner.

(b) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his/her Government employment, except when that information has been made available to the general public or will be made available on request, or when the Vice President gives written authorization



for the use of non-public information on the basis that the use is in the public interest.

(c) An employee shall not engage in outside employment under a State or local government, except in accordance with applicable regulations of the Civil Service Commission (5 CFR 735.203).

(d) Neither this section nor §13 precludes an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with these Standards and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his/her behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(2) Participation in the activities of national or State political parties not proscribed by law.

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

(e) An employee who intends to engage in outside employment shall obtain the approval, through the Counselor, of the Vice President. A record of each approval under this paragraph shall be filed in the employee's Official Personnel Folder.

(f) This section does not apply to special Government employees, who are subject to the provisions of §20.

15. Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other



than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him/her.

16. Misuse of information.

(a) For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (b) of §14 directly or indirectly use, or allow the use of, official information obtained through or in connection with his/her Government employment which has not been made available to the general public.

(b) An employee shall not divulge restricted official information outside the Office, except as permitted under the instructions pertaining thereto and at the time authorized for its release.

17. Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, or one imposed by law, such as Federal, State or local taxes; "in a proper and timely manner" means in a manner which the Office determines does not, under the circumstances, reflect adversely on the Government as his/her employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Office to determine the validity or amount of the disputed debt.

18. Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.



19. General conduct prejudicial to the Government.

(a) An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

(b) Discrimination on the basis of race, color, religion, sex, or national origin is conduct prejudicial to the Government. An employee, while acting in an official capacity, shall not directly or indirectly authorize, permit or participate in any action, event, or course of conduct which subjects any person to discrimination, or results in any person being discriminated against, on the basis of race, color, religion, sex or national origin.

20. Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his/her Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself/herself or another person, particularly one with whom the employee has family, business, or financial ties.

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

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of information obtained as a result of his/her Government employment, except when that information has been made available to the general public or will be made available on request, or when the Vice President gives written authorization for the use of non-public information on the basis that such use is in the public interest.



(d) A special Government employee shall not use his/her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to such employee or another person, particularly one with whom the employee has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with his/her employment, shall not receive or solicit from a person having business with the Office anything of value as a gift, gratuity, loan, entertainment, or favor for himself/herself or another person, particularly one with whom the employee has family, business, or financial ties.

(f) Notwithstanding paragraph (e) of this section, a special Government employee shall be allowed the same latitude as is authorized for regular Government employees by paragraph (b) of §13.

(g) Attention of special Government employees is directed to the provisions of §3, making the provisions of these Standards generally applicable to their activities.

21. Additional prohibitions - special Government employees.

(a) A special Government employee is subject to the following major prohibitions.

(1) An employee may not, except in the discharge of official duties --

(i) 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 the employee has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before his/her agency unless the employee served there no more than 60 days during the previous 365 (18 U.S.C. 203 and 205). The employee is bound by this restraint despite the fact that the matter is not one in which the employee has ever participated personally and substantially.



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

(3) The employee may not, for one year after his/her Government employment has ended, present anyone other than the United States in connection with a particular matter in which the United States is a party or has an interest and which was within the boundaries of the employee's official responsibility during the last year of his/her Government service (cf. 18 U.S.C. 207(b)). This temporary restraint is permanent if the matter is one in which the employee participated personally and substantially. See paragraph (2) of this section.

22. Miscellaneous statutory provisions.

Each employee shall acquaint himself/herself with each statute that relates to his/her ethical and other conduct as an employee of the Office and of the Government. In particular, attention of employees is directed to the following statutory provisions:

(a) Chapter II of Title 18, U.S.C., relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(b) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

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

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

(e) The prohibition against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

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



- (g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).
- (h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).
- (i) The prohibition against the use of deceit in an examination of personnel action in connection with Government employment (5 U.S.C. 1917).
- (j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).
- (k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).
- (l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).
- (m) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his/her employment (18 U.S.C. 654).
- (n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).
- (o) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).
- (p) Prohibitions against certain kinds of political activities (18 U.S.C. 602, 603, 606, 607).

III. Reporting of Employment and Financial Interests.

23. Reporting of employment and financial interests - regular employees.

- (a) Not later than 90 days after the effective date of these Standards, an employee designated in paragraph (d) of this section shall submit to the Vice President a statement, on a form made available in the Counselor's office, which sets forth the following information:



(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with or in which the employee, the employee's spouse, minor child or other member of his/her immediate household has--

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser or consultant; or

(ii) Any continuing financial interest, 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

(iii) Any financial interest through the ownership of stocks, stock options, bonds, securities, or other arrangements including trusts.

