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BASIC OBLIGATIONS OF PUBLIC SERVICE

- **Basic Obligation of public service:** To ensure that every American citizen can have complete confidence in the integrity of the Federal Government, all federal employees shall respect and adhere to the 14 principles of ethical conduct.

14 PRINCIPLES OF ETHICAL CONDUCT:

- Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain;
- Employees shall not hold financial interests that conflict with the conscientious performance of duty;
- Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest;
- An employee shall not, except where permitted by law, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties;
- Employees shall put forth honest effort in the performance of their duties;
- Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the government;
- Employees shall not use public office for private gain;
- Employees shall act impartially and not give preferential treatment to any private organization or individual;
- Employees shall protect and conserve Federal property and shall not use it for other than authorized activities;
- Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities;
- Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities;
- Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those, such as taxes, that are imposed by law;
- Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap; and
- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

CRIMINAL CONFLICT OF INTEREST STATUTES OF GENERAL APPLICABILITY TO ALL FEDERAL EMPLOYEES:

- 18 U.S.C. 201 – BRIBERY AND GRATUITIES
 - Prohibits public officials from accepting bribes or gratuities to influence their Government Actions
- 18 U.S.C. 203 – REPRESENTATION OF OTHERS FOR COMPENSATION
 - Prohibits compensation for representational activities involving certain matters in which the United States is a party or has a direct and substantial interest.
 - Significantly, the prohibition applies to compensation in exchange for the representational activities of either the employee or *another individual*.
- 18 U.S.C. 205 – REPRESENTATION OF OTHERS WITH OR WITHOUT COMPENSATION
 - Prohibits an employee from certain involvement in a claim against the United States or representing another before the Government in matters in which the United States is a party or has a direct and substantial interest.
- 18 U.S.C. 207 – POST-EMPLOYMENT RESTRICTIONS

- Imposes restrictions on an employee's activities after leaving the Government.
 - Most restrictions are limited to communications with or appearances before the Government on behalf of another, but some restrictions cover behind-the-scenes activities.
 - 18 U.S.C. 208 – CONFLICTING FINANCIAL INTERESTS
 - Prohibits employees from participating in certain Government matters affecting their own financial interests or the interests of certain persons with whom they have ties outside the Government.
 - 18 U.S.C. 209 - SUPPLEMENTATION OF SALARY
 - Prohibits employees from being paid by someone other than the United States for doing their official Government duties.
- **Applicability to members of the military:**
 - Each agency with jurisdiction over enlisted members of the military must issue regulations defining their ethical conduct.
- **Applicability to employees on detail:**
 - **Details to other agencies:**
 - An employee on detail to another agency for more than 30 calendar days is subject to any supplemental agency regulations of that agency.
 - **Details to the legislative or judicial branch:**
 - An employee on detail to the legislative or judicial branch for more than 30 calendar days is subject to the ethical standards of that branch.
 - The employee remains subject to the conflict of interest prohibitions in 18 U.S.C.
 - **Details to non-Federal entities:**
 - Except to the extent exempted in writing, an employee detailed to a non-Federal entity remains to any supplemental agency regulation of his employing agency.
 - When an employee is detailed to an international organization, State or local government for six months or more, the command ethics counselor may grant a written exemption, based on a determination that the entity has adopted written ethical standards covering solicitation and acceptance of gifts. These ethical standards will apply to the employee during the detail.
 - **Applicability of special agency statutes:**
 - Despite rules regarding details to another agency or branch, an employee who is subject to restriction of activities or financial holdings at his/her home agency will continue to be subject to these restrictions while on detail.
- **Ethics advice:**
 - Each agency has a command ethics counselor who, on the behalf of the agency, is responsible for coordinating and managing the agency's ethics program.
 - Employees who have questions about Ethics or any particular situation should seek advice from the command ethics counselor.
 - An employee will not face disciplinary action due to an ethics violation when they have acted in good faith reliance upon the advice of the command ethics counselor.
 - The employee must make full disclosure of all relevant circumstances.
 - When the employee's conduct violates a criminal statute, reliance on the advice of the command ethics counselor cannot ensure that the employee will not be prosecuted under the statute.
 - Good faith reliance on the advice of the command ethics counselor may be taken into account by the Department of Justice in the selection of cases for prosecution.
 - Disclosures made by and employee to the command ethics counselor are not protected by an attorney-client privilege.
- **Disciplinary and corrective action:**
 - An ethics violation may result in disciplinary action under applicable Government-wide regulations and/or punishment under federal law.

