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Standards of Conduct

EACH OFFICER AND EMPLOYEE of the Department is personally responsible for maintaining a high standard of honesty, integrity, impartiality and conduct. The attached Regulations prescribe the Department standards in this respect. Each employee should read these Regulations and keep them as a reference source for future use.

REGULATIONS WHICH APPLY TO ALL HEW OFFICERS AND EMPLOYEES

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U. S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE

Form HEW-539 (10/69)

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 73—STANDARDS OF CONDUCT

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AUTHORITY: The provisions of this Part 73 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

1/ Includes speechmaking.

Regulations also in Supplement 1 to Guide 7, Chapter IV of PERSONNEL GUIDES.

(c) The Assistant General Counsel, Business and Administrative Law Division, Office of the General Counsel, is designated as the counselor for the Department. He shall:

(1) Serve as the Department's designee to the Civil Service Commission on matters covered by the regulations in this part.

(2) Coordinate the Department's counseling services and assure that counseling and interpretations on questions of conflicts of interest and other matters covered by the regulations in this part are available as needed to deputy counselors.

(3) Render authoritative advice and guidance on matters covered by the regulations in this part which are presented to him by employees, special Government employees, management or personnel offices in the Washington, D.C., metropolitan area or in the Social Security Administration headquarters, Baltimore, Md.

(4) Receive information on and resolve or forward to the Secretary for consideration, conflicts or appearance of conflicts which appear in the Statements of Employment and Financial Interests submitted under Subpart J or Subpart L of this part, which are not resolved at a lower level.

(d) The names and addresses of the counselor and deputy counselors will be made available to employees by appropriate bulletins, circulars, or other releases of a current nature. Any employee may also obtain the name and address of his counselor or deputy counselor through his personnel office and may seek advice and guidance therefrom, either indirectly through his supervisory or the personnel office, or directly in person, by telephone, or by mail.

§ 73.735–105 Supplementation.

Operating agencies may supplement the regulations in this part with additional requirements where necessary. Such requirements shall not be inconsistent with Civil Service Regulations and this part. The additional provisions or changes thereto shall be submitted to the Office of Personnel and Training, Office of the Assistant Secretary for Administration, Office of the Secretary, for clearance and publication as necessary, as supplements to this part. When issued, a copy of the supplement shall be provided to each employee to whom it applies.

Subpart B—Miscellaneous Statutory Provisions

§ 73.735–201 General.

Each employee and special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of his operating agency, the Department, and the Government. These statutory provisions are referenced in Appendix A to this part and some are discussed at greater length in the various subparts of this part. The statutes will be made available for review upon the employee's request to the deputy counselor for his part of the Department or to the counselor.

Subpart C—Gifts, Entertainment and Favors

§ 73.735–301 Accepting gifts and expenses from outside sources.

(a) Law provides that a Federal employee shall not accept anything of value for or because of any official act he has performed or will perform. (See criminal provisions in Appendix A of this part.) In this connection, an employee shall not solicit or accept directly or indirectly any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from members of the public with whom he has official relationships, whether or not proffered for or because of any action or decision of the employee, such as from a person or organization that:

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

(2) Conducts operations or activities that are regulated by his agency; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duties.

(b) The restrictions set forth in paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships such as those between the employee, his parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

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

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

Subpart D—Outside Employment

§ 73.735–401 General provisions.

(a) Outside employment may be appropriate when it will not adversely affect performance of an employee's official duties and will not reflect discredit on the Government or the Department. Such work may include civic, charitable, religious, and community undertakings. It may also include some paid or unpaid outside work which would contrbiute to technical or professional development. There are certain types of outside work, however, which give rise to a real or apparent conflict of interest. Some of these are prohibited by law as discussed in paragraph (b) of this section. Others are prohibited by Civil Service Regulation, as discussed in paragraph (c) of this section. Others may be prohibited by criteria developed by heads of operating agencies. Such criteria must be observed by the employees of the respective agencies. All of these provisions are binding, but do not necessarily include all possible conflicts of interest. In all instances, good judgment must be used to insure scrupulous compliance with all provisions.

(b) Statutory provisions of Chapter 11 of title 18 of the United States Code (referenced in full in Appendix A of this part) which relate to outside work both during and after Government employment are reiterated below:

(1) An employee shall not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (Items 3 and 4, Appendix A).

(2) A person shall not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (Item 27, Appendix A).

(3) A person shall not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility (but in which he may not have participated personally and substantially) during the last year of his Government service (Item 27, Appendix A).

(c) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment whether or not in violation of any specific provision of statute. 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 any circumstances in which acceptance may result in, or create the appearance of, conflicts of interest;

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner;

(3) Work which identifies the Department or any employee in his official capacity with any organization commercializing products relating to work conducted by the Department, or with any commercial advertising matter, or work performed under such circumstances as to give the impression that it is an official act of the Department or represents an official point of view;

(4) Outside work or activity that takes the employee's time and attention during his official work hours;

(d) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (Item 6, Appendix A). For example, a Department employee may be called upon, as a part of his official duties, to participate in a professional meeting sponsored by a non-Government organization, or to contribute a paper or other writing prepared on official time for publication under non-Government auspices. The employee must not accept an honorarium or fee for such services, even though the organization accepting the service customarily makes such a payment to those who participate. In some cases of this kind, the organization involved may indicate a desire or willingness to make a contribution to some charity, educational institution, or the like, in appreciation of the services furnished by the Department employee since he cannot accept the usual payment. Department standards require that all offers to make such a contribution be refused. No Department employee may suggest, or agree to a suggestion made by others, that such a contribution should be made. Any employee with whom such a question is raised shall explain that the service involved was provided as an official action of the Department and is authorized by law. Under these circumstances, it is inappropriate for any payment to be made, even indirectly and to a third party, for services which are furnished without charge by the Government.

(3) Submit his material for technical clearance within the operating agency and for clearance for publication by the public information officer of the employee's operating agency or bureau. When technical clearance is denied at any lower level, the employee shall have recourse for review up to the head of the operating agency. If the public information officer has question as to granting clearance for publication, he should refer the question for resolution by the Director of Public Information. These two clearances by the Department will show there are no official objections to the activity and the employee may then use his official title or affiliation with the Department usually without a disclaimer. (Publications and Reports Bulletin No. 2, available in public information offices, governs clearances necessary for writing and editing as a part of official duties.)

(e) *Disclaimers.* Disclaimers are required in writing and editing activities in accordance with the following provisions:

(1) Disclaimers shall be used in all writing and editing related to the employee's official duties or other responsibilities and programs of the Federal Government in which the employee identifies himself by official title or affiliation with the Department, except where requirement for disclaimer is waived as result of official clearance.

(2) Disclaimers shall be used in all writing and editing related to the employee's official position or other responsibilities or programs of the Federal Government, when the prominence of the employee or his position or other reason might lead the public to associate him with the Department, even without identification other than name.

(3) Disclaimers shall read as follows unless a different wording is approved by the public information officer with the concurrence of the Division of Business and Administrative Law, Office of the General Counsel: "This (article, book, etc.) was (written, edited) by (employee's name) in his private capacity. No official support or endorsement by (name of operating agency, or of Department) is intended or should be inferred."

(f) *Advance approval.* Advance approval is required in accordance with Sub-part I of this part when one or more of the following conditions apply:

(1) Any Government information is used which is not available on request to persons outside the Government;

(2) Material is written or edited which pertains to subject matter directly related to an employee's official duties. (This includes editing for scientific or professional journals which is related to his official duties.)

(3) Material is written or edited which pertains to any Government-sponsored research or other studies for which clinical case records or other material of a confidential nature are used or to which access is limited for persons outside the Government. Such use will not be permitted unless made under safeguards established by the operating agency to retain the confidentiality of the material and such use is determined to be in the public interest.

(4) Material is edited for publications organized for profit.

§ 73.735–404 Publishing.

Employees are encouraged to engage in publishing activities which are not part of their official duties, when all the following conditions are met:

(a) No financial profit is derived from publishing materials which are made available to the general public by this Department or which are available to the employee because of his official duties, but are not available to the general public.

(b) No financial profit is sought or derived from publishing proceedings or similar compilations of conferences, symposia, or similar gatherings:

(1) Which are sponsored by the Government, or

(2) Which involve the performance of official duties, or are directly related to official duties, or

(3) Where participation or attendance has been authorized on Government time.

(c) The publishing activities are conducted on non-Government time at no expense to the Government.

(d) The official title of the individual engaged in such publishing business is not used. If the individual is the author as well as the publisher, the provisions referred to under § 73.735–403 apply.

§ 73.735–407 Holding office under State or local government.

An employee may hold State or local office if it is compatible with his Federal employment in terms of the same criteria as for other private employment. Approval for outside employment with a State or local government may be given orally by the immediate supervisor of the employee unless written approval or approval at a higher level is required by Subpart I of this part, or by the employee's operating agency or bureau, or as deemed desirable by the employee or his supervisor because of the nature of the part-time work.

Subpart E—Financial Interests

§ 73.735–501 General provisions.

(a) An employee shall not have a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with his Government duties and responsibilities. He shall not participate in his Government capacity in any matter in which he, his spouse, his minor child, or an outside business associate or organization (profit or nonprofit) with which he is connected or is negotiating employment has a financial interest (Item 5, Appendix A). The indirect interest in business entities which the holder of shares in a widely held diversified mutual fund or other regulated investment company derives from ownership by the fund or regulated investment company of stocks in business entities is exempted from the provisions of this statutory provision as being too remote or inconsequential to affect the integrity of an officer's or employee's services, except as provided in paragraph (b) (1) and (2) of this section. In other cases, when the outside financial interest appears not substantial enough to have an effect on the integrity of his official services, the employee shall, each time a matter arises to which his financial interest relates, request administrative approval to participate in accordance with Subpart I of this part.

(b) An employee shall not engage directly or indirectly in financial transactions as a result of, or primarily relying on information obtained through his employment. For example:

(1) An employee shall not use official information not available to the public, on such matters as the successful clinical trials of drugs, a successful bid on a contract, or planned Government actions for speculative stock purchases, or stock investment.

(2) An employee shall not use official information not available to the public, on the prospective location of a new Government installation to gain financial advantage in the purchase of real estate.

(3) An employee shall not use official information not available to the public, to inform friends, neighbors, etc., so they may use it for speculative or investment purposes.

Subpart F—Conduct on the Job

§ 73.735–601 General provisions.

An employee's conduct on the job is, in all respects, of concern to the Federal Government. Courtesy, consideration, and promptness in dealing with others must be shown in carrying out official responsibilities. In addition, specific rules and regulations have been set which must be observed as discussed in this subpart.

§ 73.735–602 Support of Department programs.

(a) When a Department program is based on law or Executive Order, every employee has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. An employee may, therefore, properly make an address explaining and interpreting such a program, citing its achievements, defending it against uninformed or unjust criticism, pointing out the need for possible improvements, or soliciting views for improving it.

(b) An employee shall not, either directly or indirectly, use appropriated funds to influence a Member of Congress to favor or oppose legislation in violation of 18 U.S.C. 1913. However, an employee is not prohibited from:

(1) Testifying as a representative of the Department on pending legislation proposals before Congressional committees on request; or

(2) Assisting Congressional Committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical expert under the direction of committee leadership.