However, an employee need not report any financial interest exempted under §9(e) as too remote or inconsequential to affect the integrity of an employee's services in a matter.

(2) A list of the names of the employee's creditors and the creditors of his/her spouse, minor child, or other member of the immediate household, other than those creditors to whom they may be indebted by reason of a mortgage on property which the employee occupies as a personal residence or to whom they may be indebted for current and ordinary household and living expenses such as those incurred for household furnishings, an automobile, education, vacations, or the like.

(3) A list of the employee's interests and those of his/her spouse, minor child or other member of the immediate household in real property or rights in lands, other than property which the employee occupies as a personal residence.

(b) For the purpose of this section "member of the immediate household" means a full-time resident of the employee's household who is related by blood.



(c) Each employee designated in paragraph (d) of this section who enters on duty after the effective date of these Standards shall submit such statement not later than 30 days after the date of his/her entrance on duty, but not earlier than 90 days after such effective date.

(d) Statements of employment and financial interest are required of the following:

(1) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, U.S.C., except a Presidential appointee required to file a statement of financial interests under section 401 of Executive Order No. 11222 of May 8, 1965.

(2) Employees in classified positions of GS-13 or above, or the equivalent thereof.

(e) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this paragraph, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result in a violation of the conflicts-of-interest provisions of these Standards.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his/her behalf.

(g) Paragraph (a) of this section does not require an employee to submit any information relating to his/her connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, 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.

(h) The Office shall hold each statement of employment and financial interests in confidence. Each person designated to review a statement of employment and financial interests under §25 is responsible for maintaining the statement in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of these Standards. The Office may not disclose information from a statement except as the Civil Service Commission or the Vice President may determine for good cause shown.

(i) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit the employee or any other person to participate in a matter in which the employee or the other person's participation is prohibited by law, order, or regulation.

(j) An employee who believes that his/her position has been improperly included as one requiring the submission of a statement of employment and financial interests is entitled to obtain a review of his/her complaint under the Office's grievance procedure.

(k) This section does not apply to special Government employees who are subject to the provisions of §24.

24. Reporting of employment and financial interests - special Government employees.

(a) A special Government employee shall submit to the Vice President, through the Counselor, a statement of employment and financial interests which reports (1) all current Federal Government employment, (2) names of all corporations, companies, firms, State or local government organizations, research organizations, and educational or other institutions in or for which he/she is an employee, officer, member, owner, trustee, director, adviser, or consultant, with or without compensation, (3) those financial interests which the Office determines are relevant in the light of the



duties the employee is to perform, and (4) the names of all partnerships in which the employee is engaged.

(b) A statement required under this section shall be submitted at the time of employment and shall be kept current throughout the term of a special Government employee's service with the Office. A supplementary statement shall be submitted at the time of any reappointment; a negative report will suffice if no changes have occurred since the submission of the last statement.

25. Reviewing statements of financial interests -- remedial action.

(a) A designee of the Vice President shall review the statements required by §23 and §24 to determine whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his/her service for the Government. If the designee determines that such a conflict or appearance of conflict exists, the designee shall provide the employee with an opportunity to explain the conflict or appearance of conflict. If the designee concludes that remedial action should be taken, the statement shall be referred to the Vice President, through the Counselor, with the designee's recommendation for such action. The Vice President after consideration of the employee's explanation and such investigation as the Vice President deems appropriate, shall direct appropriate remedial action if it is deemed to be necessary. In the absence of a designation by the Vice President the Counselor shall serve as designee hereunder.

(b) Remedial action pursuant to paragraph (a) of this section may include, but is not limited to:

- (1) Changes in assigned duties.
- (2) Divestment by the employee of his/her conflicting interest.
- (3) Disqualification for a particular action.
- (4) Exemption pursuant to paragraph (e) of §9 or paragraph (d) of §11.
- (5) Disciplinary action.



IV. Supplemental Regulations or Instructions

26. Supplemental regulations or instructions.

The Vice President may issue supplemental and implementing regulations or instructions not inconsistent with these Standards as necessary to carry out the full purpose and intent of Executive Order 11222 and these Standards as may be required by the particular circumstances of the Office. Such regulations or instructions may include, but are not limited to, delegations of any authority allowed by law pertaining to the functions placed upon the Vice President by these Standards. Such regulations or instructions must be made available to employees and special Government employees in the same manner as these Standards (see §4).



APPENDIX A--CODE OF ETHICS
FOR GOVERNMENT SERVICE

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.



9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

Passed July 11, 1958.



