

## ETHICS – A FEW QUESTIONS TO ASK YOURSELF *BEFORE* WORKING WITH AN OUTSIDE ORGANIZATION

---

**General Rule:** There are ethical parameters for federal employees who work, volunteer, or affiliate with outside organizations.

### QUESTIONS TO ASK YOURSELF

#### What capacity do I think I'm acting in?

- Official capacity – on Forest Service time or using Forest Service resources.
- Personal capacity – on your own, personal time & using your own resources.

#### What type of outside organization/person is this? Specifically, is it a PROHIBITED SOURCE?

- A prohibited source is one that...
  - Seeks official action from the Forest Service?
  - Conducts or seeks to conduct business with the Forest Service?
  - Conducts activities regulated by the Forest Service?
  - Seeks to influence Forest Service's policies or regulations
  - Has interests that may be substantially affected by your official duties (perform/ non-performance)
  - Hopes to use your position as a federal employee to benefit its efforts/mission?
- *Examples* of prohibited sources
  - Lobbying Groups; Political Action Committees; Chamber of Commerce; Professional associations
  - For Profit Enterprises (industry; companies; NGOs; Employee associations; Friends Groups
- What's the big deal? Well, your interaction with a prohibited source may cause a *conflict of interest*:
  - *Appearance of federal involvement, sanction and/or endorsement; conflicting financial interests (fiduciaries); loss of impartiality (active members); representation; fundraising*

#### What type of activity would I like to do?

- Lobby
- Fundraise
- Accept compensation (outside of the Forest Service)
- Accept a role with the outside organization (leadership; advisor/liaison; membership; etc.)
- Accept, solicit, or give a gift
- Political Activity

#### Is there possibly a conflict of interest?

- Conflicting financial interests (own or imputed)
- Loss of impartiality
- Misuse of position
- Fundraise

### ANSWERS TO MOST QUESTIONS

#### What can I do in my Official Capacity?

- General Rule: May participate in your official capacity with certain groups, but it is quite rare<sup>1</sup>
- **Lobbying** - no lobbying to Congress

---

<sup>1</sup> 18 U.S.C. § 208(b)

- For federal government to obtain appropriated funds OR for grassroots efforts to obtain appropriated funds using federal money, supplies, equipment, personnel<sup>2</sup>
- May push legislation to legislators & staff to advocate the position of the agency ☺
- **Fundraising** - no fundraising, except for CFC & in-kind disaster relief with OPM approval<sup>3</sup>
- **Dual compensation** - no receiving compensation from outside organizations (e.g. salaries, honoraria, contract payments)<sup>4</sup>
  - Rule: You cannot seek or accept any form of compensation from any non-Federal source in return for the performance of your official duties
  - No representation of others<sup>5</sup>
  - No misuse of your federal position
- **Teach, speak, write** - may accept certain teaching, speaking or writing assignments<sup>6</sup>
  - May teach as part of your job to accomplish statutory purposes (includes attending trainings; speak/educate the public; attend conferences, etc.)
  - May give an official speech ONLY IF...
    - Must be approved by supervisor, AND
    - Subject must be related to your official duties<sup>7</sup> AND
    - An appropriate forum for dissemination of information, AND
    - Do not ask for money/donations/etc. during speech
    - Travel expenses may be collected
  - No teaching if gig offered primarily b/c of your job rather than subject expertise
  - No teaching if offeror's interests would be *substantially affected* by performance or nonperformance of your job (conflict of interest)
    - Matters that you were assigned to w/in the past year
    - Ongoing or announced policies, programs, operations of Forest Service
- **Permissible roles with organizations** - may accept certain roles with an outside organization
  - May be a liaison/advisor (technical or professional matters) ONLY IF approved by your supervisor
  - May not be an *active participant* (spokesperson, chair, editor, consultant)<sup>8</sup>
  - May not serve as a *fiduciary* (managerial/administrative role in organization) – a legal duty where one is bound to act in another's best interests; or any matter in which you have a *financial interest*<sup>9</sup>; or on internal business (finances; membership; employment issues)
    - Recuse yourself from taking official action

---

<sup>2</sup> 18 U.S.C. 1913

<sup>3</sup> 5 C.F.R. Part 950 (allows fundraising only as part of Combined Federal Campaign (CFC) or as approved by the Director of OPM); 5 C.F.R. 2635.808(b) (allows fundraising only if authorized by statute, Executive Order, or regulations (e.g. CFC)).