§ 73.735–603 Use of Government funds.

(a) Several laws, referred to in Items 18–22, Appendix A to this part, carry penalties for misuse of Government funds. These apply to:

(1) Improper use of official travel;

(2) Improper use of payroll and other vouchers and documents on which Government payments are based;

(3) Taking or failing to account for funds with which an employee is entrusted in his official position;

(4) Taking other Government funds for personal use.

§ 73.735–604 Use of Government property.

(a) 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. For example:

(1) Only official documents and materials may be processed on Government reproduction facilities. Both supervisors and employees must assure that this rule is strictly followed. (Exception for employee welfare and recreation associations is stated in Chapter 25–10, General Administration Manual. Exception for employee organizations is stated in Personnel Instruction 711–1.)

(2) Employees may drive or use Government automobiles only on official business. (See item 13 of Appendix A for penalty that attaches for incorrect use.)

§ 73.735–608 Participation in management of employee organizations.

Any employee has the right to be a member of an employee organization. He shall not, however, participate in the management of an employee organization as an officer of the organization or

represent it in dealings with management when such activity might result in a conflict of interest or otherwise be incompatible with law or the official duties of the employee. The duties of managerial executives who determine management policies and put them into effect and of personnel employees, other than those in a purely clerical capacity, are inconsistent with participation in the management or representation of an employee organization. Determination whether such conflict exists in other cases shall be made on a case-by-case basis by management after discussion with the employee organization concerned. Guidelines for such determinations are:

(a) Conflict of interest will be deemed to exist when an employee is an officer of an employee organization or actively represents it on specific matters of direct official concern, and also has continuing responsibility as a management official for

(1) Making administrative decisions or formal recommendations on cases or policies advocated by the same or a similar employee organization, or

(2) Dealing with officers and representatives of the same or a similar employee organization.

(b) The conflict must be immediate and real, not remote and theoretical.

(c) When the conflict is temporary and may be expected to occur only rarely, the employee shall be disqualified from acting as the representative of the employee organization in the particular case.

Subpart G—Financial Responsibility

§ 73.735–701 General provisions.

(a) An employee shall not by failure to meet his just financial obligations reflect adversely on the Government as his employer. He shall pay each just financial obligation in a proper and timely manner. A "just financial obligation" is one acknowledged by the employee or reduced to judgment by a court. "In a proper and timely manner" is a manner which the Department determines does not, under the circumstances, reflect adversely on the Government as his employer. The Department cannot condone laxness on the part of an employee in discharging his financial obligations, particularly those to Federal, State or local governments or to tax-supported institutions such as a city or State hospital or educational institution or in meeting his obligations for support of his family. If for some reason an employee is unable to pay these obligations promptly, he is expected to make satisfactory arrangements for payment and abide by these arrangements. It is the responsibility of the Department to help an employee who asks for advice in meeting such obligations.

(b) When an employee has handled his financial affairs in such a way that

(1) Action on complaints received from his creditors requires the use of a considerable amount of official time, or

(2) It appears that financial difficulties are impairing his efficiency on the job, or

(3) By reason of his financial irresponsibility the attitude of the general public toward the Department is adversely affected, and the employee after counseling does not make arrangements to meet his financial obligations, disciplinary action should be considered in accordance with Subpart K of this part.

(c) Where there is no judgment or acknowledgement in accordance with paragraph (a) of this section, the Department is not obligated to help creditors who have an opportunity to make an investigation before extending credit such as mercantile creditors. The Department should not act as collection agent nor arbitrator when the validity of a debt is questioned.

Subpart H—Political Activity

§ 73.735–801 Applicability.

(a) All employees in the Executive Branch of the Federal Government are subject to basic political activity restrictions in subchapter III of Chapter 73 of title 5, U.S.C. (the former Hatch Act) and Civil Service Rule IV. Employees are individually responsible for refraining from prohibited political activity. Ignorance of a prohibition does not excuse a violation. This subpart summarizes provisions of law and regulation concerning political activity of employees. The Federal Personnel Manual, Civil Service Pamphlet 20, and Federal Employees Facts Leaflet No. 2 contain more detailed information on this subject. These may be reviewed in the personnel office, or will be made available by the counselor or deputy counselor for that part of the Department.

(b) Intermittent employees are subject to the restrictions when in active duty status only and for the entire 24 hours of any day of actual employment.

(c) Employees on leave, on leave without pay, or on furlough or terminal leave, even though the employees' resignations have been accepted are subject to the restrictions. A separated employee who has received a lump-sum payment for annual leave, however, is not subject to the restriction during the period covered by the lump-sum payment or thereafter, provided he does not return to Federal employment during that period. An employee is not permitted to take leave of absence to work with a political candidate, committee, or organization or become a candidate for office with the understanding that he will resign his position if nominated or elected.

(d) An employee is accountable for political activity by another person acting as his agent or under the employee's direction or control if he is thus accomplishing indirectly what he may not lawfully do directly and openly.

§ 73.735–802 Restrictions.

(a) Section 7324 of title 5, U.S.C. (the former Hatch Act) provides that employees have the right to vote as they please and the right to express their opinions on political subjects and candidates. Generally, however, they are prohibited from taking an active part in political management or political campaigns or using official authority or influence to interfere with an election or affect its results. There are some exemptions from the restrictions of the statute:

(1) Employees may engage in political activity in connection with any question not specifically identified with any National or State political party. They also may engage in political activity in connection with an election if none of the candidates represents a party any of whose candidates for presidential elector received votes at the last preceding election at which presidential electors were selected.

(2) An exception relates to political campaigns in communities adjacent to the District of Columbia or in communities the majority of whose voters are employees of the Federal Government. Communities in which the exception applies are specifically designated by the Civil Service Commission. Information regarding the localities and the conditions under which the exceptions are granted may be obtained from the personnel office or the Department counselor or deputy counselor.

(3) Intermittent employees are exempt during such time as they are not in active duty status.

(4) The Secretary, Under Secretary, and Assistant Secretaries of the Department, as well as other officials appointed by the President by and with the advice and consent of the Senate, who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws are exempt from the prohibitions concerning active participation in political management and political campaigns.

(b) There are restrictions other than those imposed by subchapter III of Chapter 73 of title 5, U.S.C. (former Hatch Act) and Rule IV which relate to:

(1) Political contributions and assessments.
(2) Circulars of solicitation.
(3) Solicitation in Federal buildings.
(4) Solicitation by letter.
(5) Payment by one employee to another.
(6) Discrimination because of political contributions.
(7) Purchase and sale of public office.
(8) Political recommendations and discrimination.
(9) Other criminal offenses discussed in 18 United States Code, Chapter 29.

in his official capacity with any organization or matter in which he, his spouse, minor child, partner, organization in which serving as officer, etc., has a financial interest.

(1) Employee's name, occupational title, grade or rank and Federal salary;

(2) Full description of financial interest: including whether ownership, service as officer, partner, etc.;

(3) Business or activity in which financial interest exists;

(4) Description of official matter in which employee is requesting approval to participate;

(5) Basis for requesting determination that the interest is "not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect." (If based on a small total value of investment, supply appropriate information on total value, such as total shares held and latest quoted market price. If other basis, explain fully.)

(c) *Providing consultative or professional services to institutions or government units which have negotiated or may seek a Federal grant or contract.* The request shall include the information listed below:

(1) Employee's name, occupational title, grade or rank and Federal salary;

(2) Name and business of institution or government unit for which consultative or professional services will be rendered, giving full description of specific duties or services for which approval is being requested;

(3) Description of the Federal grants or contracts involved (type, granting or contracting department or agency, etc.). Full details must be provided on any aspect of the professional and consultative services which involves, directly or indirectly, the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between the institutions and government units and the Federal Government;

(4) Place where work will be conducted;

(5) Estimated total time that will be devoted to the activity. (If on continuing basis, show estimated time per year; if not, show total time and anticipated ending date.);

(6) Whether services can be performed entirely outside of usual duty hours; if not, estimated number of hours of absence from work that will be required;

(7) Method or basis of compensation (e.g. whether fee basis, per diem, per annum, or other).

(d) *Office-holding in professional societies.* The request should be submitted in memorandum form and should show all information pertinent to the activity and the reasons why the employee considers that such activity would not constitute a conflict of interest.

§ 73.735–903 Acting on employee requests.

(a) Requests must be thoroughly reviewed to insure that the outside activity for which approval is being sought is permissible under applicable statutes and regulations. The review should be conducted by an individual conversant with the statutes and regulations. As required, advice and guidance should be obtained from the Department Counsellor or Deputy Counsellors on employee conduct (section 73.735–104).

(b) The review should appraise the request in terms of:

(1) Compliance with statutes, regulations;

(2) Conflicts or apparent conflicts of interest; and

(3) Potential problems arising from the employee's participation in the outside activity which could result in embarrassment to the Department or the employee.

(c) The approving official must satisfy himself on all these points before granting approval. Any conflict or apparent conflict of interest questions must be resolved before action is taken. The Department Counsellor or Deputy Counsellors on employee conduct will furnish advice and assistance as needed by the approving official.

(d) The approving official should indicate his action in writing in response to the employee's written request. The record on each request should be complete and contain the written request and written notification of action taken on the request.

(e) Requests for approval to perform professional or consultative services involving institutions or government units which have recently negotiated, or may in the near future seek contracts or grants from the Federal government must be referred to the head of the operating agency where the employee works (Assistant Secretary for Administration for OS employees). Approval by the operating agency head must be indicated in writing and will be granted only after any conflict or apparent conflict of interest matters have been identified and resolved.

(b) As new positions are established or duties of other positions change to bring them within the criteria stated in paragraph (a) (2), (3), or (4) of this section and such positions do not fall within the listings already appearing in Appendix C to this part, they shall be identified and reported to the Office of Personnel and Training, Office of the Assistant Secretary for Administration, Office of the Secretary, for inclusion as a part of the regulations in this part through publication in the FEDERAL REGISTER. Exclusion of such positions from this requirement may be made when the operating agency head or his designee determines that the duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests by the incumbent is not necessary because of the degree of supervision and review over the incumbent and the remote and inconsequential effect on the integrity of the Government. Exclusions under this provision must be documented in writing and retained at the level of the determining official.

(c) Employees shall have the opportunity for review through the Department's grievance procedure of a complaint that his position has been improperly included under this subpart as one requiring the submission of a statement of employment and financial interests.

§ 73.735–1003 Content of statements.

(a) The statements of employment and financial interests shall follow the format prescribed in Appendix D to this part.

(b) The interest of a spouse, minor child, or other blood relative who is a resident of the employee's household is considered to be an interest of the employee, and shall be reported on the statement.

(c) If any information required to be included on the 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 information in his behalf.

(d) An employee is not required to submit on the statement any information relative to his 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. 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.

§ 73.735–1004 Submission and review of statements.

(a) Officials responsible for reviewing employment and financial interests shall be the same as by those who are designated to consider requests for administrative approval as discussed in Subpart I of this part.

(b) Reviewing officials shall request that statements of employment and financial interests be submitted by employees covered by § 73.735–1002, in accordance with the following schedule:

(1) September 30, 1967, if employed before September 1, 1967; or

(2) Thirty days after he becomes subject to the reporting requirements by occupying a position covered by 73.735–1102, if he occupies the position after August 1, 1967.