B



Public Law 87-849
87th Congress, H. R. 8140
October 23, 1962



An Act

76 STAT. 1119.

To strengthen the criminal laws relating to bribery, graft, and conflicts of interest, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) so much of chapter 11 of title 18 of the United States Code as precedes section 214 is amended to read as follows:

Bribery, graft,
and conflicts
of interest.
18 USC 201
at 214.

"CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

"Sec.

- "201. Bribery of public officials and witnesses.
- "202. Definitions.
- "203. Compensation of Members of Congress, officers and others, in matters affecting the Government.
- "204. Practice in Court of Claims by Members of Congress.
- "205. Activities of officers and employees in claims against and other matters affecting the Government.
- "206. Exemption of retired officers of the uniformed services.
- "207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.
- "208. Acts affecting a personal financial interest.
- "209. Salary of Government officials and employees payable only by United States.
- "210. Offer to procure appointive public office.
- "211. Acceptance or solicitation to obtain appointive public office.
- "212. Offer of loan or gratuity to bank examiner.
- "213. Acceptance of loan or gratuity by bank examiner.
- "214. Offer for procurement of Federal Reserve bank loan and discount of commercial paper.
- "215. Receipt of commissions or gifts for procuring loans.
- "216. Receipt or charge of commissions or gifts for farm loan, land bank, or small business transactions.
- "217. Acceptance of consideration for adjustment of farm indebtedness.
- "218. Voiding transactions in violation of chapter; recovery by the United States.

"§ 201. Bribery of public officials and witnesses

"(a) For the purpose of this section:

"'public official' means Member of Congress, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror; and

"'person who has been selected to be a public official' means any person who has been nominated or appointed to be a public official, or has been officially informed that he will be so nominated or appointed; and

"'official act' means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in his official capacity, or in his place of trust or profit.

"(b) Whoever, directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

"(1) to influence any official act; or

"(2) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

Definitions.



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"(3) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of his lawful duty, or

"(c) Whoever, being a public official or person selected to be a public official, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity, in return for:

"(1) being influenced in his performance of any official act; or

"(2) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

"(3) being induced to do or omit to do any act in violation of his official duty; or

"(d) Whoever, directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or omits or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom; or

"(e) Whoever, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity in return for being influenced in his testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom—

"Shall be fined not more than \$20,000 or three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

"(f) Whoever, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

"(g) Whoever, being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of any official act performed or to be performed by him; or

"(h) Whoever, directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of his absence therefrom; or

"(i) Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of the testimony under oath or affirmation given or to be given by him as a witness upon any such trial, hearing, or other proceeding, or for or because of his absence therefrom—

"Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.



"(j) Subsections (d), (e), (h), and (i) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or, in the case of expert witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

"(k) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title.

62 Stat. 739.

§ 202. Definitions

"(a) For the purpose of sections 203, 205, 207, 208, and 209 of this title the term 'special Government employee' shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, or a part-time United States Commissioner. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member's home district or State shall be classified as a special Government employee. Notwithstanding section 29 (c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r (c) and (d)), a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms 'officer or employee' and 'special Government employee' as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces.

"(b) For the purposes of sections 205 and 207 of this title, the term 'official responsibility' means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

§ 203. Compensation to Members of Congress, officers, and others in matters affecting the Government

"(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

"(1) at a time when he is a Member of Congress, Member of Congress Elect, Resident Commissioner, or Resident Commissioner Elect; or

"(2) at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia,



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in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission, or

"(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Commissioner, officer, or employee—

"Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

"(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"§ 204. Practice in Court of Claims by Members of Congress

"Whoever, being a Member of Congress, Member of Congress Elect, Resident Commissioner, or Resident Commissioner Elect, practices in the Court of Claims, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be incapable of holding any office of honor, trust, or profit under the United States.

"§ 205. Activities of officers and employees in claims against and other matters affecting the Government

"Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, otherwise than in the proper discharge of his official duties—

"(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

"(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

"Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

"A special Government employee shall be subject to the preceding paragraphs only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the



case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

"Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

"Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

"Such certification shall be published in the Federal Register.

Publication in
F. R.

"Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

§ 206. Exemption of retired officers of the uniformed services

"Sections 203 and 205 of this title shall not apply to a retired officer of the uniformed services of the United States while not on active duty and not otherwise an officer or employe of the United States, or to any person specially excepted by Act of Congress.

§ 207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners

"(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

"(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under



his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility—

"Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both: *Provided*, That nothing in subsection (a) or (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by the former officer or employee.

Publication in
P. R.

"(c) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest and in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility—

"Shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

"A partner of a present or former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia or of a present or former special Government employee shall as such be subject to the provisions of sections 203, 205, and 207 of this title only as expressly provided in subsection (c) of this section.