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POLITICAL ACTIVITIES OF CIVILIAN EMPLOYEES

Rule: Most Federal civilian employees may actively participate in political campaigns and other partisan activities. However, they may not engage in such activities on duty, or in any Federal workplace, vehicle, or while in uniform.

The Hatch Act: The Hatch Act of 1939 is a federal law whose main provision is to prohibit federal employees from engaging in partisan political activity.

- **Permissible Activities:** DoD civilian employees, in their personal capacity, may:
 - o Be candidates for public office in nonpartisan elections;
 - o Register and vote as they choose;
 - o Assist in voter registration drives
 - o Express opinions about candidates and issues;
 - o Contribute money to political organizations;
 - o Attend political fundraising functions;
 - o Attend and be active at political rallies and meetings;
 - o Join and be an active member of a political party or club;
 - o Sign nominating petitions;
 - o Campaign for or against referendum questions, constitutional amendments, or municipal ordinances;
 - o Campaign for or against candidates in partisan elections;
 - o Make campaign speeches for candidates in partisan elections;
 - o Distribute campaign literature in partisan election; **and**
 - o Hold office in political clubs or parties

- **Limitations:**
 - o Military members are not covered by the Hatch Act;
 - o Employees appointed by the President, with the consent of the Senate, to non-career SES positions may not engage in any activity that could be interpreted as associating DoD with any partisan cause or issue;
 - o Employees appointed by the Secretary of Defense to non-career SES positions may not engage in any activity that could be interpreted as associating DoD with any partisan cause or issue; **and**
 - o Except for Presidential appointees who are confirmed by the Senate, the following DoD employees cannot engage in the normally permissible activities:
 - Employees of the National Security Agency;
 - Employees of the Defense Intelligence Agency;
 - Career members of the senior executive service;
 - Administrative Law Judges; **and**
 - Contract appeals board members.

- **Prohibited Activities:** Civilian DoD employees may not:

- Use official authority or influence for the purpose of interfering with or affecting the result of an election;
 - Collect political contributions unless:
 - Both the collector and the donor are members of the same Federal labor organization or employee organization; **and**
 - The donor is not a subordinate;
 - Knowingly solicit or discourage the political activity of any person who has business with DoD;
 - Engage in personal activity while on duty;
 - Engage in political activity while in any Federal workplace;
 - Engage in political activity while wearing an official uniform or displaying official insignia identifying the office or position of the DoD employee;
 - Engage in political activity while using a Government owned or leased vehicle;
 - Solicit political contributions from the general public;
 - Be a candidate for public office in partisan elections;
 - Wear political buttons on duty; **or**
 - Contribute to the political campaign of another Federal Government employee who:
 - Is in their chain of command or supervision; **or**
 - Is their employing authority.
- **DoD Employees Residing in Designated Localities:** A DoD employee who lives in a municipality or political subdivision, either in the immediate vicinity of Washington, D.C., or where most voters are Federal Employees may:
- Run as an independent candidate for election to a partisan political office in an election for local office of the municipality or political subdivision granted the candidacy for and service in office does not result:
 - In neglect of, or interference with, the performance of their duties as a Federal Employee; **or**
 - Create an actual or apparent conflict of interest.
 - Accept or receive political contributions in connection with a local election of the municipality or political subdivision provided that he/she does not solicit political contributions from the general public.
- **Political Recommendations:**
- There are restrictions to all personnel actions for individuals in or to the following DoD positions:
 - Competitive service employees;
 - Career appointees in the Senior Executive Service; **and**
 - Exempted service employees other than those:
 - Appointed by the President; **or**
 - Whose position has been determined to be of confidential, policy-determining, policy-making, or policy-advocating character.
 - Personnel actions should be submitted without regard to any recommendation or statement made by the following types of individuals:
 - Members of Congress or Congressional employees;
 - Elected officials of any State (including D.C. and Puerto Rico), county, city, or other subdivision thereof;
 - Officials of political parties; **or**
 - Individuals or organizations making recommendations or statements on the basis of the party affiliations of the employee or applicant recommended.