(3) Changes in, or additions to, the information contained in the statement shall be reported in a supplementary statement as of June 30, of each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, 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 section 208 of title 18, United States Code, or Subpart E of this part.

(c) Statements shall be submitted in one copy only.

(d) The reviewing officer shall review statements to determine whether conflicts of interest or apparent conflicts might arise from the activities reported thereon.

Subpart L—Special Provisions Relating to Special Government Employees AND CONSULTANTS

§ 73.735–1201 Applicability.

The requirements of this subpart apply to the group of employees designated by law (18 U.S.C. 202) as "special Government employees." The term includes employees who are retained, designated, appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis. This subpart applies to all consultants (defined in § 73.735–1205) even though the consultant who works more than 130 days in 365 is subject also to the reguations in this Part 73 as a regular employee. Sections 73.735–1205 and 73.735–1206 apply only to those special Government employees indicated. Intermittent employees are subject to the political activity restrictions of subchapter III of Chapter 73 of title 5, U.S.C. (the former Hatch Act) and Civil Service Rule IV when in active duty status only and for the entire 24 hours of any day of actual employment.

§ 73.735–1202 Ethical standards of conduct.

(a) A special Government employee must conduct himself according to ethical behavior of the highest order. In particular,

(1) He must refrain from any use of his office which is, or appears to be, motivated by a private gain for himself or other persons, particularly those with whom he has family, business, or financial ties. The fact that the desired gain, if it materializes, will not take place at the expense of the Government makes his actions no less improper.

(2) He must conduct himself in a manner devoid of any suggestion that he is exploiting his Government employment for private advantage. He must not, on the basis of any inside information, enter into any speculation or recommend speculation to members of his family or business associates, in commodities, land, or the securities of any private company. He must obey this injunction even though his duties have no connection whatever with the Government programs or activities which may affect the value of such commodities, land, or securities. He should be careful in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of his Government work.

(3) He must not use information not generally available to those outside the Government for the special benefit of a business or other entity by which he is employed or retained or in which he has a financial interest. Information not available to private industry should remain confidential in his hands and not divulged to his private employer or client. In cases of doubt whether information is generally available to the public, the special Government employee should confer with the person who assigns work to him, with the office having functional responsibility for a specific type of information, or, as appropriate, with the Director of Public Information or the officials designated in § 73.735–104 to give interpretive and advisory service.

(4) He must, where requested by a private enterprise to act for it in a consultant or advisory capacity and the request appears motivated by the desire for inside information, make a choice between acceptance of the tendered private employment and continuation of his Government consultancy. He may not engage in both.

(5) He must not use his position in any way to coerce, or give the appearance of coercing, anyone to provide a financial benefit to him or another person, particularly one with whom he has family, business, or financial ties.

(6) He must not receive or solicit anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties if the acceptance would result in loss of complete independence or impartiality in serving the Government.

(7) He may teach, lecture, publish, or write in a manner not inconsistent with the regulations in §§ 73.735–403 to 73.735–405 for such activities for regular employees.

(b) A special Government employee who has questions about conflicts of interest or the application of the regulations in this part to him or his assigned work should make inquiry of the person who assigns his work. That person will direct him to the counselor or a deputy counselor for interpretative and advisory services as provided in § 73.735–104.

§ 73.735–1206 Coverage—special Government employees other than consultants.

(a) Coverage by § 73.735–1203 requiring the submission of a statement of financial interests is waived for special Government employees (other than consultants) except those identified by the heads of operating agencies. Such identification shall be published in Appendix C to this part. The identification may be made because of the nature of the duties, or because of the nature of the principal employment, which is non-governmental. For example, a special Government employee, even though not a consultant, may be made subject to § 73.735–1203 if:

(1) The performance of his Department duties could directly and predictably affect a person or organization that is known to: Have a grant from this Department or contract with it; be seeking or negotiating such grant or contract; conduct an operation that is subject to regulation by the Department (as, for example, drug manufacture is subject to regulation under the Federal Food, Drug and Cosmetic Act).

(2) His principal occupation or employment is not his Government employment and is of such nature that being made subject to § 73.735–1203 is desirable to protect him and the Department from possible conflict-of-interest situations: Viz, those whose principal non-Government occupation is: On or concerned with work for the Government or supported in whole or in part by the Government under grant or contract; on or concerned with work for which Govenrment support is being sought; in any category of work which the head of the operating agency, or official he designates, determines should be subject to § 73.735–1203.

§ 73.735–1207 Restrictions—conflict-of-interest statutes.

(a) Each consultant and special Government employee covered by this subpart should acquaint himself in particular with sections of Title 18 numbered 203, 205, 207, and 208, all of which carry criminal penalties. The restraints imposed by the four criminal sections are summarized in paragraph (b) through (d) of this section.

(b) 18 U.S.C. 203 and 205.

(1) These two sections in general operate to preclude a regular Government employee, except in the discharge of his official duties, from representing another person before a department, agency or court, whether with or without compensation, in a matter in which the United States is a party or has a direct and substantial interest. However, the two sections impose only the following major restrictions upon a special Government employee:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a 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 has at any time participated personally and substantially in the course of his Government employment.

(ii) He may not, except in the discharge of his official duties, represent anyone else in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and which is pending before the agency he serves. However, this restraint is not applicable if he has served the agency no more than 60 days during the past 365. He is bound by the restraint, if applicable, regardless of whether the matter is one in which he has ever participated personally and substantially. These restrictions prohibit both paid and unpaid representation and apply to a special Government employee when he does not serve the Government as well as on the days when he does.

(2) To a considerable extent the prohibitions of sections 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a special Government employee, even when not compelled to do so by sections 203 and 205, should make every effort in his private work to avoid any personal contact with respect to negotiations for contracts or grants with the department or agency which

(d) 18 U.S.C. 208. This section bears on the activities of Government personnel, including special Government employees, in the course of their official duties. In general, it prevents a Government employee from participating as such in a particular matter in which, to his knowledge, he, his spouse, minor child, partner, or a profit or nonprofit enterprise with which he is connected has a financial interest. However, the section permits an employee's agency to grant him an ad hoc exemption if the interest is not so substantial as to affect the integrity of his services. Insignificant interests may also be waived by a general rule or regulation. The matters in which special Government employees are disqualified by section 208 are not limited to those involving a specific party or parties in which the United States is a party or has an interest, as in the case of sections 203, 205, and 207. Section 208 therefore undoubtedly extends to matters in addition to contracts, grants, judicial and quasi-judicial proceedings, and other matters of an adversary nature. Accordingly, a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by the section. However, the power of exemption may be exercised in this situation if the special Government employee renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or oganization. The power of exemption may of course be exercised also where the financial interests involved are minimal in value.

§ 73.735–1208 Requesting waivers or exemptions.

(a) A consultant or special Government employee may present in writing to the official who assigns his work requests for the waivers or exemptions discussed in §§ 73.735–1207(b), (c), and (d). That offcial will take, or refer the request for, action as appropriate, and will see that the employee receives advice or decision on his request.

(b) A file of all waivers or exemptions granted shall be maintained in such manner that information can be given promptly on individual cases or statistics provided upon request. Unless the head of the agency specifically provides for maintenance elsewhere, these records, together with written advice given in connection with less formal requests concerning questions of ethical standards, are kept with the employee's statement of employment and financial interests, required to be filed in the personnel office in accordance with § 73.735–1203(d).

§ 73.735–1209 Salary from two sources.

Special Government employees are not subject to 18 U.S.C. 209 which prohibits other employees from receiving any salary, or supplementation of Government salary from a private source as a compensation for services to the Government. As a matter of policy this Department will not knowingly pay per diem to a consultant who also receives per diem pay for the same day from another Government agency (in or outside the Department).

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Entire Regulations:
March 18, 1966;
April 17, 1968.

Amendments:
October 15, 1968;
September 20, 1969.

Appendix A—Index to Some Statutes and Executive Orders Related to Conflict of Interest and Other Prohibited Activities

DEPARTMENTWIDE APPLICABILITY

SUBJECT AND CITATION

A. *Relating to Present Employees.*

1. Code of Ethics for Government Service (H. Con. Res. 175, 85th Cong., 2d sess., 72 Stat. B12).

2. Acceptance of gift or favor made with intent of influencing decision or action on any official matter (18 U.S.C. 201).

3. Compensation from outside sources for services rendered in relation to any application, proceeding, contract, etc., in any matter in which the United States has a direct and substantial interest (18 U.S.C. 203).

4. Acting as agent or attorney (1) for prosecution or aiding in prosecution of any claim against the United States, or (2) for anyone before any Department, agency, court, etc., in connection with a particular matter in which the United States is a party or has a direct and substantial interest (18 U.S.C. 205).

5. Participating personally and substantially as a Government employee in any application, request for a ruling, contract or other particular matter in which he, to his knowledge, or his spouse, minor child, or any organization with which he is negotiating, has a financial interest, direct or indirect (18 U.S.C. 208).

6. Receipt of any salary or contribution to or supplementation of salary as compensation for services as a Government employee from any other source than the Government (18 U.S.C. 209).

7. Use of appropriated funds, services, or communciations with intent to influence any member of Congress to favor or oppose any legislation or appropriation (18 U.S.C. 1913).

8. Participation in strike against Government (5 U.S.C. 7311, 18 U.S.C. 1918).

9. Advocating the overthrow of the constitutional form of Government in the United States or being a member of an organization that so advocates (5 U.S.C. 7311).

10. Being a member of the Communist Party of the United States of America, and contributing funds or services to that party (50 U.S.C. 784).

11. Disclosing confidential information or classified information (18 U.S.C. 798, 50 U.S.C. 783, 18 U.S.C. 1905).

12. Habitual use of intoxicants to excess (5 U.S.C. 7352).

13. Using or authorizing the use of Government automobiles for other than official purposes (13 U.S.C. 635a(c)).

14. Using official envelope or label to avoid payment of postage (18 U.S.C. 1719).

15. Deceiving in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

16. Practicing fraud or making false statements in a Government matter (18 U.S.C. 1001).

17. Mutilating or destroying a public record (18 U.S.C. 2071).

18. Falsely making, forging, or attempting to pass a forged or altered travel request (18 U.S.C. 508).

19. Taking for own use or use of another any Government record, voucher, money, or thing of value (18 U.S.C. 641).

20. Failure to account for public money received (18 U.S.C. 643.).

21. Embezzling money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

22. Taking or attempting to use vouchers or documents intended to be used to procure payments by the United States (18 U.S.C. 285).

23. Prohibition against certain political activities (subchapter III of Chapter 73 of title 5, U.S.C. (former Hatch Act) and 18 U.S.C. 602, 603, 607, and 608).

24. Making or soliciting gifts for official superiors, or accepting gifts from employees receiving a lower salary (5 U.S.C. 7351).

25. Conviction for participating in or organizing or inciting a riot or civil disorder (5 U.S.C. 7313).

26. Nondiscrimination in Government employment (E.O. 11246, 30 F.R. 12319).

27. Acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

B. *Relating to Former Employees.*

28. After having been employed by the United States, a. At any time after his employment has ceased, acting as agent or attorney for anyone other than the Government in connection with any application, contract, claim, proceeding or other matter against the United States, involving a specific party, in any matter in which the United States has an interest, and in which he participated personally and substantially as a Government employee.

b. Within 1 year after his employment has ceased, appearing personally before any agency in connection with any application, contract, claim, proceeding, or other matter against the United States, involving a specific party, which was under his official responsibility as a Government employee (18 U.S.C. 207).