"§ 208. Acts affecting a personal financial interest

"(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

"Shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

"(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such



official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2) if, by general rule or regulation published in the Federal Register, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services.

Publication in
F. R.

“§ 209. Salary of Government officials and employees payable only by United States

“(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

“Whoever, whether an individual, partnership, association, corporation, or other organization pays, or makes any contribution to, or in any way supplements the salary of, any such officer or employee under circumstances which would make its receipt a violation of this subsection—

“Shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

“(b) Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

“(c) This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

Exception.

“(d) This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of the Government Employees Training Act (Public Law 85-507, 72 Stat. 327; 5 U.S.C. 2301-2319, July 7, 1953).”

(b) Sections 214 and 215 of chapter 11 of title 18 of the United States Code are respectively redesignated sections 210 and 211;

(c) Sections 215 and 223 of chapter 11 of title 18 of the United States Code are repealed.

(d) Sections 217, 218, 219, 220, 221, and 222 of chapter 11 of title 18 of the United States Code are respectively redesignated sections 212, 213, 214, 215, 216, and 217;

(e) Chapter 11 of title 18 of the United States Code is further amended by adding at the end thereof the following new section: et seq.

“§ 218. Voiding transactions in violation of chapter; recovery by the United States

“In addition to any other remedies provided by law the President or, under regulations prescribed by him, the head of any department or agency involved, may declare void and rescind any contract, loan, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit, certificate, ruling, decision, opinion, or rate schedule awarded, granted, paid, furnished, or published, or the performance of any service or transfer or delivery of any thing to, by or for any agency of the United States or officer or employee of the United States or person acting on behalf thereof, in relation to which there



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has been a final conviction for any violation of this chapter, and the United States shall be entitled to recover in addition to any penalty prescribed by law or in a contract the amount expended or the thing transferred or delivered on its behalf, or the reasonable value thereof."

Repeal.

SEC. 2. Sections 281 and 283 (except as they may apply to retired officers of the armed forces of the United States), 282 and 284 of chapter 15 of title 18, section 424 of chapter 23 of title 13, and section 1914 of chapter 93 of title 18 of the United States Code are repealed and will, respectively, be supplanted by sections 203, 205, 204, 207, 208, and 209 of title 18 of the United States Code as set forth in section 1 of this Act. All exemptions from the provisions of sections 281, 282, 283, 284, 434, or 1914 of title 18 of the United States Code heretofore created or authorized by statute which are in force on the effective date of this Act shall, on and after that date, be deemed to be exemptions from sections 203, 204, 205, 207, 208, or 209, respectively, of title 18 of the United States Code except to the extent that they affect officers or employees of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, as to whom they are no longer applicable.

Exemptions.

Repeal.

Effective date.

SEC. 3. Section 190 of the Revised Statutes (5 U.S.C. 99) is repealed.
SEC. 4. This Act shall take effect ninety days after the date of its enactment.

Approved October 23, 1962.



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STANDARDS OF CONDUCT
FOR THE
WHITE HOUSE STAFF

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1. Introduction

The purpose of this document is to acquaint you with some of the ethical concepts and legal restrictions applicable to you as a member of the White House Office staff. It is hoped that by being aware of these standards of official conduct, you will be able to recognize and avoid conflict of interest and other improper conduct situations you may encounter, and will be alert to seek assistance in resolving any questions that may arise. Please note that this memorandum is not designed to cover all situations and problems with which you may be confronted; rather it is only intended to highlight in general terms some of the most reoccurring issues with which you may be confronted.

The official regulation governing the standards of conduct for the White House Office is set forth in 5 CFR Chapter V, Part 100. This regulation was issued pursuant to Executive Order 11222 which prescribes general standards of ethical conduct for all government officers and employees. Copies of the regulation and the Executive Order are attached. It is strongly suggested that they be read thoroughly as soon as possible, and retained for your further reference. In addition, you should be aware of the Federal Criminal Statutes relating to standards of conduct and conflicts of interest, which are also included in the materials provided.

As a general statement of guidance, it might be said that the statutes and regulations which are applicable to you as a member of the staff are directed to insuring the achievement of the following objectives:

- (a) the fair, impartial and equal treatment of those dealing with the government;
- (b) the assurance that government decisions will not be influenced by an employee's private interests;
- (c) the maintenance of public confidence in the integrity of government operations;
- (d) the prevention of use of public office for private gain; and
- (e) the prevention of any impediment to the efficiency and economy of government business.