<sup>4</sup> 18 U.S.C. §209 (prohibition against dual compensation); 18 U.S.C. §208(a) (defines fiduciary as an officer, director or member of the Board of Directors, trustee, general partner, employee). These managerial/administrative roles typically include service as an officer of an NGO (e.g. president, treasurer, secretary, etc.), or a role in membership of the BOD or trustee including voting authority for organizational matters, or a general partner of the partnership.

<sup>5</sup> 18 U.S.C. §205

<sup>6</sup> 5 CFR 2635.807

<sup>7</sup> Official Duties – subject matter focuses specifically on responsibilities, programs, or operations of the EE's agency as described in 2635.807(a)(2)(i)(E); or on matters of Administration policy on which the EE has been authorized to speak.

<sup>8</sup> 5 C.F.R. 2635, Subpart E (cautions becoming an "active participant," which includes spokespersons, chairs, editors, advisors, consultants, agents, contractors).

<sup>9</sup> 18 U.S.C. §208(a) (defines fiduciary as an officer, director or member of the Board of Directors, trustee, general partner, employee). These managerial/administrative roles typically include service as an officer of an NGO (e.g. president, treasurer, secretary, etc.), or a role in membership of the BOD or trustee including voting authority for organizational matters, or a general partner of the partnership.

- Possibly obtain a written Department *waiver* from your appointing official if determined, based on a full disclosure, that the interest would not undermine the integrity of your service to the Government (rarely granted)<sup>10</sup>
  - May NOT participate with ***prohibited sources*** (listed above) because it creates a ***conflict of interest***
- **Conflict of interest – three types**
  - Actual conflicting financial interests
  - Actual or apparent loss of impartiality
  - Actual or apparent misuse of official title/authority for your benefit of the benefit of anyone else (favoritism)
- **Actual conflicting financial interests:** no participating in your official capacity over *particular matters*<sup>11</sup> in which you or one whose interests are imputed to you, have a *financial interest*<sup>12</sup>
  - Own financial interest
  - Imputed financial interests
    - Family Interests - your spouses, kids, close personal relatives; AND
    - Entity Interests - general partners; entities where you serve as officer, director, trustee, or employee; entities you're arranging outside employment with<sup>13</sup>; service as a board member of an NGO in your official capacity; and/or discussions with a NGO over a possible job; partners!!
- **Actual or apparent loss of impartiality:** no participating in your official capacity over *particular matters*<sup>14</sup> in which you or one whose interests are imputed to you, have loss of *impartiality*<sup>15</sup>
  - Impartiality – financial interests of “covered relationship” includes
  - Family members - household members, close relatives) AND
  - Entity Interests - organizations of your spouse, parent, dependent child if they serve as official director, general partner or employee; persons/entities who employed you; organizations where you actively participate; former employee who paid severance w/in the past 2 years.
- **Misuse of position - sanction/endorse.** No sanctioning or endorsing an outside organization (e.g. no use of your title, position; no excessive advertisement, encouraging other employees to join an organization)<sup>16</sup>
  - No leveraging your office for favors to you or anyone else
  - No endorsing any product, service or enterprise unless authorized by law
  - No using non-public information for private gain
  - No using government time, personnel, equipment for private purposes
  - No taking official actions that benefit the organization
  - No creating or allowing the appearance that your participation is official
  - Even if not covered by the conflict or interest or impartiality rules, you still can't use your official title, authority, or position to specifically benefit yourself or anyone else other than members of the public (catch-all). No favoritism!!<sup>17</sup>

<sup>10</sup> 18 U.S.C. §208(b) (allows certain activities to be approved by a Departmental waiver). Note – such waivers are quite rare. Waivers will only be issued if it is determined, based upon full disclosure, that the interest would not undermine the integrity of your service to the government.