- Recommendations or statements may be accepted regarding a DoD employee or applicant when one of the following conditions is met:
 - It is required and is only an evaluation of the work performance, ability, aptitude, and general qualifications;
 - It relates solely to the character and residence;
 - It is required solely to determine suitability or security standards are met;
 - An evaluation from a former employer which consists of an evaluation of the work performance, ability, aptitude, and general qualifications; **or**
 - It is provided, when by law, it may be considered for a specific position or a category of positions.

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IMPARTIALITY IN PERFORMING OFFICIAL DUTIES:

Rule: Maintain your impartiality. Don't participate in any particular DoD matter if:

- The matter is likely to affect the financial interest of a member of your household, or if a person with whom you have a "covered relationship" is involved in the matter; **and**
- A person with knowledge of the relevant facts could question your impartiality.

Who may be in a covered relationship?:

- A member of your household or a relative with whom you're close;
- Someone with whom you have or seek to have a business relationship, other than a routine consumer transaction;
- An organization (other than a political party) in which you actively participate;
- Someone with whom you had, within the last year, a close business relationship, such as a partnership or employment; **or**
- Someone with whom your spouse, parent, or dependent child has (or seeks to have) a close business relationship, such as a partnership or employment.

General Prohibition:

DoD employees are generally prohibited from engaging in any official activities in which a non-federal entity is a party or has a financial interest if:

- The DoD employee is an active participant in the non-Federal entity; **or**
- The DoD employee has been an officer in the non-Federal entity within the last year.

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CONFLICTS OF INTEREST

Conflicting Financial Interests:

Criminal Rule: You may not do government work on a particular matter that will affect the financial interest of:

- You;
- Your spouse;
- Your minor children;
- Your general partner;
- Organizations with which you're negotiating or have arrangements for future employment; **or**
- Any organization for which you serve as an employee, officer, director, trustee, or general partner

If you think you may have a conflicting financial interest, consult your DoD ethics official immediately to determine the appropriate remedy.

Bribery and Graft:

Rule: You may not seek or accept anything of value, other than your salary, for being influenced in your official duties.

Commercial Dealings Between DoD Employees:

Rule: You may not knowingly solicit or make solicited sales to personnel who are junior in rank, grade, or position (or their families). This includes insurance, stocks, real estate, cosmetics, household supplies, and other such goods and services.

Representation of Others in Matters Affecting Government:

Rule: You generally may not represent anyone outside the Government before a Federal agency or court, or share in any compensation for such representations made by anybody else, if the Government is involved in the particular matter.

- There are limited exceptions;
- There are special exceptions for consultants;
- Check with your ethics official

Supplementation of Federal Salary:

Rule: You may not accept compensation from any source except the Government for your services as a Government employee.

This rule does not apply, if:

- You are a "special Government employee" – *i.e.*, a consultant;
- You serve without compensation; or
- Your supplementation is a result of a public service award

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FUNDRAISING:

Rule: You may raise funds for organizations in your personal capacity, but you may not use your official title, position, or authority to fundraise, nor may you solicit subordinates or prohibited sources.

Exceptions:

- DoD employees cannot officially endorse or appear to endorse membership drives or fundraising for any non-Federal entity except:
 - o The Combined Federal Campaign (CFC);
 - o Emergency and disaster appeals approved by the Office of Personnel Management (OPM);
 - o Army Emergency Relief;
 - o Navy-Marine Corps Relief Society;
 - o Air-Force Assistance Fund, including:
 - Air Force Enlisted Men's Widows and Dependents Home Foundation, Inc.;
 - Air Force Village;
 - Air Force Aid Society;
 - General and Mrs. Curtis E. LeMay Foundation.
 - o Other organizations composed primarily of DoD employees or their dependants:
 - When approved by the DoD Component command;
 - This includes most morale, welfare and recreation (MWR) programs, regardless of funding sources.

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USE OF GOVERNMENT RESOURCES

- **Rule:** Use Federal Government equipment and property, including communications systems, only for official purposes or authorized purposes as approved by your supervisor.
- **Rule:** Use official time in an honest effort to perform official duties, and don't ask subordinates to perform tasks outside their official duties.