At the outset you should be also aware of one very important factor which is relevant to every matter discussed in this document and which should always be part of your evaluation of any situation you encounter: It is just as important to avoid the appearance of a conflict or unethical conduct as an actual one. Conduct may be short of a legal violation but if it leads the public to ques-

tion the integrity of the government and its officials, the harm is done. In such instances, even if there was no impropriety intended or practical, the Administration or members of the staff may be required to spend an inordinate amount of time explaining or defending innocent actions rather than implementing the objectives of the President and a cloud may be cast over the merits of our decisions. All staff members must, therefore, be constantly aware of improper "appearances" as well as actual conflicts when dealing with others in or outside of the government.

For each area of conduct discussed herein, more detailed information and assistance can be obtained from the Office of the Counsel to the President. Whenever you have a problem or question in this regard, you should immediately contact that Office for a resolution of the matter.

2. Conflicts of Interest

A conflict of interest may exist whenever a member of the staff has a personal or private interest in a matter which is related to his official duties and responsibilities or the activities of the staff. The major prohibitions to which you are subject in order to avoid such situations may be stated generally as follows:

(a) You may not participate in your official capacity in any matter in which you, your spouse, minor child, outside business associate or person with whom you are negotiating for employment has a financial interest.

(b) You may not receive any salary, or supplementation of your government salary, from a private source as compensation for your services to the government. You may, however, continue to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. But such a financial interest disqualifies you under paragraph (a) in the absence of a waiver.

(c) You may not, except in the discharge of your official duties, represent anyone else before a government agency or a court 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.

Stated another way, government personnel should not step out of their official role and act

in a private capacity to assist private parties in their dealings with the government, whether for compensation or not. Also, a public official must not be in a position of acting for the government when his private interests are involved, nor should he receive payments from private sources for the performance of his governmental duties.

You will also note in reading the standards of conduct regulations that there are some specific exceptions to these prohibitions. If you feel they are applicable to your situation, this should be immediately reviewed with the Counsel to the President.

It should be again stressed that it is of utmost importance to the maintenance of public confidence in the government that you avoid not only these specific prohibitions, but also any conduct or activity which would give the appearance of a conflict or use of your position for the furtherance of personal goals or interests.

3. Financial Interests and Activities

As is noted generally above, a White House staff member may not participate in his official capacity in any decision, recommendation or similar activity involving any matter in which he has a "financial interest." Further, a staff member may not have financial interests which are entered into as a result of information obtained through his employment.

Under this restriction a "financial interest" includes not only that which you may have, but also that of your spouse, minor child, partner, organization in which you have any significant interest, or any person or organization with whom you are negotiating or have any arrangement concerning future employment (including, of course, any company from which you may have a leave of absence).

If you have a financial interest which is involved or may be affected by a matter on which you are to work, you may not so participate until you have reviewed the situation with the Counsel to the President and received a written determination that your interest is not so substantial as to be in conflict with your performance in that matter.

Obviously, most financial interests are in the form of ownership of investment property or stocks and bonds, or a directorship or similar position in a company or organization. Quite often, such interests are not so significant as to be dis-

qualifying. However, you should not take it upon yourself to make such a decision, rather you should submit the matter for review.

Each staff member who is paid at a level equivalent to GS-13 or above, is required to submit to the Counsel to the President, within 30 days after his entrance on duty, or promotion, a confidential statement which discloses all his personal employment and financial interests and activities as well as those of his spouse, minor children and members of his immediate family.

Those filing such statements are required to report any significant changes, and all must file a supplementary statement as of June 30 of each year, even if no changes or additions have occurred.

These statements are reviewed by the Counsel to the President to determine whether a conflict, or appearance of conflict, exists between the interests of the staff member and the performance of his duties, and recommendations for remedial actions are made where appropriate. These statements are held in confidence and no information contained therein may be disclosed except by direction of the President for good cause shown.

If you are required to file such a statement, the appropriate forms should have been supplied to you upon your entrance on duty. Please consult with the Counsel to the President if you have any questions or need specific advice or guidance regarding the retention of former employee benefits, possible divestiture of holdings, or any problems related to the establishment of trusts or other financial arrangements which might be necessary to avoid a conflict of interest with your position.

Please note that the fact that a staff member might not be required to file such a statement does not relieve him of the obligation to refrain from participation in any matter in which he or his immediate family or business associates may have a financial interest. Also, although these statements are a form of notice of a staff member's financial and employment interests, this should not be considered to relieve him of the requirement to disclose his financial interest in a matter upon which he is called to work and to refrain from any further participation until the question of possible conflict of interest is resolved.