<sup>11</sup> Particular Matter – broad spectrum of government activities including government programs, interpretative rulings, decisions to undertake particular projects; rule-making; general policy; enforcement; standards; etc.

<sup>12</sup> 18 U.S.C. § 208 (conflicting financial interests)

<sup>13</sup> 18 U.S.C. §208; 5 CFR 2635, Subpart F.

<sup>14</sup> Particular Matter – broad spectrum of government activities including government programs, interpretative rulings, decisions to undertake particular projects; rule-making; general policy; enforcement; standards; etc.

<sup>15</sup> 5 CFR 2635.502 (impartiality).

<sup>16</sup> 5 C.F.R. 2635 section 702(c), 703, Subpart G

<sup>17</sup> 5 CFR Part 2635, Subpart G.

- **Gifts – no** accepting gifts or giving gifts to an organization (except CFC) <sup>18</sup>
- No representing anyone other than the Forest Service in court IF the Forest Service has an interest/ is party<sup>19</sup>
- No accepting gifts or giving gifts to an organization (except CFC) <sup>20</sup>

### What can I do in my Personal Capacity?

- General Rule: you may participate in your personal capacity with certain groups, but be wary of conflict of interest issues. The question to ask yourself is whether or not the outside organization would be a “prohibited source” or not. If so, then you have to be cautious about the level of your participation with that group.<sup>21</sup>
- **Lobbying** - may lobby, with certain exceptions!
  - May travel to and/or take part in partisan (e.g. someone is running for office) events off federal premises; speak or attend fundraisers off-duty; publicly endorse candidates in your private capacity.
  - No lobbying during federal time and/or using federal resources (e.g. phones, vehicles, office space, parking lots, etc.)
  - No wearing a political badge at work
  - No conducting lobbying activities (e.g. writing speeches, etc.) *during* work
- **Fundraising** - may fundraise, with certain exceptions!
  - No fundraising from a prohibited source (conflict of interest).<sup>22</sup> May do behind-the-scenes work (seal envelopes, account for contributions, etc)
  - No solicitation (e.g. encouragement of donations/support via person-to-person or use of one’s name/identify) from co-workers for specific amount OR subordinates for any amount<sup>23</sup>
  - No fundraising from Special Government Employees (SGEs)
  - No use of official title, position or authority to leverage funding or influence *unless approved*
  - No use of government time or resources (e.g. phones, vehicles, etc.)<sup>24</sup>
  - Attending events<sup>25</sup>
    - No promotion/production/presentation of the event (e.g. sitting at head of the table, serving as honorary chairperson, standing in reception line)
    - May attend event
    - May accept waiver of fee for dinner and/or have named placed on list of speakers
- **Dual compensation** - may accept outside compensation for certain activities, with certain exceptions!
  - No accepting compensation for activities *closely related* to your official duty<sup>26</sup>
  - No engaging in financial transactions using nonpublic information
  - No using federal equipment

<sup>18</sup> 18 U.S.C. § 201 (prohibits seeking or accepting gifts if related to performance of your official duties); 5 C.F.R. 2635, Subpart B (prohibits soliciting or accepting gifts from a prohibited source or given based upon official position); 5 C.F.R. 2635.808.

<sup>19</sup> 18 U.S.C. § 207

<sup>20</sup> 18 U.S.C. § 201 (prohibits seeking or accepting gifts if related to performance of your official duties); 5 C.F.R. 2635, Subpart B (prohibits soliciting or accepting gifts from a prohibited source or given based upon official position); 5 C.F.R. 2635.808.