29. For a period of 3 years after retirement from the Public Health Service, engaging for himself or for others in selling, or contracting, or negotiating to sell, any supplies or war materials to an agency of the Department of Defense, Coast Guard, Coast and Geodetic Survey or the Public Health Service (37 U.S.C. 801).

Appendix B—Professional Occupations

Following is a list of series of positions subject to Chapter 51 of title 5, United States Code that include professional positions. Positions not subject to that Chapter should also be considered professional if the incumbents perform duties similar to the series listed.

015 Operations Research Series.
020 Urban Planning Series.
060 Chaplain Series.
101 Social Science Series.
102 Social Administration Series.
110 Economist Series.
130 Foreign Affairs Series.
131 International Relations Series.
135 Foreign Agricultural Affairs Series.
150 Geography Series.
170 History Series.
180 Psychology Series.
184 Sociology Series.
185 Social Work Series.
190 General Anthropolgy Series.
193 Archeology Series.
195 Scientific Linguistics Series.
401 Biology Series.
403 Microbiology Series.
405 Pharmacology Series.
406 Agricultural Extension Series.
410 Zoology Series.
411 Systematic Zoology Series.
412 Parasitology Series.
413 Physiology Series.
414 Entomology Series.
415 Nematology Series.
430 Botany Series.
433 Plant Taxonomy Series.
434 Plant Pathology Series.
435 Plant Physiology Series.
436 Plant Quarantine and Pest Control Series.
437 Horticulture Series.
440 Genetics Series.
450 General Agricultural Administration Series.
451 General Agriculture Series.
452 Park Naturalist Series.
454 Range Conservation Series.
457 Soil Conservation Series.
460 Forestry Series.
470 Soil Science Series.
471 Agronomy Series.
475 Farm Management Loan Series.
480 General Fish and Wildlife Administration Series.
482 Fishery Biology Series.
484 Animal Control Biology Series.
485 Wildlife Refuge Management Series.
486 Wildlife Biology Series.
487 Husbandry Series.
493 Home Economics Series.
510 Accounting Series.
512 Internal Revenue Agent Series.
601 General Health Science Series.
602 Medical Officer Series.
610 Nurse Series.
615 Public Health Nurse Series.
630 Dietitian Series.
631 Occupational Therapist Series.
633 Physical Therapist Series.
635 Corrective Therapist Series.
637 Manual Arts Therapist Series.
639 Educational Therapist Series.
644 Medical Technologist Series.
660 Pharmacist Series.
662 Optometrist Series.
665 Speech Pathology and Audiology Series.
668 Podiatrist Series.
680 Dental Officer Series.
685 Public Health Program Specialist Series.
690 Industrial Hygiene Series.
695 Food and Drug Officer Series.
696 Food and Drug Inspection Series.
701 Veterinary Medical Science Series.
801 General Engineering Series.
803 Safety Engineering Series.
804 Fire Prevention Engineering Series.
806 Materials Engineering Series.
807 Landscape Architecture Series.
808 Architecture Series.
810 Civil Engineering Series.
819 Sanitary Engineering Series.
830 Mechanical Engineering Series.
840 Nuclear Engineering Series.
850 Electrical Engineering Series.
855 Electronic Engineering Series.
861 Aerospace Engineering Series.
870 Marine Engineering Series.
871 Naval Architecture Series.
880 Mining Engineering Series.
881 Petroleum Production and Natural-Gas Engineering Series.
890 Agricultural Engineering Series.
892 Ceramic Engineering Series.
893 Chemical Engineering Series.
894 Welding Engineering Series.
896 Industrial Engineering Series.
905 General Attorney Series.

Appendix C—Additional Positions the Incumbents of Which Must Complete Employment and Financial Interest Statements

OFFICE OF THE SECRETARY

OFFICE OF FIELD COORDINATION

Regional Director.

OFFICE OF ADMINISTRATION

Deputy Assistant Secretary for Administration.

Executive Office

Executive Officer.
Chief, Supply Operations Branch.
Supervisory Contracting Specialist.

Division of Surplus Property Utilization

Director.
Regional Representatives (Surplus Property Utilization).

Office of General Services

Director.
Deputy Director.
Director, Property Management Branch.
Director, Procurement Management Branch.
All positions GS–13 and above in GS–1102 and GS–2003 series.

ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS

Deputy Assistant Secretary for Health and Scientific Affairs.
Deputy Assistant Secretary for Science.
Special Assistant for Patent Policy.
Special Assistant to Assistant Secretary (Medical and Pharmaceutical Research).
Director of Office of Planning and Program Coordination.

OFFICE OF GENERAL COUNSEL

Deputy General Counsel.
Assistant General Counsel, Business and Administrative Law Division.
Deputy Assistant General Counsel, Business and Administrative Law Division.
Assistant General Counsel, Food, Drug and Environmental Health Division.
Deputy Assistant General Counsel, Food, Drug and Environmental Health Division.
Assistant General Counsel, Public Health Grants and Services Division.
Deputy Assistant General Counsel, Public Health Grants and Services Division.
Legal Adviser, National Institutes of Health.
Legal Adviser, National Communicable Disease Center.
Assistant General Counsel, Civil Rights Division.
Deputy Assistant General Counsel, Civil Rights Division.
Assistant General Counsel, Health Insurance Division.
Deputy Assistant General Counsel, Health Insurance Division.

OFFICE OF THE COMPTROLLER

Audit Agency

All Auditors in positions GS–13 and above.

OFFICE OF EDUCATION

OFFICE OF THE COMMISSIONER

Immediate Office of the Commissioner

Deputy Commissioner.
Associate Commissioner for Federal-State Relations.

INSTITUTE OF INTERNATIONAL STUDIES

Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.

Division of International Exchange and Training

Director.

Division of Foreign Studies

Director.
Chief, Fellowships and Overseas Projects Branch.

International Services and Research Staff

Director.

OFFICE OF CONSTRUCTION SERVICE

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Construction Support Division.
Director, Facilities Development Division.

OFFICE OF ADMINISTRATION

Assistant Commissioner.
Director, Contracts and Grant Division.
Contracts and Grants Division, Section Chiefs.

OFFICE OF FIELD SERVICES

Regional Assistant Commissioner.
Director, Urban and Community Education Programs.
Director, Education Research.
Director, Higher Education.
Director, Adult, Vocational, and Library Programs.
MDT Training Officer.
Contracts Officer.
Financial Management Officer.
Regional Engineer.

OFFICE OF PROGRAM PLANNING AND EVALUATION

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Elementary and Secondary Programs Division.
Director, Post-Elementary and Special Education Programs Division.
Director, Program Support Division.

NATIONAL CENTER FOR EDUCATIONAL STATISTICS

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Division of Survey Planning and Analysis.
Director, Division of Statistical Information and Studies.
Director, Division of Survey Operations.

BUREAU OF RESEARCH

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Program Planning and Evaluation Officer.

Arts and Humanities Program

Director.

Division of Educational Laboratories

Director.
Chief, Laboratory Branch.
Chief, Research and Development Centers Branch.

Division of Elementary and Secondary Education Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.

Regional Research Program

Director.

Division of Information Technology and Dissemination

Director,
Chief, Educational Resources Information Centers.

Chief, Library and Information Sciences Research Branch.
Chief, Equipment Development Branch.
Chief, Research Utilization Branch.

Division of Higher Education Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.
Chief, Research Training Branch.

Division of Comprehensive and Vocational Education Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.
Chief, Career Opportunities Branch.

BUREAU OF EDUCATIONAL PERSONNEL DEVELOPMENT

Associate Commissioner.
Deputy Associate Commissioner.

Teacher Corps

Director.
Deputy Director.
Chief, Programs Branch.
Chief, Corps Member Services Branch.

Division of College Programs

Director.
Assistant Director.
Chief, Basic Studies Branch.
Chief, Trainers of Teacher Trainers Branch.
Chief, Educational Leadership Development Branch.
Chief, Educational Administration Branch.
Chief, Support Personnel Branch.

Division of School Programs

Director.
Chief, Vocational Education Training Branch.
Chief, Staff Development Branch.
Chief, State Programs Branch.
Chief, Career Opportunities Branch.
Chief, Special Education Training Branch.

Division of Assessment and Coordination

Director.
Program Planning Officer.

Division of Program Resources

Director.

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

OFFICE OF THE ADMINISTRATOR

Immediate Office

Administrator.

Legislative Affairs

Special Assistant.

DEPUTY ADMINISTRATOR

Immediate Office

Deputy Administrator.

Grants Policy Management

Grants Management Officer.
Grants Management Specialist.

Standards and Compliance

Standards and Compliance Officer.

Regional Offices

All Regional Assistant Administrators.

ASSOCIATE ADMINISTRATOR

Immediate Office

Associate Administrator.

Intergovernmental Affairs

Special Assistant.

ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

Immediate Office

Assistant Administrator.
Deputy Assistant Administrator.

ASSISTANT ADMINISTRATOR FOR PROGRAM DEVELOPMENT

Immediate Office

Assistant Administrator.
Deputy Assistant Administrator.

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Immediate Office

Assistant Administrator.
Deputy Assistant Administrator.

Division of Accounting

Office of the Director.
Director.
Deputy Director.
Cost Advisory Branch.
Cost Accountant.

Bureau of Occupational Safety and Health

Director.
Assistant Director.
Executive Officer.
Chief, Division of Criteria and Standards.
Chief, Division of Occupational Injury and Disease Controls.

Chief, Division of Epidemiology and Special Services.

Bureau of Solid Waste Management

Director.
Deputy Director.
Assistant to the Director.
Assistant Bureau Director for Information.
Executive Officer.
Assistant Bureau Director for Program Development.
Assistant Bureau Director for Cincinnati Operations.
Chief, Division of Demonstration Operations.
Chief, Division of Research and Development.
Chief, Division of Technical Operations.
Deputy Chief, Division of Technical Operations.
Deputy Chief, Division of Research and Development.
Deputy Chief, Division of Demonstration Operations.

Bureau of Water Hygiene

Director.
Deputy Director.
Executive Officer.
Program Officer.
Chief, Division of Criteria and Standards.
Chief, Division of Technical Operations.
Chief, Division of Epidemiology and Biometries.
Director, Cincinnati Laboratory.
Director, Northeastern Water Hygiene Laboratory.
Director, Gulf Coast Water Hygiene Laboratory.
Director, Northwestern Water Hygiene Laboratory.
Administrative Officer, Northeastern Water Hygiene Laboratory.
Grant Program Officers—ECA-wide.
Contract Project Officers—ECA-wide.

FOOD AND DRUG ADMINISTRATION

Office of Commissioner.

Immediate Office of the Commissioner

Deputy Commissioner.
Hearing Examiner.
Committee Management Officer.

Office of Assistant Commissioner for Field Coordination

All Food and Drug Officers, GS–15 and 14.

Office of Legislative and Governmental Services

Director Legislative and Governmental Services.

Office of the Associate Commissioner for Science

Extramural Research Administrator, 602–17.
Pharmacologist, GS–15.