COMMUNICATIONS SYSTEMS:

- o **Federal Government communication systems and equipment include:**
 - Government owned telephones;
 - Facsimile machines;
 - Electronic mail;
 - Internet systems; **and**
 - Commercial systems when paid for by the Federal Government
- o **Official purposes include:**
 - Emergency communications that are necessary in the interest of the Federal Government;
 - Communications that are necessary in the interest of the Federal Government; **and**
 - Communications by deployed personnel for extended periods away from home:
 - When on official DoD business;
 - When in the interest of morale and welfare; **and**
 - When approved by the theater commander
- o **Authorized purposes include:**
 - Brief communications made while traveling on official DoD business to notify family members of transportation or schedule changes.
 - Personal communications from usual work place that are most reasonably made while at the work place:
 - Checking in with spouse;
 - Checking in with minor children;
 - Scheduling doctor and auto or home repair appointments;
 - Brief internet searches; **and**
 - Emailing directions to visiting relatives
- o **Caveats:**
 - Use must not affect the performance of official duties;
 - Use must be of reasonable duration and frequency;
 - Use must be done, whenever possible, during personal time such as after duty hours or lunch;
 - Use must serve a legitimate public interest, such as:
 - Keeping DoD employees at their desk;
 - Educating a DoD employee on the use of the communications system;
 - Improving the morale of DoD employees stationed for extended periods away from home;
 - Enhancing the professional skills of the DoD employee; **and**
 - Job-searching in response to Federal Government downsizing
- **Must not:**
 - o Use Federal Government communications for the following purposes:
 - Pornography; Chain letters;
 - Unofficial advertising;
 - Soliciting or selling except on authorized bulletin boards established for such use;
 - Violations of statute or regulation;
 - Inappropriately handled classified information; **and**
 - Other uses that are incompatible with public service;

- Over-burden the communication system; or
- Create significant additional cost to the Federal Government.
 - For long distance calls, charges must be:
 - Charged to the a non-Federal Government number (third number call);
 - Made to a toll-free number;
 - A collect call;
 - Charged to a personal telephone credit card; or
 - Otherwise reimbursed to DoD or the DoD component in accordance with established collection procedures
- **Monitoring:** The use of Federal Government communications systems is not anonymous, and may be monitored. DoD employees should use Federal Government communications systems with the understanding that any use serves as consent to monitoring.
- **Classified Information:** Most Federal Government communications systems are not secure. Therefore:
 - Never transmit classified information over any communication system unless using approved security procedures and practices;
 - Never release access information, such as passwords, to anyone;
 - Exercise extreme care when transmitting any sensitive information or other valued data.

PERSONNEL, EQUIPMENT AND PROPERTY:

- **Federal Government equipment and property include:**
 - Typewriters;
 - Calculators; and
 - Libraries
- **Uses:** Limited personal use of Federal Government equipment and property is allowed if:
 - The use does not adversely affect the performance of official duties;
 - The use is of reasonable duration and frequency, and only during personal time
 - After duty hours; or
 - Lunch periods;
 - The use serves a legitimate public interest
 - Supporting local charities or volunteer services to the community;
 - Enhancing the professional skills of the DoD employee;
 - Job-searching in response to Federal Government downsizing
 - The use does not put resources to uses that would reflect adversely on the Federal Government, such as:
 - Being involved in commercial activities;
 - Unofficial advertising;
 - Soliciting or selling;
 - Violation of statute or regulation; and
 - Other uses that are incompatible with public service

Gambling:

- While on Federally-owned or leased property or while on duty (present for duty for military members) for the Federal Government, DoD employees must not participate in any gambling activity.
- **Exceptions:** Exceptions to this rule are as follows:
 - Activities necessitated by a DoD employee's law enforcement duties;
 - When approved by the Head of the DoD component for activities by organizations composed primarily of DoD employees or their dependents for:
 - The benefit of welfare funds for their own members; or
 - The benefit of other DOD employees or their dependents.
 - Private wagers among DoD employees if:
 - Based on a personal relationship; and
 - Transacted entirely within assigned Federal Government living quarters and within the limitations of local laws; or
 - Purchases of lottery tickets authorized by any State from blind vendors licensed to operate vending facilities.

- Military members may not gamble with a subordinate.
- Gambling may be prohibited by Federal Government building and ground regulations.

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TRAVEL BENEFITS:

ACCEPTANCE FROM NON-FEDERAL SOURCES:

- Official travel by DoD employees will typically be paid for by the Federal Government.
- However, DoD Components may accept official travel benefits from non-Federal sources, including:
 - o In kind subsistence;
 - o Accommodations;
 - o Payments; **or**
 - o Reimbursements of expenses

Acceptance Procedures:

- Any official travel benefits from non-Federal sources allowed must be:
 - o Approved in advance of travel; **and**
 - o Approved in writing by the travel approving authority with the advice of the DoD Employee's ethics counselor
 - o For NMRC, the travel approving authority is Naval Medical Support Command (NMSC).