<sup>21</sup> 18 U.S.C. § 208(b)

<sup>22</sup> 5 CFR 2635.203(d), Subpart H.

<sup>23</sup> 5 CFR 2635.808(a)(4).

<sup>24</sup> 18 U.S.C. § 1913 (use of appropriated funds). Includes vehicles, mail, office equipment & internet (*de minimus* exception & minimal time/impact on duties)

<sup>25</sup> 5 CFR 2635.808 (identifies fundraising parameters); 26 U.S.C. §527(e) (defines political organization).

<sup>26</sup> 5 CFR 2635.807

- No using your official time or your subordinates
- **Teach, speak, & write** - may teach, speak, and write, with certain exceptions!
  - No accepting compensation for activities *related* to your official duty
  - No engaging in financial transactions using nonpublic information
  - No using your official time or your subordinates
  - No use of official title, authority in connection with the TSW assignment (bio okay)
  - Accepting travel expenses may be okay, depends on whether from a prohibited source
- **Participation w/ organizations** - may accept a role with outside organization— with certain exceptions!
  - No accepting a leadership role with a prohibited source (see list above, includes *partners*)
  - No accepting active participant roles with a prohibited source
  - No use of your title/position in a manner that could be constructed as providing agency sanction or endorsement.
  - Do NOT take official action on matters concerning the entity
  - Do not represent the organization before the government
- **Impartiality -- actual or apparent loss of impartiality:** no participating in an organization over *particular matters*<sup>27</sup> in which you or one whose interests are imputed to you, have loss of *impartiality*<sup>28</sup>
  - Impartiality – financial interests of “covered relationship” includes
  - Family members - household members, close relatives) AND
  - Entity Interests - organizations of your spouse, parent, dependent child if they serve as official director, general partner or employee; persons/entities who employed you; organizations where you actively participate; former employee who paid severance w/in the past 2 years.
- **Misuse of position** - no sanctioning or endorsing an outside organization (e.g. no use of your title, position; no excessive advertisement, encouraging other employees to join an organization; etc.)<sup>29</sup>
  - No leveraging your office for favors to you or anyone else
  - No endorsing any product, service or enterprise unless authorized by law
  - No using non-public information for private gain
  - No using government time, personnel, equipment for private purposes
  - No taking official actions that benefit the organization
  - No creating or allowing the appearance that your participation is official
  - Even if not covered by the conflict or interest or impartiality rules, you still can't use your official title, authority, or position to specifically benefit yourself or anyone else other than members of the public (catch-all). No favoritism!!<sup>30</sup>
- **Gifts** - may accept gifts from an outside organization, with certain exceptions!
  - May accept gifts based on outside affiliations, outside activities or social events
  - No accepting gifts given to you because of your official position
  - No accepting gifts from prohibited sources over \$20 per occasion, with a maximum of \$50 value of total gifts per year

## **POLITICAL ACTIVITY**

<sup>27</sup> Particular Matter – broad spectrum of government activities including government programs, interpretative rulings, decisions to undertake particular projects; rule-making; general policy; enforcement; standards; etc.

<sup>28</sup> 5 CFR 2635.502 (impartiality).

<sup>29</sup> 5 C.F.R. 2635 section 702(c), 703, Subpart G

<sup>30</sup> 5 CFR Part 2635, Subpart G.