Office of the Associate Commissioner for Compliance

Associate Commissioner for Compliance.
Deputy Associate Commissioner for Compliance.
All Food and Drug Officers, GS–15, 14, and 13.

Office of the Assistant Commissioner for Administration

Executive Officer.
Deputy Executive Officer.
Director, Division of General Services.
Deputy Director, Division of General Services.
All positions GS–13 and above in the 1102 Contract and Procurement Series.

BUREAU OF VOLUNTARY COMPLIANCE

Director, Bureau of Voluntary Compliance.

BUREAU OF MEDICINE

All GS–15 and above position.
Assistant Director for Medical Advertising.

BUREAU OF VETERINARY MEDICINE (EXCLUDING BELTSVILLE ACTIVITY)

All Veterinarians, GS–14 and above.
All Chemists, GS–14 and above.

BUREAU OF REGULATORY COMPLIANCE

Director, Bureau of Regulatory Compliance.
Deputy Director, Bureau of Regulatory Compliance.
Director, Division of Case Guidance
Deputy Director, Division of Case Guidance.
Chief, Drug Case Branch.
Chief, Food Case Branch.
Chief, Shellfish Sanitation Branch.

BUREAU OF SCIENCE

Director, Bureau of Science.
Deputy Director, Bureau of Science.
Assistant Director for Biological Sciences Research.
Assistant Director for Physical Sciences Research.
Assistant Director for Program Management.
Assistant Director for Regulatory Programs.
Chief, Petitions Control Branch.

Division of Colors and Cosmetics

Director.
Deputy Director.
Assistant to the Director.
All Branch Chiefs.

Division of Food Chemistry and Technology

Director.
Deputy Director.
Assistant to the Director.
All Branch Chiefs.

Division of Microbiology

Director.
Deputy Director.
Assistant to the Director.
All Branch Chiefs.

Division of Pharmacology and Toxicology

Director.
Deputy Director.
All Branch Chiefs.
Review Scientists, GS–14.

COMMUNITY HEALTH SERVICE

Director.
Deputy Director.
Assistant Directors.
Executive Officer.
Director, Division of Health Care Services.
Associate Director, Division of Health Care Services.
Coordinator for Rural and Migrant Health.
Director, Division of Comprehensive Health Planning.
Chief, Grants and Contracts, Division of Analysis and Evaluation.

INDIAN HEALTH SERVICE

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Indian Health Area Office Directors, Executive Officers, and General Services Officers: Aberdeen, Albuquerque, Anchorage, Mount Edgecumbe, Billings, Oklahoma City, Phoenix, Portland.

FEDERAL HEALTH PROGRAMS SERVICE

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Director, Hospital Administrative Officer, and General Services.
Officer, USPHS Hospitals: Baltimore, Boston, Carville, Detroit, Galveston, New Orleans, Norfolk, San Francisco, Savannah, Seattle, Staten Island.
Director, Division of Federal Employee Health.
Executive Officer, DFEH.
Medical Director, Prison Medical Services.
Director, Division of Emergency Health Services.
Deputy Director, DEHS.
Assistant Director for Engineering.
Executive Officer, DEHS.
Assistant Executive Officer.
Chief, Training Branch.
Statistician, Health Resources and Research Branch.
Public Health Advisor, Training Branch.
Principal Regional Representatives, DHEW Regional Offices.

HEALTH FACILITIES PLANNING AND CONSTRUCTION SERVICE

Director.
Deputy Director.
Executive Officer.
General Services Officer.
Assistant Director for Plans and Policies.
Education Officer.
Director and Deputy Director, Architectural, Engineering and Equipment Office.
Director and Deputy Director, Office of State Plans.
Medical Officer (Administration), Office of State Plans.
Public Health Advisor, Office of Director of State Plans.
Director and Deputy Director, Office of Program Planning and Analysis.
Health Administration Advisor.
Principal Regional Representatives, DHEW Regional Offices.

NATIONAL COMMUNICABLE DISEASE CENTER

Director.
Deputy Director.
Assistant Director.
Executive Officer.
Assistant Executive Officer.
Chief, Office of Research Grants.
Deputy Chief, Office of Research Grants.
Director, Foreign Quarantine Program.
Deputy Director, Foreign Quarantine Program.
Director, State and Community Services Division.
Chief, Immunization Branch.
Chief, Tuberculosis Branch.
Chief, Venereal Disease Branch.
Director, Laboratory Division.
Assistant Director, Laboratory Division.
Chief, Licensure and Development Branch.
Chief, Licensure and Performance Evaluation Section.
Assistant Chief, Licensure and Performance Evaluation Section.
Chief, Field Examination Activity Licensure and Performance Evaluation Section.
Chief, Biological Reagents Section.
Chief, Laboratory Consultation and Development Section.
Scientist Administrator, Laboratory Consultation and Development Section.
Chief, Management Consultation Unit, Laboratory Consultation and Development Section.
Chief, Administrative Services Branch.
Deputy Chief, Administrative Services Branch.
Chief, Negotiated Contracts Activity.
Contract Administrator.
Contract Specialist.
Chief, Contracts and Purchases Section.

NATIONAL INSTITUTE OF MENTAL HEALTH

Director, Deputy Director, Assistant Director, Assistant to Director, National Center for Mental Health Services, Training and Research.
Superintendent, Assistant Superintendent, and First Assistant Physician, Saint Elizabeths Hospital.
Executive Officer and Assistant Executive Officer, Saint Elizabeths Hospital.
Chiefs and Directors of Clinical Divisions and Departments, Saint Elizabeths Hospital.
Director, Laboratory Branch, Saint Elizabeths Hospital.
Procurement Officer, Saint Elizabeths Hospital.

Office of Research, Demonstrations and Training

Assistant Administrator.
Deputy Assistant Administrator.
Program Management Officer.
Chief, Research and Demonstrations Division.
Deputy Chief, Research and Demonstrations Division.
Chief, Intramural Research Division.
Deputy Chief, Intramural Research Division.
Chief, Division of Grants Management.
Grants Management Officer.
Chief, Division of Research and Training Centers.
Chief, Division of International Activities.
Assistant Chief, Research, Division of International Activities.
Assistant Chief, Training, Division of International Activities.
Chief, Division of Manpower Development and Training.

Office of Juvenile Delinquency and Youth Development

Director.
Deputy Director.

Cuban Refugee Program

Director.
Deputy Director.

Administration on Aging

Deputy Commissioner.
Associate Commissioner.
Executive Officer.
Director, Division of Older Americans Services.
Director, Research and Demonstrations Staff.
Director, Training Grants Staff.
Director, Foster Grandparent Program Staff.

Children's Bureau

Deputy Chief.
Associate Chief.
Assistant Chief.
Executive Officer.
Director, Division of Health Services.

Chief, Administrative Methods Branch, Division of Health Services.
Director, Division of Family and Child Welfare Services.
Assistant Director, Division of Family and Child Welfare Services.
Chief, Program Operations Branch, Division of Family and Child Welfare Services.
Director, Division of Research.
Associate Director, Division of Research.
Administrative Officer, Division of Research.
Director, Work and Training Division.

Rehabilitation Services Administration

Associate Commissioner.
Executive Officer.
Director, Mental Retardation Division.
Director, Rehabilitation Training Division.
Director, Rehabilitation Facilities and Workshops Division.
Director, State Plans and Projects Division.

Assistance Payments Administration

Commissioner.
Deputy Commissioner.
Assistant Commissioner for Field Services.
Executive Officer.

Medical Services Administration

Commissioner.
Deputy Commissioner.
Executive Officer.
Director, Health Services Division.
Director, Medical Program Evaluation Division.
Director, Medical Program Management Division.
Director, Medical Program Planning and Development Division.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF COMMISSIONER

Office of Commissioner, Field

Assistant Commissioner, Field.
Deputy Assistant Commissioner, Field.
Regional Commissioner.

OFFICE OF THE ACTUARY

Chief Actuary.

OFFICE OF ADMINISTRATION

Office of Assistant Commissioner

Assistant Commissioner.
Deputy Assistant Commissioner.

Employee Management Relations and Equal Employment Opportunity Staff

Civil Rights and Labor Relations Administrator.

Division of Systems Coordination and Planning

Director.
Deputy Director.
Digital Computer Systems Officer.
Chief, Systems Controls and Standards Branch.

Division of Operating Facilities

Director.
Deputy Director.
Deputy Director (Realty and Space).
Chief, Property Management Branch.
Deputy Chiefs, Property Management Branch.
Chief, Contract and Purchase Section.
Chief, Receiving, Storage and Issue Section.
Chief, Equipment Management Section.
Chief, Inventory Management Section.
Contract Specialist.
Chief, Printing and Records Management Branch.
Deputy Chief, Printing and Records Management Branch.
Printing Officer.
Chief, Graphics Section.
Chief, Management Services Branch.

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

NAME *(Last, First, Initial)*	TITLE OF POSITION

DATE OF APPOINTMENT IN PRESENT POSITION	ORGANIZATION LOCATION *(Operating agency, Bureau Division)*

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 AND 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.*, STOCKS. PRIOR 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, UNDEVELOPED LAND	ADDRESS *(If rural, give RFD or county and State)*

PART IV. INFORMATION REQUESTED OF OTHER PERSONS

If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested 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

(THIS SPACE RESERVED FOR ADDITIONAL INSTRUCTIONS)

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

(Date) *(Signature)*

HEW-473
(3-66)

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

PART I – TO BE COMPLETED BY AGENCY *(Agency completes Parts III & IV after appointee completes Part II)*

NAME *(Last, First, Initial)*	SOCIAL SECURITY NUMBER *(Appointee will furnish in Part II.)*

ORGANIZATION LOCATION *(Agency, Bureau, Division)*	PERIOD OF APPOINTMENT IN THIS AGENCY	ESTIMATED NO. DAYS SERVICE TO BE PERFORMED
	FROM: TO:	

PART II – TO BE COMPLETED BY APPOINTEE

The information to be furnished in this statement is required by Executive Order 11222 and the regulations issued thereunder. The Order does not require the submission of any information relating to an employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

FEDERAL GOVERNMENT EMPLOYMENT – *List all other Federal agencies and other organizational elements of this Department in which you are presently employed. Please specify the organization in as much detail as possible. If none, write "NONE."*

DEPARTMENT OR AGENCY	LOCATION *(Street, City, and State)*	APPOINTMENT PERIOD		EST. NO. OF DAYS
		FROM	TO	

NON-FEDERAL EMPLOYMENT – *List all corporations, companies, firms, State or local Government organizations, research organizations, and educational and other institutions in which you are serving as employee, officer, member, owner, trustee, director, expert, advisor, or consultant, with or without compensation. If none, write "NONE."*

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

HEW-474
REV. 10/67

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any Person In Government Service Should:

Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

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.

Seek to find and employ more efficient and economical ways of getting tasks accomplished.

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.

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.

Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

Expose corruption wherever discovered.

Uphold these principles, ever conscious that public office is a public trust.

(This Code of Ethics was agreed to by the House of Representatives and the Senate as House Concurrent Resolution 175 in the Second Session of the 85th Congress. The Code applies to all Government Employees and Office Holders.)