Attendance at a Meeting or Similar Function:

- DoD may accept travel benefits from a non-Federal source on behalf of a DoD employee in connection with their attendance in an official capacity at a meeting or similar function.

Payment Guidelines:

- DoD employees (or their spouses) shall not accept cash payments on behalf of the Federal Government.
 - o Payments from the non-Federal entity should be made by check to the Department of the Treasury
 - o Any payments received by the DoD employee (or spouse) must be submitted with his/her travel voucher as.
- The DoD employee should not request reimbursement from the Federal Government any benefits received in kind from the non-Federal entity.

ACCEPTANCE OF CONTRIBUTIONS, AWARDS AND OTHER PAYMENTS FROM TAX-EXEMPT ORGANIZATIONS:

Conditions of acceptance:

- DoD employees may accept contributions, awards and other payments directly from non-Federal sources only when all of the following conditions are met:
 - o The source is a:
 - Tax-exempt organization;
 - State Government ; **or**
 - Local Government
 - o The travel benefit is incidental to training in non-Federal Government facilities or attendance at a meeting;
 - o An appropriate deduction is made from any payment by the Federal Government to the DoD employee for their official travel entitlement;
 - o The contribution, award, or payment is not a reward for services to the non-Federal source;
 - o Acceptance of the contribution, award or payment would not:

- Reflect poorly on the DoD employee's ability to perform his/her duties in a fair and objective manner; **nor**
 - Compromise the integrity of any Federal Government Action;
- The travel approving authority approves the acceptance of the contribution, award or payment in writing.

Reporting:

- Individuals who are required to file OGE 450's must report acceptance of travel benefits on their forms if the fair market value of those benefits reach the reportable amount.

Receipt and disposition of foreign gifts and decorations:

- DoD employees may accept travel and travel-related expenses from a foreign government in certain circumstances.

ACCEPTANCE OF INCIDENTAL BENEFITS:

- When determining whether or not benefits associated with official travel may be accepted, consider the following:
 - **Federal Government Property:** Anything that does not fall within a gift exception or exclusion which is received by a DoD employee as a result of official travel belongs to the Federal Government.
 - Most benefits received by DoD employees under this rule belong to the Federal Government, and may not be used for personal purposes.
 - Such benefits will be turned over to the appropriate government official.
 - **Gifts from outside sources:** Benefits offered to a DoD employee from a non-Federal source due to official travel that cannot be used for official purposes must be treated as gifts.

TRAVEL BENEFITS:

- Benefits considered Federal Government Property are:
 - Frequent flyer mileage credits;
 - Other awards to users of travel services;
 - Merchandise
 - Award points toward merchandise or other prizes
- Benefits considered gifts to an individual are:
 - Travel upgrades – DoD employees may accept upgrades that do not incur any further cost to the Federal Government
 - "Gold Card" and similar memberships
 - Prizes in "open" and "closed" contests
 - Incentives from voluntary surrender of flight reservations. However, the delay:
 - Must not interfere with the performance of official duties;
 - Must not increase the cost to the Federal Government;
 - Travel voucher should disclose the voluntary surrendered and resulting delays; and
 - Appropriate leave must be taken

EMPLOYEE RESPONSIBILITIES:

- Each traveling employee must:
 - Provide all necessary information to the travel approving authority for a semiannual report to the DoD Component DAEO; **and**
 - Turn in any merchandise, frequent flyer miles or other benefits as required under the Joint Ethics Regulation.

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TEACHING, SPEAKING AND WRITING:

- **Rule:** You may accept payment for teaching, speaking or writing that is unrelated to your official duties and that was not prepared on official time. If your employment by DoD is identified, you must make a disclaimer.

- **Disclaimer for speeches and writings devoted to agency matters:** A DoD employee who uses or permits the use of his military grade or who includes or permits the inclusion of his title or position as one of several biographical details given to identify himself in connection with teaching, speaking or writing, shall make a disclaimer if the subject of the teaching, speaking or writing deals in significant part with any ongoing or announced policy, program or operation of the DoD employee's agency, and the DoD employee has not been authorized by appropriate agency authority to present that material as the agency's position.
 - o The required disclaimer shall expressly state that the views presented are those of the speaker or author and do not necessarily represent the view of DoD or its components..