- *Hatch Act* governs your ability to engage in political activities<sup>31</sup>
- Partisan activity
  - Def: related to an elected public office or an election in which
    - any candidate running is a representative of a political party AND that
    - political party had a candidate for President who made it on the ballot in at least one state and whose electors received at least one vote in the last presidential election
  - MAY
    - Travel to political events on personal time
    - Attend & speak at political fundraisers on off-duty time, but may not solicit contributions
    - Publicly endorse candidates in your private capacity during non-duty
    - Take an active part in or manage a partisan political campaign while off duty
    - Take an active part in political activities OFF gov premises
  - MAY NOT
    - Make calls/set up appointments for a political campaign during duty hours
    - Wear a political badge or button on government premises
    - Write or assist others in writing political speeches on official time
    - Engage in political activities using a government vehicle
    - Attend political meetings while on official time
    - Use gov facilities, equipment, supplies for activities
    - Attend political events during duty hours
    - Use gov office to hold any meetings w/ campaign staff
    - Solicit or receive political contributions in federal offices<sup>32</sup>
    - Solicit political contributions from other EEs<sup>33</sup>
- Nonpartisan activity
  - You may be politically active in connection w/ an activity which is not specifically identified w/ a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, etc.
  - May be politically active in connection w/ an activity which is not specifically identified w/ a political party (constitutional amendment, referendum, approval of municipal ordinance)
  - May take active part, as candidate or support of candidate, in non-partisan election
  - Serve as an election judge or clerk to perform nonpartisan duties
  - Participate in activities of a civic, community, social, labor or professional organization

## GIFTS

- **What's the general rule?**
  - You cannot seek or accept anything of value for you or others if directly in return for being influence in an official act or inaction, or aiding the commission of a fraud of the U.S.<sup>34</sup>
- **What is a gift?**
  - A gift is anything that has monetary value which you obtain for less than "market value," including services. Gifts may be tangible or intangible.<sup>35</sup>
  - **Gifts:** Includes money, bequest (personal property); devise (real property via will); intangible property (copyright, patent, license, and trademark); intellectual property (patents, human intellect); personal property. Cash. Service. Entertainment, hospitality, gratuity, or favor. Travel or travel-related expenses. A discount, loan, forbearance (forgiveness) of a loan.

<sup>31</sup> Hatch Act Reform Amendments of 1993, 5 U.S.C. 7823(a) – employees may not knowingly solicit, accept or receive a political contribution from any person, except under limited circumstances.

<sup>32</sup> 18 U.S.C. § 607

<sup>33</sup> 18 USC § 602

<sup>34</sup> 18 U.S.C. § 201 (Bribery)

<sup>35</sup> 5 C.F.R. 2635.203(b)

- **Non-gifts:**
  - Modest food & drink not offered as part of a meal (e.g. coffee, donuts, candy)
  - Items of intrinsic value (plaques, certificates, trophies, cards)
  - Pension benefits from former employer
  - Loans or credit from banks/ other financial institutions at rates available to the public.
  - Anything paid for or secured by the government.
  - Any gift accepted by the government under statutory authority.
  - Opportunities and benefits, including favorable rates & commercial discounts available to the public or all government employees ☺ Rewards & prizes open to the public. Pensions and other benefits resulting from continued participation in an employee welfare and benefit plan!
- **Did you solicit the gift?**
  - No soliciting gifts at work.<sup>36</sup>
  - Nor can you solicit money from persons outside of the government for the benefit of an organization.<sup>37</sup>
  - No soliciting gifts from a prohibited source
  - No soliciting gifts/contributions from employees for gifts to either your superior or their superiors
- **Who gave you the unsolicited gift & why?**
  - Prohibited source – may not accept the gift (see list above)<sup>38</sup>
  - Given because of your official position—may not accept the gift<sup>39</sup>
  - Co-worker making less \$\$ than you<sup>40</sup> – may not accept, generally, unless...
    - No superior/subordinate relationship + personal relationship justifies the gift
    - \$10 *de minimus rule*
    - Food shared with the office
    - Customary hospitality (gathering at the boss' house)
    - Gifts exceeding 10\$ for special, infrequent occasions of personal significance or events terminating the relationship (retirement, transfer, etc.)
  - Acceptable gifts:
    - Given because you are a member of the family
    - Given because you're a close, personal friend
    - Given because of your meritorious public service under a *bona fide* award program valued at \$200 or less or honorary degrees from sources not affected by your personal performance or non-performance of duties.<sup>41</sup>
    - Gifts under the \$20 value (up to 50\$ of gifts/year from one source) *de minimus rule*
    - Gifts based on outside affiliations, outside activities or social events (so long as not provided b/c of your Federal official position).<sup>42</sup>
    - Waiver of conference fees
- **How do I dispose of a prohibited gift?**<sup>43</sup>
  - Give it back to the donor
  - Pay market value for the item