4. Gifts, Loans, Entertainment and Favors

Federal statutes prohibit your acceptance of a gift from a fellow employee receiving less pay than



and it is also contrary to law to solicit contributions for gifts to an employee in a superior official position or to individually give such a gift or contribution. These restrictions are designed to remove any question that a person might attempt to gain favor with a superior by the giving of a gift, and also to resolve that no such gifts are expected, and therefore are not interpreted to preclude the exchange of gifts of nominal value between coworkers within a particular office on traditional occasions.

Members of the White House staff may not solicit or accept a gift, favor, entertainment, loan or any other thing of monetary value from any corporation or person who has or is seeking contractual or business dealings with any department or agency in the Executive Branch, or who conducts activities which are regulated by any department or agency in the Executive Branch, or who has any interests which may be substantially affected by the performance of your job. This latter group may include persons in the federal government as well as those outside the government.

There are, of course, some exceptions to these prohibitions. You may consider accepting a reasonable gift or entertainment from a close personal friend or relative who has dealings with the government. It is clear that the motivation for the gift is the personal relationship. However, in such a case, due consideration must be given to avoiding an appearance of a conflict of interest. If, for example, the representative of a company having extensive government contracts is a neighbor with whom you have been socially close and exchanged Christmas gifts for years, there would be no real conflict in accepting a gift offered. However, if the appearance created by receipt of such a gift would create a problem, then it would be best not to accept the gift. Again, appearances of conflict often create greater problems than true conflicts.

Any proscribed gift should be returned to the donor, accompanied by a written explanation of the reasons for its necessary return. It is recommended that you retain a copy of this letter in your files. If the return of a gift is not possible for any reason, the gift should be forwarded to the Office of the Counsel to the President with a written explanation of the infeasibility of its return. The gift will then be turned over to charity.

You are not precluded from accepting unsolicited advertising or promotional items of a nominal

intrinsic value, such as pens, pencils, note pads, calendars, etc. As a rule of thumb, gifts having a value of \$10 or less are considered to be of "nominal value." Please note that if the item is not of an advertising or promotional nature, it should be returned, *regardless of its value*, unless there is another justification for its retention.

Nor do these rules preclude your acceptance of food or refreshments of nominal value in the ordinary course of a luncheon or dinner meeting, or while in attendance at a function where you are otherwise properly in attendance.

Likewise, you are obviously not precluded from accepting loans from financial institutions on customary terms for use in financing the purchase of a home, automobile or incurring similar expenditures.

5. Reimbursement of Travel, Lodging and Related Expenses While on Official Business

When a staff member is travelling on official business, the general rule is that it is not permissible for him to accept hotel accommodations or reimbursement for transportation or lodging expenses from any person or non-governmental organization. Likewise, it is not permissible to accept transportation in private aircraft. There are situations, however, in which the staff member may, under limited conditions, accept either transportation reimbursement or accommodations. For example, a staff member could accept an invitation to stay at the private residence of his host if this would be appropriate under the circumstances of his visit. In judging the propriety of staying at the private residence of a close personal friend or any other person, the normal rules apply and the staff member may accept only when this will not create a conflict or appearance of conflict with his position or otherwise be a source of embarrassment to the President.

6. Gifts, Decorations and Awards From Foreign Governments

The Constitution prohibits acceptance from foreign governments, except with the consent of Congress, of any emolument, office, or title. Congress has provided that a staff member may keep courtesy or souvenir gifts of minimal value and that a staff member may accept a gift of more than minimal value on behalf of the U.S. Government, if he concludes that it would cause offense or embarrassment to the donor or adversely affect



foreign relations if refused. Any such gift which cannot appropriately be refused becomes the property of the government and should be submitted immediately to the Counsel to the President for transmittal to the State Department.

7. Honoraria and Compensation for Speeches, Teaching and Writing

As a general policy, a White House staff member should not accept an honorarium or compensation for speeches, lectures, teaching or writing on a subject which is in any way related to his official position or to the operations or activities of the White House staff or the Executive Office of the President.

This restriction does not preclude the acceptance of an award for a meritorious public contribution or achievement given by a charitable, professional, religious, nonprofit, educational, civic or similar organization, but you should consult with the Counsel to the President before accepting any such award which entails a monetary grant or which may raise a question of conflict of interest.

8. Lobbying

The direct or indirect use of appropriated funds for lobbying activities without express authorization by Congress is prohibited by law. This includes use of appropriated funds to pay for personal services, advertisements, communications or devices of any kind to influence a Member of Congress in acting upon legislation. Violators of this prohibition may be criminally prosecuted or removed from office. This prohibition obviously is not intended to prevent staff members from communicating with Members of Congress and providing information about legislation to Members of Congress. However, the line between proper informational publicity in legislative matters and improper lobbying activities should always be kept in mind. Although the sanctions under this law have rarely if ever been used, care should be taken in this regard to avoid criticism by Members of Congress and the Comptroller General.