- **Security Clearance:** A lecture, speech, or writing that pertains to military matters, national security issues, or subjects of significant concern to DoD shall be reviewed for clearance by appropriate security and public affairs offices prior to delivery or publication.

- **Honoraria:** Compensation for a lecture, speech or writing may be restricted by the honoraria prohibition.

- **Honoraria prohibition:**

- **Rules for different types of DoD employees:**
 - o **GS-15 and below:** May receive compensation for a lecture, speech or writing;
 - o **Above GS-15 and those paid under other schedules:** May receive compensation for a lecture, speech or writing, but may also be banned from receiving such benefits;
 - o **Military officers and civilian employees at certain schools within the DoD:** Exempted from the statutory ban on receipt of honoraria.

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POLITICAL ACTIVITIES OF MILITARY MEMBERS

- **Permissible Activities:** A member of the military on active duty may:
 - Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the military;
 - Promote and encourage others to exercise their voting franchise;
 - Cannot use official authority to influence or interfere with the outcome of an election.
 - Join a partisan or nonpartisan political club and attend its meetings, when not in uniform;
 - Serve as an elected official if:
 - Such service is not as a representative of a partisan political party;
 - Does not interfere with the performance of military duties;
 - Is performed when not in uniform;
 - Secretary of DoD agency has given prior approval;
 - Sign a petition for a specific legislative action or a petition if:
 - The signing does not obligate the member to engage in a partisan political activity;
 - Is done as a private citizen and not as a representative of the military;
 - Sign a petition to place a candidate's name on an official election ballot if:
 - The signing does not obligate the member to engage in a partisan political activity;
 - Is done as a private citizen and not as a representative of the military;
 - Write a letter to the editor of a newspaper expressing personal view on public issues or political candidates if:
 - It is not part of an organized letter-writing campaign to solicit votes for/against a political party or candidate
 - If letter identifies writer as a member of the military, it should be clear that their views are not that of the DoD's
 - Make monetary contributions to a political party or candidate;
 - Display a political bumper sticker on private vehicle;
 - Attend partisan and nonpartisan political activities when not in uniform;
 - Participate fully in the Federal Voting Assistance Program;

- **Prohibited Activities:** A member of the military cannot:
 - Participate in partisan political activities on their behalf or on that of another;
 - Participation includes more than mere attendance as a spectator
 - Use official authority to influence or interfere with the outcome of an election;
 - Allow a written letter to the editor of a newspaper expressing personal view on public issues or political candidates to be published;
 - Serve in any official capacity with or be listed as a sponsor of a partisan political club;
 - Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate or cause;
 - Participate in any radio, television or group discussion as an advocate for or against a partisan political party, candidate or cause;
 - Conduct a political opinion survey under the auspices of a partisan political club or group;

- Distribute partisan political literature;
 - Perform clerical or other duties for a partisan political committee or candidate;
 - Solicit or otherwise engage in fundraising activities in Federal officer for any political cause or candidate;
 - March or ride in a partisan political parade;
 - Display a large political sign, banner or poster on a private vehicle;
 - Display a partisan political item at their residence on a military installation;
 - Participate in any organized effort to provide voters with transportation to the polls if the effort is associated with a partisan political party, cause or candidate;
 - Sell tickets for or actively promote partisan political dinners and similar fundraising events;
 - Attend partisan political events as an official representative of the military;
 - Exception is being a member of a joint Armed Forces color guard;
 - Make a campaign contribution to any other member of the military on active duty;
 - Accept or solicit a contribution from any other member of the military on active duty;
- A member of the military not on active duty may take the actions or participate in permissible activities as well as prohibited activities:
 - Cannot do so in uniform; **and**
 - Cannot act in a manner that could reasonably give rise to the inference or appearance of official sponsorship, approval or endorsement.
 - Unless granted specific permission, military members that are active duty or called back from retirement for more than 270 days cannot be a nominee or candidate for:
 - A civil office in the U.S. Government that:
 - Is an elected office;
 - Required an appointment by the President; **or**
 - Is a position on the executive schedule
 - **Permissible Holdings:** Active duty members may seek, hold and exercise the functions of a nonpartisan civil office as follows:
 - Provided office is held in a non-military capacity and it does not interfere with military duties, active duty enlisted members may serve:
 - As a notary public;
 - As a member of a school board;
 - On a neighborhood planning commission; **or**
 - Other similar engagements
 - Provided office is held in a non-military capacity and it does not interfere with military duties, active duty warrant or commissioned officers may serve on an independent school board that is located exclusively on a military reservation.
 - **Actions when prohibitions apply:** Active duty military affected by the prohibitions of being a candidate or exercising functions of a civil office may request:
 - Retirement, if eligible;
 - Discharge or release from active duty