---

<sup>36</sup> 5 CFR 2635.201-205 (subpart B)

<sup>37</sup> 5 C.F.R. 2635.808.

<sup>38</sup> 5 CFR 2635.203(e)

<sup>39</sup> 5 CFR 2635.203(e)

<sup>40</sup> 5 CFR Part 2635, Subpart C

<sup>41</sup> USDA Ethics Training *available at* [http://www.usda-ethics.net/training/module\\_03/9.htm](http://www.usda-ethics.net/training/module_03/9.htm)

<sup>42</sup> 5 CFR 2635.202

<sup>43</sup> 5 C.F.R. 2635.205

- Perishable gifts - give it to charity, or share among all employees of your office, or destroy it.
- **What's solicitation of a gift?**
  - Specific, written document or oral request which can be construed into a serious request for money to benefit USFS programs.<sup>44</sup>
- **What about gifts to the agency?**
  - General rule: The Forest Service MAY accept, hold, receive, utilize, and administer gifts bequests, or devises of *real* and *personal* property made for the benefit of the Forest Service or carrying out its functions.<sup>45</sup> If money, proceeds from sales or insurance BE *exceeds the costs* then FS must credit it to a separate fund for later disbursement.
  - Who may accept
    - Personal ppty (unconditional gifts) - Agency head or designated reps authorized to accept in the name of the Department<sup>46</sup>
    - Personal ppty (conditional gifts) - Chief Financial Officer or designated rep may accept
    - Intellectual ppty (unconditional & conditional) – Concurrence of OGC required unless OIG
    - Real ppty (unconditional or conditional) – FS manual Sections 6, 7, 8, and 9
  - Permissible gifts
    - Funds for improvements of FS assets – refunds must be made if funds collected are in excess of the cost.<sup>47</sup>
    - *Donations for a specific purpose* (e.g. raise \$\$ for a trail)
    - \*Offer of free attendance (admission/ waiver of conference fees) to an event if it is necessary and part of your performance of the official assignment. Key is the assignment to speak!! Attendance must further agency programs and operations.
    - Gifts that are items of *commemorative nature* from other than a for-profit entity if intended that the item be used or displayed in office setting<sup>48</sup>
    - Gift from state, local, tribal or foreign government that is *incidental* to cooperation in carrying out federal program<sup>49</sup>
    - Authorized by express purpose of a statute<sup>50</sup>
    - Gift acceptance is in the public interest b/c BE relating to the acceptance or rejection substantially outweighs the appearance of loss of impartiality on part of FS in dealings with the donor.<sup>51</sup>

---

<sup>44</sup> FSM 1580.5 (July 25, 1995 memo)

<sup>45</sup> Certain statutes authorize the Secretary to accept certain gifts on behalf of the FS, and regulations authorize the Chief of the FS to do so. (1) 7 U.S.C. §2269 (1978 Acceptance of Gifts Act) The Secretary is authorized to accept gifts of real or personal property for the benefit of the Department or for the carrying out of any of its functions, which would include monetary donations. Dept. of Agriculture's Property Management Regulations, §104-43.8003. Agency heads or their designated representatives are authorized to accept, in the name of the Department, gifts of personal property to the agency. (1b) Regulations authorize the Chief of the FS may protect, manage, and administer the national forests... and other lands... administered by the FS. This designation covers the acquisition and disposition of lands and interest in lands under... is limited to acquisitions of less than \$250,000. 7 C.F.R. 2.60(a)(2). (2) Acceptance of contributions and gifts to be used to further the purposes of the Cradle of Forestry in America. 16 U.S.C. §471h. (3) Acquire lands, waters, or interests within the Cascade Head Scenic-Research Area by donation, purchase, exchange, or otherwise. 16 U.S.C. §541d. (4) Acquire all lands and interests within the boundary of Scenic Area by donation, exchange, or purchase with appropriated funds. 16 U.S.C. §543b.