9. Disclosure or Use of Official Information

There are many types of information to which staff members become privy. With some of this sensitive information, legal and ethical restrictions are imposed upon your disclosure, handling and use of it. The following paragraphs highlight some of the problems of which you should be aware in this regard.

(a) National Security Information

The disclosure of classified national security information to unauthorized persons is strictly prohibited by law, and violators may be prosecuted and discharged. The term "national security information" refers to defense information classified pursuant to Executive Order 10601 which bears the markings "Confidential," "Secret" or "Top Secret," restricted data classified under the Atomic Energy Act of 1954 which bears the marking "Restricted Data Atomic Energy Act of 1954," and classified cryptomaterial which bears markings as authorized by the appropriate agencies. Materials classified in this manner involve information concerning national defense, international relations and cryptology, the unauthorized disclosures of which could be prejudicial or damaging to United States security interests.

It should be noted that the terms designated to identify such classified information (e.g., "Confidential," "Secret," and "Top Secret") should not be used on documents which do not fall within the respective definitions.

(b) Confidential Business and Personal Information

A number of statutes and regulations restrict the disclosure by federal officials to unauthorized persons of certain confidential information which businesses or individuals disclose officially to a federal agency or employee. Such information is not formally classified but still must be treated in a confidential manner. Types of this information include trade secrets, business operations and statistics, personal and business financial data, tax returns, investigative reports of law enforcement agencies, and personnel and medical information.

Staff members are subject to criminal sanctions if they do not protect this information from use by unauthorized personnel. Care should be exercised in passing any such information to make certain that only authorized persons receive it.

(c) Administratively Restricted Information

When it is desired to control materials administratively; i.e., where the contents are not of a national security nature covered by the definitions for security classifications, but are to be restricted to the view of only certain officials, there are administrative classifications which you may use. They are "For Official Use Only," "Administratively Confidential" or "For The Eyes of (particular official or officials) Only." In certain cases,



It also may be desirable to classify confidential or personal information in this manner. The classifications may also be employed in regard to proposed policies or similar sensitive matters when a limited dissemination is desired. Each staff member must use his own discretion in classifying information administratively.

Let Office Inside Information

White House staff members are prohibited from using for private gain or personal interest any information obtained as a result of their position which is not available to the public.

Each staff office should establish adequate internal procedures to assure that classified and sensitive documents and related materials are protected at all times. A specific person in each office should be given this responsibility, but it should be made clear that the last person in an office assumes the responsibility for the security of classified material. Such materials should not be taken from the White House or EOB except when operationally necessary, and then only when appropriate measures are taken to safeguard it.

The Executive Protective Service (EPS) has been instructed to conduct a thorough after-hours inspection of staff offices in the White House and EOB on a nightly basis. Their authority to inspect extends to all exposed classified or sensitive documents, as well as all other related materials not properly secured. Classified material should never be left unattended on desks, and when an office is closed or vacant, materials should be locked in a secure cabinet. In the event of a serious security violation, EPS will file a formal report with the office concerned.

All classified and sensitive materials to be destroyed should be separated from other office trash and waste materials and either destroyed in a shredder or placed in "burn bags" which are collected under EPS supervision and are disposed of in the secure macerator located in the EOB.

10. Political Activities

Federal law, primarily through the Hatch Act, limits the political activity of federal employees. White House Office staff members (i.e., on the White House budget payroll) are exempt from the Hatch Act prohibitions against engaging in political activity and management.

There are other federal laws dealing with political activity which apply without exception to the

White House Office staff. The principal activities prohibited by these criminal statutes are:

(1) Solicitation or receipt of political contributions by one federal employee from another (18 USC 602).

(2) The giving or handing over of a political contribution by one federal employee to another (18 USC 607).

(3) Solicitation or receipt of political contributions in a federal building by any person, whether or not an employee of the government (18 USC 805).

(4) Solicitation or receipt of anything of value, either for personal reward or as a political contribution, in return for the promise to use, or the use of, influence to secure an appointive office (18 USC 211).

(5) Promising employment, compensation or other benefits made possible by act of Congress as consideration or reward for political activity (18 USC 600).

(6) Discrimination by a federal employee in favor of or against another officer or employee on account of political contributions (18 USC 606).

11. Contact With Independent Regulatory Agencies and Procurement Agencies

You should also be familiar with the standards of conduct governing the activities of the White House staff in its contacts with the regulatory agencies and Executive Branch departments and agencies with procurement responsibilities.