THIS PAPER IS FOR INFORMATIONAL PURPOSES ONLY, AND DOES NOT CONSTITUTE ADVICE FROM AN ETHICS COUNSELOR. IF YOU HAVE ANY QUESTIONS OR CONCERNS, OR REQUIRE A FORMAL ETHICS OPINION, YOU SHOULD PROMPTLY CONTACT THE NMRC COMMAND ETHICS COUNSELOR, MS. NING YANG AT NING.YANG.CIV@MAIL.MIL OR 301-319-9433.

POST-GOVERNMENT SERVICE RESTRICTIONS:

- **Representational Restrictions:** The statute is 18 U.S.C. § 207, which does not apply to enlisted personnel.
 - o It is a crime for former DoD personnel to represent, communicate, or appear on behalf of others, with the intent to influence, before the U.S. Government.
 - o Generally, this statute does not prohibit the former employee from working “behind the scenes” on such matters at his or her new company/organization.
- **Lifetime Ban: Applies to All Except Enlisted Personnel.** Permanently bars former Government personnel who participated personally and substantially in particular matters involving specific parties from representing someone back to the government on that same matter.
- **Two-Year Ban: Applies to Supervisors.** Bars former employees for two-years from representing someone back to the Government on any particular matters involving specific parties that were pending under their responsibility during their last year of Government service.
- **One-Year Cooling Off: Applies to Senior Officials.** Bars former senior Government officials for one year after leaving Government service from communicating, appearing, or representing back to their former agency if they are seeking official action on behalf of another on any matter.
 - o “Seniors” are flag and general officers or civilians with basic rate of pay at or above \$153,105 in 2009.
 - o If you are an **ETHICS PLEDGE** signatory (political appointee), additional restrictions apply, extending the cooling off period to 2-years, and prohibiting your lobbying back to any political appointee in the Government for the duration of the Obama Administration.
- **Foreign Entity Ban: Applies to Senior Officials.** One year restriction on aiding, advising, or representing a foreign government or political party with the intent to influence the U.S.
- **Trade and Treaty Ban: Applies to All Except Enlisted Personnel.** Similar one year restriction applies to aiding and advising another on trade or treaty negotiations that you worked on in your final year of Government service.
 - o The rules do not prohibit providing “behind the scenes” assistance to post-Government employers on such matters, except with regard to negotiations of foreign treaty and trade agreements, or foreign assistance.

EXCEPTIONS:

- It is permissible to request publicly available documents;
- It is permissible to inquire about the status of a matter;
- Purely social contacts are permitted; **and**
- Public commentary is permitted under certain circumstances,

DO NOT USE PUBLIC OFFICE FOR PRIVATE GAIN:

- You may use the experience and expertise gained though DoD employment after you depart Government service;
- The post-Government employment law does not prohibit an employee from accepting employment with any particular private or public employer;
- The law is designed to prevent you from switching sides.

QUESTIONNAIRE FOR DEPARTING PERSONNEL YOUR AGENCY

This questionnaire will help you provide your ethics counselor a full and accurate description of what you did during your Government service. It is vital because your Government activities will determine what restrictions, if any, will apply to you as a former employee. After receiving advice, if your employment circumstances change, consult your ethics counselor for an update. Please print legibly and spell out acronyms or abbreviations. Please deliver this questionnaire and schedule an appointment with an ethics counselor at YOUR AGENCY CONTACT INFORMATION.