<sup>46</sup> Department Regulation No. 5200-3 (April 18, 2003). Gift Acceptance Policy. (5) Accept title to any lands chiefly valuable for the growing of timber crops that are donated or devised, and pay out any moneys appropriated for the general expenses of the FS the cost of recording deeds or other expenses incident to the examination and acceptance of title. 16 U.S.C. §569.

<sup>47</sup> Cooperative Funds Act.

<sup>48</sup> Departmental Regulation NO. 5200-3 (april 18, 2003) p. 5

<sup>49</sup> Departmental Regulation NO. 5200-3 (april 18, 2003) p. 5

<sup>50</sup> Departmental Regulation NO. 5200-3 (april 18, 2003) p. 5

<sup>51</sup> Departmental Regulation NO. 5200-3 (april 18, 2003) p. 5

- Gifts donated to the National Forest Foundation<sup>52</sup>
- Prohibited gifts<sup>53</sup>
  - From a person who conducts activities regulated by FS
  - From an organization that
    - Majority of members conduct activities regulated by FS
    - Majority of its funding is provided by persons who conduct activities regulated by FS
  - From a person engaged in criminal, civil, or administrative litigation with the FS
  - From a person whose ability to participate in FS programs (loans, grants, Ks, etc.) has been suspended or term initiated for cause by FS
- Prohibited gifts cont.
  - No contributed funds *for specific purpose contingent upon* building a name improvement on specific section (trail, building, etc.) *unless* authorized by congress.
  - No reimbursement of travel and expenses from non-federal sources<sup>54</sup>
  - No creating a substitute funding stream (of gifts) for *routine operational expenses* (e.g. upkeep & maintenance of FS assets) in lieu of appropriations.<sup>55</sup>
  - No attending an event tied to government employment (firefighters)
  - No accepting gifts from an “interested party”<sup>56</sup>
    - Def: any person, firm, corporation, other entity or an individual acting in behalf thereof, which: (1) has or is seeking to engage in, procurement activities or other contractual, business, or financial relations with the Department; or (2) conducts operations or activities that are regulated by the Department...

### RETIREMENT... ETHICS STILL APPLIES TO ME?

#### What's the general rule?

- A former employee may not represent others back to the Forest Service if he/she participated officially in the matter at issue at any time<sup>57</sup>
- A former employee may not represent others back to the Forest Service if it was pending official action within 1 year of leaving the Forest Service, whether the representation is for compensation OR not.

#### 5 CFR Part 2635, Subpart B – Acceptance of Gifts from Outside Sources

This Federal Regulation provides that you, as a Federal employee, may not solicit or accept, directly or indirectly, a gift from any prohibited source. Further, you may not accept a gift because of your official position. This rule applies whether you are on or off duty. This regulation is based on two criminal statutes, 18 U.S.C. § 201 (prohibiting bribes and illegal gratuities) and 18 U.S.C. § 209 (prohibiting compensation by outside sources for the performance of your government duties — "Supplementation").

<sup>52</sup> Act Creating NFF § 402 (16 U.S.C. 583(j), 402)

<sup>53</sup> Departmental Regulation No. 5200-3 (April 18, 2003).

<sup>54</sup> 41 CFR 304-1.2(c)(3).

<sup>55</sup> Section 8 Cooperative Funds Act

<sup>56</sup> 7 C.F.R. 0.735-12 (definition of interested party)

<sup>57</sup> 18 U.S.C. § 207(a)