Regulatory Agencies: The cases that come before these agencies are of two general types: rule-making and adjudicative. Both are normally extremely complicated, extremely important to the parties concerned, and involve large amounts of money. While there are exceptional occasions when White House staff contact with agency personnel is justified in rule-making proceedings, there is no justification for involvement in adjudicative proceedings. As a general rule, no member of the staff should make an ex parte contact with a regulatory agency involving any matter pending before that agency, regardless of whether the proceedings are deemed to be rule-making or adjudicative, when such a contact may imply preferential treatment or the use of influence on the decision-making process.

Should you receive inquiries with regard to such matters, you should refer the inquiring party to



the agency involved, and express no opinion on the issue raised. In short, White House staff members should avoid even the mere appearance of interest or influence—and the easiest way to do so is to avoid discussing matters pending before the independent regulatory agencies with interested parties and avoid making ex-parte contacts with agency personnel. On occasions when it may occasionally arise in the course of your duties where it appears necessary to discuss general policy matters with the staff of an independent regulatory agency, to avoid any appearance of impropriety, you should first consult with the office of the Counsel to the President to determine whether such contact would be appropriate under the circumstances.

Procurement Agencies: In recent years the public has become increasingly sensitive to the allegations of improper influence in the awarding of government contracts. Obviously no member of the White House staff should contact any procurement officer about a contract in which he has a personal financial interest or in which a relative, friend, or business associate has a financial interest. This is true not only as to calls or contacts in which influence is directly exerted, but also as to so-called "status" calls or other communications which might direct the attention of the procurement officer to the fact that the White House staff member has an interest.

There are likely to be occasions when the White House has a legitimate interest in information about procurement matters; in such instances, the communication should be made by persons who have no direct interest themselves, and whose friends or associates have no such interests. It is advisable that the lack of such interest be made known to those receiving the communication so that unintended inferences do not arise. To the extent that it can be done, information should be obtained after the contracting procedure is completed, or from persons not involved in the decision-making process. To avoid the appearance of conflict and subsequent embarrassment, White House staff members who must contact procurement agencies with regard to pending contracts should also first contact the Counsel to the President.

12. Standards for Departing Personnel

All departing White House staff members are obligated to observe the following statutory standards of conduct:

(a) Disqualification in matters connected with former duties or official responsibilities, etc.

A former staff member is *permanently* barred from acting as an agent or attorney for anyone other than the United States in connection with a particular matter in which the United States is a party or has an interest and in which he participated personally and substantially for the government.

A former full-time staff member may not for a period of *one year* after the termination of his government employment appear personally before any court, department or agency as agent or attorney for anyone other than the United States in connection with any particular matter in which the United States is a party or has an interest and which was *under the official responsibility* of the former staff member during the last year of his government service.

(b) Prohibition against receipt of compensation for representative services performed before government agencies by former staff members or others during the period of employment as a staff member.

A former staff member as well as a present staff member is prohibited from receiving or soliciting any compensation for services rendered before any department, agency or commission by himself or any other person while he was a staff member in relation to a particular matter in which the United States is a party or has an interest. It should be noted that the representative services covered do not include appearances before courts—only agencies, departments or commissions.

This prohibition affects the circumstances under which a former staff member may join or rejoin a firm which is engaged in his particular business. The statute makes it unlawful for a former employee to share in any fees received by the firm for services in relation to a particular matter, in which the United States is a party or has an interest, performed by the firm at any time during the period of his government employment. This is so even though the matter was not ever before his particular department or agency and did not come to his attention before his separation from the government.

The new firm member and the firm must make an arrangement whereby his share of its income is attributed to sources other than fees of the firm derived from activities covered by this prohibition.



*) Restrictions on partners of former staff
serv.*

Partners of former staff members are as such not within the scope of the conflict of interest statutes discussed in paragraphs (a) and (b). Partnership with the former staff member does not disqualify them in matters in which the staff member is disqualified. However, as indicated above, the law prohibits the partners of

a former staff member from sharing compensation with him for certain services rendered during his period of government service.

In addition to the foregoing, departing staff personnel with a legal background who have served on the staff in a legal capacity should also familiarize themselves with additional restrictions imposed by the Code of Professional Responsibility of the American Bar Association.



D



**CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS
(FOR USE BY GOVERNMENT EMPLOYEES)**

1. NAME (last, first, initial)	2. TITLE OF POSITION
3. DATE OF APPOINTMENT IN PRESENT POSITION	4. AGENCY AND MAJOR ORGANIZATIONAL SEGMENT

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 (a) 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 RFD, OF 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 date upon which you request that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER

[AGENCY MAY INSERT ADDITIONAL INSTRUCTIONS IN THE SPACE BELOW]

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