1. CONTACT INFORMATION

a. Name: _____

b. Office Phone: _____

c. Office Address and Email: _____

d. Home/Mobile Phone: _____

e. Home Address and Email: _____

f. Agency/Service and Civilian/Military Grade: _____

g. Reason for Separation: RETIREMENT RESIGNATION OTHER

h. Separation/Retirement Date: _____

i. If taking Terminal Leave, date you start leave: _____

j. If you request a written opinion, where do you want the opinion sent? OFFICE HOME

2. PRIOR ETHICS ADVICE. If you received any ethics advice or opinion from another Government ethics counselor concerning your prospective employment, please provide the name, office, and telephone number of the ethics counselor? NONE or

Note: There is neither an attorney-client relationship nor privilege created between you and the Ethics Counselor. Information provided on the form or to the Ethics Counselor is not confidential or privileged. Advice with respect to these matters is advisory only, and is provided in accordance with section 2635.107 of title 5, Code of Federal Regulations, and section 423 of title 41, United States Code (Procurement Integrity Act). The Ethics Counselor is providing this advice in an official capacity, acting on behalf of the United States, and not as your representative.

3. FINANCIAL DISCLOSURE

a. In the last 2 years, have you filed a Financial Disclosure Report?

No _____ Yes, OGE Form 450 _____ Yes, SF 278* _____

If yes, list position(s) for which you filed: _____

***If you file a SF 278, you must file a termination report no later than 30 days after separation.**

4. CONFLICTS OF INTEREST. In the last 2 years, have you taken any action to resolve a potential conflict of interest, including issuing a written disqualification, changing jobs, had your duties changed, or? YES NO If yes, provide details on separate page.

5. POSITIONS HELD AND MAJOR DUTIES. In what agencies or organizations have you served during your last 2 years of Government service? Provide dates (months and years). For each position attach your job description(s) or briefly describe your major duties during the last 2 years, focusing on duties relating to defense contracts, any aspect of the acquisition process, such as requirements development, acting as program manager, deputy program manager or contracting officer, or otherwise involved in the contracting process. Identify names of projects, programs, contractors and subcontractors. Use additional sheets if required.

6. POSITIONS SOUGHT. With whom are you seeking employment?

7. ACTIONS TAKEN. What actions have you taken concerning your future employment?

8. FUTURE JOB DESCRIPTION. If you already have accepted a job, what is your proposed job title and description of duties? (You may attach a job description).

a. DOD CONTRACTOR. Does your future employer have contracts with DoD? YES NO

b. START DATE. When do you plan to start your new employment? _____

9. QUESTIONS RELATING TO PROCUREMENT INTEGRITY

a. Within the last year, did you have any of the following responsibilities on a contract over \$10,000,000.00:

- (1) Program or Deputy Program Manager? YES NO
- (2) Administrative Contracting Officer? YES NO
- (3) Procuring contracting officer or source selection authority? YES NO
- (4) Member of a source selection evaluation board or other similar group? YES NO
- (5) Chief of a financial or technical evaluation team? YES NO

b. Within the last year, did you personally make any of the following decisions valued over \$10,000,000.00 regarding a contractor:

- (1) To award a contract, subcontract, modification of a contract or subcontract, task order, or delivery order? YES NO
- (2) To establish overhead or other rates? YES NO
- (3) To approve issuance of a contract payment? YES NO
- (4) To pay or settle a claim? YES NO

c. If you answered "yes" to any of the questions above, identify the contract, subcontract, modification, delivery order, or task order, identify the contractor/subcontractor, and explain.

d. For each yes answer above, list the date when you last had the responsibility or when you last made the decision for each contract/contractor.

e. Have you participated or are you now participating in an on-going competitive procurement that has not yet been awarded? YES NO

f. If the answer to the above is yes, do you intend to seek employment with one of the bidders or offerors? YES NO

10. **REQUEST.** I request an ethics opinion based on the information in this Questionnaire and any continuation sheets. I certify the information to be true and correct to the best of my knowledge and belief.

Signed _____ Dated _____

Please forward this questionnaire to: Your agency contact information.

PRIVACY ACT STATEMENT

AUTHORITY: PRIVACY ACT OF 1974 (5 U.S.C. 552(A)(7)), 41 U.S.C. 423, 5 C.F.R. 2635.602, AR 340-21.

PURPOSE: To enable ethics counselors to render advice to military and civilian employees leaving Government service.

ROUTINE USE: Information provided is not confidential. The information will be used for providing written ethics advice. It will be retained for six years and will be available to ethics counselors, finance personnel, and other appropriate personnel responsible for compliance with restrictions on former personnel.

DISCLOSURE: Voluntary. No criminal, civil or other penalties will follow from refusal to provide requested information. However, failure to fully disclose information requested could result in incomplete advice or the inability to provide written ethics advice pursuant to 41 U.S.C.423 or 5 C.F.R. 2635.