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY*

(Ref. HEW Personnel Guides for Supervisors, Chapter IV, Guide 7, Supplement)

☐ Initial request
☐ Revised Request
☐ Renewal

1. NAME *(Last, First, Initial)*	2. ORGANIZATIONAL LOCATION *(Operating Agency, Bureau, Division)*
3. TITLE OF POSITION	4. GRADE AND SALARY *(Federal)*
*5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED	6. LOCATION WHERE SERVICES WILL BE PERFORMED

7. NATURE OF ACTIVITY *(Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of week and hours of day proposed activity will be performed.)*

8. ESTIMATED TIME INVOLVED

a. PERIOD COVERED
FROM TO

b. ESTIMATED TOTAL TIME, DEVOTED TO ACTIVITY *(If on a continuing basis, give estimated time per year)*

c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORKING HOURS?
☐ YES ☐ NO IF "NO, INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____

9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY?
☐ NO ☐ YES *(Describe)*

*10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?
☐ NO ☐ YES *(Describe)*

11. METHOD OR BASIS OF COMPENSATION	12. WILL COMPENSATION BE DERIVED FROM A DHEW GRANT OR CONTRACT?
☐ FEE ☐ HONORARIUM ☐ PER DIEM ☐ PER ANNUM ☐ ROYALTY ☐ EXPENSES ☐ OTHER *(Specify)*	☐ NO ☐ YES *(Describe)*

13. THIS REQUEST IS MADE WITH FULL KNOWLEDGE OF DEPARTMENT AND OPERATING AGENCY POLICY AND PROCEDURES ON OUTSIDE ACTIVITIES. THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

14. SIGNATURE OF EMPLOYEE	15. DATE	16. ADDITIONAL INFORMATION ATTACHED ☐ YES ☐ NO

17. ACTION RECOMMENDED

a. ☐ APPROVAL ☐ DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

18. ACTION TAKEN

a. ☐ APPROVAL * ☐ DISAPPROVAL	b. SIGNATURE	c. TITLE	d. DATE

*See reverse of form

HEW-520 (4/69)

ANNUAL REPORT OF OUTSIDE ACTIVITY

(Ref.: HEW Personnel Guides for Supervisors, Chapter IV, Guide 7, Supplement 1)

SECTION - I

TO:	1. EMPLOYEE'S NAME, TITLE, GRADE, AND SALARY	2. DATE
FROM:	3. APPROVING OFFICIAL	4. REPORT PERIOD ENDING August 31, _____

Each person for whom an approval for outside work is currently on record is required to file an annual report. It will be necessary, therefore, for you to complete and return this form to me through regular channels within 15 days of the date shown in item 2.

SECTION II - PRECEDING 12 MONTHS

5. NATURE OF APPROVED ACTIVITY	6. ACTIVITY PERFORMED FOR *(Person or organization and address)*

7. WAS THE ACTIVITY ACTUALLY PERFORMED?

☐ YES ☐ NO If "No", explain

8. AMOUNT OF TIME SPENT ON ACTIVITY *(Specify hours worked)*	9. HAS THERE BEEN ANY CHANGE WITH RESPECT TO INFORMATION, OTHER THAN SHOWN IN ITEM 8, ON WHICH APPROVAL WAS BASED? *(If "Yes", a revised request must be submitted)* ☐ YES ☐ NO

SECTION III - NEXT 12 MONTHS

10. DO YOU ANTICIPATE THAT THE ABOVE ACTIVITY WILL CONTINUE?

☐ YES ☐ NO

11. DO YOU ANTICIPATE ANY CHANGE WITH RESPECT TO INFORMATION PREVIOUSLY FURNISHED *(If "Yes", a revised request must be submitted)*

☐ YES ☐ NO

12. DO YOU WANT YOUR REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY CANCELLED?

☐ YES ☐ NO *If "Yes", indicate date* _____

13. SIGNATURE OF EMPLOYEE	14. DATE
15. REVIEWED BY	16. DATE OF REVIEW

17. COMMENTS *(Continue on reverse, if necessary)*

☐ SEE REVERSE, IF CHECKED

HEW-521 (12/68)

LISTING OF DEPARTMENT COUNSELOR AND DEPUTY COUNSELORS ON CONFLICT OF INTEREST

Listed below are the titles and addresses of the Counselor and Deputy Counselors designated within the Department to advise and guide employees and special Government employees on conflict of interest. The responsibilities of the Counselor and Deputy Counselors are discussed in detail in Section 73.735-104 of the Department regulations on Standards of Conduct.

TITLE	ADDRESS	AREA OF RESPONSIBILITY
	Department Counselor	
Assistant General Counsel	Business and Administrative Law Division Office of the General Counsel Office of the Secretary, DHEW Washington, D.C. 20201	All employees within the Washington, D.C., Metropolitan Area and Social Security Administration Headquarters, Baltimore, Maryland. 1/
	Deputy Counselors	
Regional Attorney	DHEW Region I ~~John F. Kennedy Federal Bldg.~~ Government Center Boston, Mass. 02203	All employees within the geographic area covered by DHEW Region I.
Regional Attorney	DHEW Region II Room 1200, 42 Broadway New York, N. Y. 10004	All employees within the geographic area covered by DHEW Region II.
Regional Attorney	DHEW Region III 220 7th Street NE Charlottesville, Va. 22901	All employees within the geographic area covered by DHEW Region III, except as provided under the area of responsibility of the Department Counselor, above.
Regional Attorney	DHEW Region IV Room 404, 50 Seventh Street, N.E. Atlanta, Ga. 30323	All employees within the geographic area covered by DHEW Region IV.
Regional Attorney	DHEW Region V Room 712, New Post Office Building 433 West Van Buren Street Chicago, Ill. 60607	All employees within the geographic area covered by DHEW Region V.
Regional Attorney	DHEW Region VI 601 East 12th Street Kansas City, Missouri 64106	All employees within the geographic area covered by DHEW Region VI.
Regional Attorney	DHEW Region VII 1114 Commerce Street Dallas, Texas 75202	All employees within the geographic area covered by DHEW Region VII.
Regional Attorney	DHEW Region VIII Room 9017, Federal Office Building 19th and Stout Streets Denver, Colo. 80202	All employees within the geographic area covered by DHEW Region VIII.
Regional Attorney	DHEW Region IX Federal Office Building 50 Fulton Street San Francisco, Calif. 94102	All employees within the geographic area covered by Region IX.
Regional Attorney	DHEW Region X Arcade Plaza Building 1319 Second Avenue Seattle, Washington 98101	All employees within the geographic area covered by Region X.

1/ The Counselor also has additional duties with regard to counseling services for the entire Department, as discussed in Section 73.735-104 of the Department regulations.

I N S T R U C T I O N S

Item 5 – Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners, giving their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 – Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.) Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 – Attachments: Be sure to sign copies of all attachments submitted.

ITEM 17 – COMMENTS OF RECOMMENDING OFFICIAL

ITEM 18 – REASON FOR DISAPPROVAL

FINANCIAL INTERESTS – *List all organizations in which you, your spouse, minor child, partner, or an organization with which you are connected have financial interests which relate directly or indirectly to your consultancy duties.*

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

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

(Signature) *(Social Security Number)* *(Date Signed)*

PART III – TO BE COMPLETED BY AGENCY

APPLICABLE 365 DAY PERIOD		TOTAL NUMBER OF DAYS ENTERED IN BOXES AT LEFT.
ESTIMATED NUMBER OF DAYS ON WHICH SERVICES ARE TO BE PERFORMED DURING THE REMAINING PORTION OF THE APPLICABLE 365 DAY PERIOD *(see FPM 735-C-2, para. d)*:	NUMBER OF DAYS ALREADY WORKED DURING THE APPLICABLE 365 DAY PERIOD:	APPOINTEE IS DESIGNATED AS A
_____ WITH THIS OPERATING AGENCY _____ WITH OTHER HEW COMPONENTS _____ WITH OTHER FEDERAL AGENCIES	_____ FOR DHEW _____ FOR OTHER FEDERAL AGENCIES	☐ SPECIAL GOV'T EMPLOYEE ☐ REGULAR GOV'T EMPLOYEE

PART IV – AGENCY REVIEW

See Department Regulations on Standards of Conduct, especially Sec. 73.735-1203(d).

NAME	DATE	REMARKS
		☐ NO CONFLICT NOTED ☐ SEE ATTACHED
		☐ NO CONFLICT NOTED ☐ SEE ATTACHED
		☐ NO CONFLICT NOTED ☐ SEE ATTACHED

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

For use by an officer or employee as required by section 402 of Executive Order 11222, dated May 8, 1965, Prescribing Standards of Ethical Conduct for Government Officers and Employees.

GENERAL REQUIREMENTS.

The information to be furnished in this statement is required by Executive Order 11222 and the regulations of the Civil Service Commission issued thereunder and may not be disclosed except as the Commission or the agency head may determine for good cause shown.

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

The information to be listed does not require a showing of the amount of financial interest; indebtedness, or the value of real property.

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.

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

OFFICE OF INFORMATION

Assistant Commissioner for Public Affairs.

OFFICE OF PROGRAM EVALUATION AND PLANNING

Assistant Commissioner.

OFFICE OF RESEARCH AND STATISTICS

Assistant Commissioner.
Chief, Research Grants Staff.

BUREAU OF DATA PROCESSING AND ACCOUNTS

Director (Bureau).
Deputy Director (Bureau).
Deputy Assistant Bureau Director.
Assistant Bureau Director.
Assistant to the Director (Health Insurance).
Director (Division).
Deputy Director (Division).
Social Insurance Operations Advisor (GS-15).
Supervisory Computer Systems Analyst (GS-14).
Supervisory Communications Specialist (GS-13).
Micro-Photographic Systems Analyst.

BUREAU OF DISABILITY INSURANCE

Office of the Director

Director.
Deputy Director.
Executive Officer.
Technical Advisor.

Division of Management and Appraisal

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Division of Disability Policy and Procedures

Assistant Bureau Director.
Chief, Systems and Procedures Branch.

Office of Assistant Bureau Director, Disability Operations

Assistant Bureau Director, Operations.

BUREAU OF DISTRICT OFFICE OPERATIONS

Director.
Deputy Director.

BUREAU OF FEDERAL CREDIT UNIONS

Director.
Deputy Director.
Director, Division of Administration.

BUREAU OF HEALTH INSURANCE

Office of the Bureau Director

Bureau Director.
Deputy Bureau Director.
Assistant to the Bureau Director.
Chief Medical Officer.
Field Liaison Officer.

Professional Organizations Liaison Staff

Supervisory Professional Relations Specialist.

Division of Management

Assistant Bureau Director.
Administrative Management Officer (GS-14).
Administrative Officer (GS-13).

Regional Staff

Social Insurance Administrator (GS-14, 15).

Division of Reimbursement

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Medical Insurance Reimbursement Administrator (GS-14, 15).
Supervisory Social Insurance Reimbursement Specialist (GS-14).
Supervisory Accountant (GS-14, 15).
Accountant (GS-14).

Division of Policy and Standards

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Supervisory Social Insurance Specialist (GS-14, 15).

Hospital Insurance Determinations Review Officer (GS-14).
Hospital Insurance Reimbursement Administrator (GS-15).

Division of Intermediary Operations

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Supervisory Contract Operations Specialist (GS-14, 15).
Supervisory Contract Evaluation Specialist (GS-14, 15).
Supervisory Audit Review Specialist (GS-14).
Supervisory Fiscal Control Specialist (GS-14, 15).

Division of State Operations

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Social Insurance Advisor (GS-15).
Supervisory State Agency Operations Analyst (GS-15).

Division of Systems

Assistant Bureau Director.
Deputy Assistant Bureau Director.

BUREAU OF HEARINGS AND APPEALS

Office of the Director

Director.
Deputy Director.

BUREAU OF RETIREMENT AND SURVIVORS INSURANCE

Office of the Director

Director.
Deputy Director.
Executive Officer.

Office of the Assistant Bureau Director (Administration)

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Chief, Administrative Management Branch.
Chief, Operating Services Section.

Division of Methods and Procedures

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Payment Center Staff

Regional Representative.
Director of Management.
Assistant Director of Management.
Chief, Administrative Services Branch.
Director of Operations.

NATIONAL INSTITUTES OF HEALTH

Office of the Director

Deputy Director.
Deputy Director for Science.
Associate Director for Extramural Research and Training.
Associate Director for Direct Research.
Associate Director for Clinical Care Administration.
Associate Director for Program Planning and Evaluation.
Associate Director for Administration.
Assistant Director for Collaborative Research.
Deputy Associate Director for Administration.

Institutes and Research Divisions, Division of Research Services, and Division of Research Grants

Director.
Deputy Director.

Associate Director.
Assistant Director.
Executive Officer.
Assistant Executive Officer.
Positions at GS–14 or 15, or those held by Director grade officers, whose incumbents are engaged in making judgments or determinations which materially affect the awarding and monitoring of grants and fellowships.
Project and administrative officers responsible for negotiating, supervising, accepting, and terminating research contracts, GS–13 or above.
Procurement, Contract, and administrative officers who are required to exercise judgment in making a Government decision to purchase, contract, and accept material and/or services from non-Government entities, GS–13 or above.
Accountants and auditors, GS–13 or above, who are required to exercise judgment in making a Government decision concerning a proposed contractor's financial ability, and the propriety of payments during the course of contract administration.
Engineering positions and positions in the 1640 series in the Division of Research Services, GS–13 or above, and engineering positions in the National Institute of Environmental Sciences, GS–13 or above, whose incumbents are authorized to approve contract change orders and determine acceptability of a contractor's performance.
Positions in the Division of Biologics Standards whose incumbents make independent inspections of establishments subject to Federal controls and are the recommending agents for approval of licenses, labels and/or products, GS–13 or above.

Bureau of Health Professions Education and Manpower Training

Office of the Bureau Director.

Director.
Deputy Director.
Associate Director.
Executive Officer.
Deputy Executive Officer.
Supervisory Contract Administrator.
Contract Specialist.

Division of Nursing

Director.
Deputy Director.
Executive Officer.
Chief, Research Grants Branch.
Chief, Nurse Education and Training Branch.

Division of Health Manpower Educational Services

Director.
Deputy Director.
Executive Officer.
Chief, Health Manpower Grants Branch.
Chief, Student Loan and Scholarship Branch.

Division of Physician Manpower

Director.
Deputy Director.
Executive Officer.
Grants Management Officer, Educational Facilities Branch.
Chief, Physician Education Branch.
Chief, Continuing Education Branch.

Division of Allied Health Manpower

Director.
Assistant Director for Planning and Operations.
Chief, Educational Program Development Branch.
Chief, Manpower Resources Branch.
Chief, Program Assistance Branch.

Division of Dental Health

Director.
Deputy Director.

Executive Officer.
Chief, Research Grants Unit.
Chief, Education and Facilities Branch.

National Library of Medicine

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Contract Management Officer.
Grants and Contracts Management Officer, Extramural Programs.
Office Services Manager.

SOCIAL AND REHABILITATION SERVICE

Office of the Administrator

Deputy Administrator.
Associate Administrator.
Confidential Assistant to the Administrator.
Assistant Administrator for Field Operations.
Regional Commissioner, Region I.
Regional Commissioner, Region II.
Regional Commissioner, Region III.
Regional Commissioner, Region IV.
Regional Commissioner, Region V.
Regional Commissioner, Region VI.
Regional Commissioner, Region VII.
Regional Commissioner, Region VIII.
Regional Commissioner, Region IX.
Assistant Administrator for Administration.
Deputy Assistant Administrator for Administration.
Director, Finance Division.
Director, General Services Division.
All positions GS–13 and above in GS–1102 series.
Director, Management Systems Division.
Director, Data Processing Division.

Division of Pesticides

Director.
Deputy Director.
All Branch Chiefs.

Division of Nutrition

Director.
Deputy Director.
Assistant to the Director.
Chief, Special Dietary Foods Branch.
Chief, Vitamin Analysis Section.

DISTRICT OFFICES

Director.
Deputy Director.
Food and Drug Officers, GS–13 and above.
Chief Chemists, GS–1320–14.
Supervisory Inspectors, GS–696–13 and above.

NATIONAL AIR POLLUTION CONTROL ADMINISTRATION

Commissioner.
Deputy Commissioner.
Associate Commissioner.
Director, Office of Manpower Development.
Director, Office of Technical Information and Publications.
Director, Office of Research Grants.
Assistant Commissioner, Office of Science and Technology.
Assistant Commissioner, Office of Program Development.

Assistant Commissioner, Office of Standards and Compliance.
Director, Office of Administration.
Assistant Director.
Chief, General Services Branch.
Chief, Negotiated Contracts Section.
Chief, Purchase and Contracts Section.
Chief, Supply and Property Section.
Director, Office of Education and Information.
Director, Bureau of Criteria and Standards.
Deputy Director.
Chief, Office of Criteria and Standards.
Executive Officer.
Director, Division of Air Quality and Emission Data.
Director, Division of Economic Effects Research.
Director, Division of Health Effects Research.
Director, Bureau of Engineering and Physical Sciences.
Deputy Director.
Executive Officer.
Director, Division of Chemistry and Physics.
Director, Division of Meteorology.
Director, Division of Motor Vehicle Research and Development.
Director, Division of Process Control Engineering.
Director, Bureau of Abatement and Control.
Assistant Director.
Assistant to the Director.
Executive Officer.
Director, Division of Abatement.
Director, Division of Control Agency Development.
Deputy Director.
Director, Division of Motor Vehicle Pollution Control.
Deputy Director.
Chief, West Coast Field Station.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Associate Administrator.
Assistant Administrator for Legislation.
Assistant Administrator for Management.
Deputy Assistant Administrator for Management.
Director, Office of Grants Management.
Regional Health Directors.

Office of Financial Management

Director.
Deputy Director.
Chief, Cost Advisory Branch.
Assistant Chief, Cost Advisory Branch.

Office of Procurement and Material Management

Director.
Chief, Material Management Branch.
Chief, Procurement Branch.
Officer in Charge, Supply Service Center.
Procurement Agent, Supply Service Center.
Positions in the GS–1102 series at grades 13 and above.

NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND DEVELOPMENT

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Associate Director, Program Development.
Deputy Associate Director, Program Development.
Program Management Officer, Program Development.
Associate Director, Office of Grants and Contracts Review and Management.
Director, Review Branch.
Contract Review Officer.
Director, Management Branch.
All project officers involved in grant and contract activities at grades GS–13 and above.

REGIONAL MEDICAL PROGRAMS SERVICE

Division of Chronic Disease Programs

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Chief, Office of Grants Management and Coordination.
Assistant Chief, Office of Grants Management and Coordination.

Division of Regional Medical Programs

Director.
Deputy Director.
Executive Officer.
Financial Management Officer.
Grants Management Officer.
Chief, Grants Review Branch.

Division of Administrative Services

Office of the Director.
Director.

Division of Budget

Office of the Director.
Director.
Deputy Director.
Facility Management.
All.

Division of Management Systems

Office of the Director.
Director.

Systems Planning and Management Analysis

Management Analysis Officer.

Division of Procurement and Supply Management

Office of the Director.
Director.
Deputy Director.
GS—1102–13 and Above Procurement Analysts.
Contract Cost Advisory Branch.
GS–13 and above Accountants.

ENVIRONMENTAL CONTROL ADMINISTRATION

Office of the Commissioner

Commissioner.
Deputy Commissioner.
Special Assistant to the Commissioner.
Assistant Commissioner for Training and Manpower Development.
Special Assistant to the Commissioner for Regional Operations.
Assistant Commissioner for Program Development.
Assistant Commissioner for Program Development.
Director, Office of Public Information and Education.
Executive Officer.
Deputy Executive Officer.
Administrative Operations Officer.
Positions in GS–1102–13 and above.

Office of Grants Management

Director.
Deputy Director.
Program Coordinator.
Chief, Grants Management Branch.
Chief, Review Branch.
Executive Secretaries, Study Section.

Bureau of Community Environmental Management

Bureau Director.
Deputy Bureau Director.
Associate Bureau Director.
Program Officer.
Executive Officer.
Research Development Officer.
Grants Management and Programing Officer.
Special Assistant (Vector Control).
Special Assistant (Injury Control).
Special Assistant (Housing and Urban Planning).
Special Assistant (Ecology Centers).
Chief, Division of Environmental Improvement.
Chief, Community Environmental Health Branch (Acting).
Chief, Injury Control Branch (Acting).
Chief, Insect and Rodent Control Branch (Acting).
Deputy Chief, Insect and Rodent Control Branch (Acting).
Program Chief, Arctic Health Field Research Unit.
Associate Chief, Arctic Health Field Research Unit.
Administrative Management Officer, Arctic Health Field Research Unit.
Chief, Division of Planning and Standards.
Deputy Chief, Division of Planning and Standards.
Chief, Injury Control Research Laboratory.
Deputy Chief, Injury Control Research Laboratory.
Chief, Housing and Urban Planning Branch.

Bureau of Radiological Health

Director.
Deputy Director.
Associate Director.
Associate Director (Regional Operations).
Assistant Director (Industry).
Assistant Director (Military).
Assistant Director (Radiology).
Assistant Director (Training).
Executive Officer.
Information Officer.
Chief, Office of Criteria and Standards.
Deputy Chief, Office of Criteria and Standards.
Chief, Division of Biological Effects.
Deputy Chief, Division of Biological Effects.
Branch Chiefs, Division of Biological Effects.
Chief, Division of Electronic Products.
Deputy Chief, Division of Electronic Products.
Associate Chief, Division of Electronic Products.
Branch Chief, Division of Electronic Products.
Chief, Division of Medical Radiation Exposure.
Deputy Chief, Division of Medical Radiation Exposure.
Branch Chiefs, Division of Medical Radiation Exposure.
Chief Program Officer.
Chief, Compliance Officer.
Chief, Division of Environmental Radiation.
Deputy Chief, Division of Environmental Radiation.
Branch Chiefs, Division of Environmental Radiation.
Directors, Deputy Directors, and Management Officers GS–13 and above of BRH Laboratories.

BUREAU OF ELEMENTARY AND SECONDARY EDUCATION

Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Director, Program Planning and Evaluation.

Division of Compensatory Education

Director.
Assistant Director.
Chief, Operations Branch.
Chief, Program Development Branch.
Chief, Follow Through Branch.

Division of School Assistant in Federally Affected Areas

Director.
Chief, Technical Operations Branch.
Chief, Field Operations Branch.

Division of Equal Educational Opportunities

Director.
Deputy Director.
Chief, East Coast Branch.
Chief, Southern Branch.
Chief, Southwestern Branch.
Chief, Northern-Western Branch.

Division of State Agency Cooperation

Director.
Assistant Director.
Chief, Program Management Branch.
Chief, Development Staff.
Chief, Western Program Operations Branch.
Chief, Southeast Program Operations Branch.
Chief, Upper Midwest Program Operations Branch.
Chief, Mid-Continent Program Operations Branch.
Chief, Northeast Program Operations Branch.

Division of Plans and Supplementary Centers

Director.
Chief, Program Analysis and Dissemination Branch.
Chief, Grants Management Branch.
Chief, Demonstration Projects Branch.
Chief, State Plans Branch.
Chief, Pupil Personnel Services Branch.

BUREAU OF ADULT, VOCATIONAL, AND LIBRARY PROGRAMS

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Program Evaluation Officer.

Division of Manpower Development and Training

Director.
Assistant Director.
Chief, State Programs and Services Branch.
Chief, National Programs and Services Branch.

Division of Adult Education Programs

Director.
Chief, Adult Education Branch.
Chief, Civil Defense Education Branch.
Chief, Community Services and Continuing Education Branch.

Division of Vocational and Technical Education

Director.
Deputy Director.
Chief, Service Branch.
Chief, Development Branch.
Chief, Planning and Evaluation Branch.
Chief, Pilot and Demonstration Branch.

Division of Library Services and Educational Facilities

Director.
Chief, Library Program and Facilities Branch.
Chief, Library Training and Resources Branch.
Chief, Library Planning and Development Branch.
Chief, Library and Information Science Branch.

Educational Broadcasting Facilities Program

Director.

BUREAU OF HIGHER EDUCATION

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Chief, Program Planning and Reports Staff.

Division of Graduate Programs

Director.
Chief, Graduate Facilities Branch.
Chief, Graduate Academic Programs Branch.

Division of College Support

Director.
Assistant Director.
Chief, Developing Institutions Branch.
Chief, Personnel Development Branch.

Division of Student Financial Aid

Director.
Assistant Director.
Chief, Loans Branch.
Chief, Work-Study Branch.
Chief, Insured Loans Branch.
Chief, Educational Opportunity Grants Branch.

Division of College Facilities

Director.
Assistant Director.
Chief, Program Operations Branch.

Division of Student Special Services

Director.

BUREAU OF EDUCATION FOR THE HANDICAPPED

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Planning and Evaluation Officer.

Division of Educational Services

Director.
Chief, Aid to States Branch.
Chief, Media Services and Captioned Films Branch.
Chief, Projects Centers Branch.

Division of Training Programs

Director.
Chief, Mental Retardation Branch.
Chief, Communication Disorders Branch.
Chief, Special Learning Problems Branch.

Division of Research

Director.
Chief, Projects and Program Research Branch.
Chief, Research Laboratories and Demonstration Branch.
Chief, Curriculum and Media Branch.

920 Estate Tax Examining Series.
935 Hearing Examiner Series.
942 Deportation and Exclusion Examining Series.
954 Legal Assistance Series.
960 Adjudicating Series.
1015 Museum Curator Series.
1210 Copyright Examining Series.
1220 Patent Administration Series.
1221 Patent Adviser Series.
1222 Patent Attorney Series.
1223 Patent Classifying Series.
1224 Patent Examining Series.
1225 Patent Interference Examining Series.
1226 Design Patent Examining Series.
1241 Trade-Mark Examining Series.
1301 General Physical Science Series.
1306 Health Physics Series.
1310 Physics Series.
1313 Geophysics Series.
1315 Hydrology Series.
1320 Chemistry Series.
1321 Metallurgy Series.
1330 Astronomy and Space Science Series.
1340 Meteorology Series.
1350 Geology Series.
1360 Oceanography Series.
1370 Cartography Series.
1372 Geodesy Series.
1373 Cadastral Surveying Series.
1380 Forest Products Technology Series.
1382 Food Technology Series.
1384 Textile Technology Series.
1390 Technology Series.
1420 Archives Series.
1510 Actuary Series.
1520 Mathematics Series.
1529 Mathematical Statistician Series.
1530 Statistician Series.
1540 Cryptography Series.
1710 Education and Vocational Training Series.
1720 Education Research and Program Series.
1725 Public Health Educator Series.

SINGLE OPERATING AGENCY APPLICABILITY

OFFICE OF EDUCATION

30. Prohibits any department, agency, or officer from supervision, direction, or control over, the personnel and projects assisted by the Act (20 U.S.C. 757).

31. National Defense Education Act: Restricts the receipt of payment in salary by an appointee in Government service from any source other than the private employer of the appointee (20 U.S.C. 583(a)(b)).

32. Social Security Act: Restriction regarding disclosure of information in possession of the Department of Health, Education, and Welfare (42 U.S.C. 1306).

33. Area Redevelopment Act: Regarding restriction of financial assistance and employment to expediters and administrative employees who have occupied positions involving discretion within certain period (42 U.S.C. 2516).

34. Officers or employees of the Office of Education owning interest in or receiving money or services from any educational institution operated for profit in which an eligible veteran is pursuing a course of education or training under the Veterans Readjustment Assistance Act of 1952 (sec. 264 of the Veterans Readjustment Assistance Act of 1952, Public Law 550, 82d Cong.).

35.

FOOD AND DRUG ADMINISTRATION

36. Revealing any method or process (which is a trade secret) acquired under authority of the Food, Drug and Cosmetic Act (21 U.S.C. 331j).

37.

PUBLIC HEALTH SERVICE

38.

39.

40. Requires chief officer of Saint Elizabeths Hospital to devote his whole time to the welfare of the institution (24 U.S.C. 165).

41.

SOCIAL SECURITY ADMINISTRATION

42. Prohibits knowingly deceiving, misleading, or threatening any claimant or prospective claimant or beneficiary or knowingly charging or collecting or making any agreement to charge or collect any fee in excess of the prescribed maximum fee (42 U.S.C. 406).

43. For the purpose of causing an increase in any social security payment to be made or for causing an unauthorized payment to be made, wrongfully makes or causes to be made any false statement or representation as to the amount of wages paid or received or the period during which earned or paid; or as to the amount of net earnings from SE derived or the period during which derived; or makes or causes to be made any false statement of a material fact in or in connection with any application for Social Security payments (42 U.S.C. 408).

44. A person with the intent to elicit information as to date of birth, employment, wages, or benefits of any individual, (1) falsely represents to this Department that he is such individual, or the spouse or former spouse, child or parent of such individual; or (2) falsely represents to any person that he is an employee or agent of the United States (42 U.S.C. 1307(b)).

45. "Medicare": Makes sections 406, 408, 416(j), and subsections (a), (d), (e), (f), (h), (i), (j), (k), and (l) of sec. 405 of Title 42 applicable to Title XVIII of the Social Security Act (42 U.S.C. 1395ii).

46. Disclosing information obtained by any employee of the Social Security Administration in the discharge of official duties (42 U.S.C. 1306).

47.

he is serving if the subject matter is related to the subject matter of his consultancy or other service. This will not always be possible to achieve where, for example, a consultant or adviser has an executive position and responsibility with his regular employer which requires him to participate personally in contract negotiations with the department or agency he is advising. Whenever this is the case the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible Government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and for the same reason, it is in the interest of the Government that he should take part in negotiations for his private employer. Again, he should participate only with the knowledge of a responsible Government official.

(3) Section 205 contains an exemptive provision dealing with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he would otherwise be disqualified because he had participated in the matter for the Government or it is pending in an agency he had served more than 60 days in the past year. The provision gives the head of a department or agency the power, notwithstanding any prohibition in either section 203 or 205, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the Secretary must first make a certification in writing, published in the FEDERAL REGISTER, that it is required by the national interest.

(4) Section 205 contains three other exemptive provisions, all of which apply to both special and regular Government employees. The first permits one Government employee to represent another without compensation, in a disciplinary, loyalty or other personnel matter. The second permits a Government employee to represent, with or without compensation, a parent, spouse, child, or person or estate he serves as a fiduciary, but only if he has the approval of the official responsible for appointments to his position and the matter involved is neither one in which he has participated personally or substantially, nor one under his official responsibility. The term "official responsibility" is defined in 18 U.S.C. 202 to mean, in substance, the direct administrative or operating authority to control Government action. The third provision removes any obstacle in section 205 to a Government employee's giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

(c) 18 U.S.C. 207. Section 207 applies to individuals who have left Government service, including former special government employees. It prevents a former employee from representing another person in connection with certain matters in which he participated personally and substantially on behalf of the Government. The matters are those involving a specific party or parties in which the United States is also a party or has a direct and substantial interest. In addition, section 207 prevents a former employee, for a period of 1 year after his employment has ceased, from appearing personally for another person in such matters before a court, department or agency if the matters were within the area of his official responsibility (note that a consultant or adviser usually does not have "official responsibility") at any time during the last year of this Government service. The employment of a special Government employee ceases on the day his appointment expires or is otherwise terminated, as distinguished from the day on which he last performs service.

§ 73.735–1203 Statement of financial interests required.

(a) Each special Government employee described in §§ 73.735–1205 and 73.735–1206 must submit a statement which reports:

(1) All other employment; and

(2) The financial interests which relate either directly or indirectly to his duties and responsibilities.

(b) He shall submit such statement not later than the time of employment, and shall keep it current throughout the period of employment by the submission of supplementary statements.

(c) The format prescribed in Appendix E to this part shall be used for recording the information required by paragraph (a) of this section.

(d) Officials responsible for reviewing statements of employment and financial interests shall be the same as those designated to give administrative approval to outside work or regular employees unless the head of the operating agency designates another official to be responsible for such review. When no conflict of interest is disclosed by the review of the statements, no further action is necessary by the reviewing officer and the statement shall be filed in accordance with paragraph (e) of this section. When a question of conflict of interest arises, the reviewing officer shall work with the consultant or special Government employee to resolve the matter or shall refer the question to the appropriate counselor or a deputy counselor for further consideration and advisement.

(e) A confidential file of completed statements of employment and financial interests shall be maintained in the personnel office that maintains the official personnel folder (but not in the personnel folder), together with correspondence, memorandum, etc., relating specifically thereto. These forms and related materials are not forwarded to the Federal Records Center upon separation of the employee but are disposed of in accordance with the appropriate disposal schedule.

§ 73.735–1204 Special Government employees who must submit statement of financial interests.

(a) The statements of financial interests described in § 73.735–1203 must be submitted by the following special Government employees:

(1) Consultants, experts, or advisers (hereafter referred to in this subpart as consultants) described in § 73.735–1205;

(2) Such special Government employees (other than consultants) as the heads of operating agencies so determine (in accordance with § 73.735–1206).

§ 73.735–1205 Coverage—consultants.

(a) As used in this subpart, the term consultant refers to a person whose advice the Department obtains on a temporary (either full or part-time) or intermittent basis because of his individual qualifications, and who serves as an officer or employee of the Government for the periods during which his advice is obtained. Where this definition is met, the consultant (except for any excluded in paragraph (b) of this section) is subject to this subpart irrespective of:

(1) The title by which he is designated;

(2) The statutory authority under which his services are obtained;

(3) The duration of the period for which his services are obtained (and whether or not limited to 130 days within the period of employment);

(4) Whether his services are obtained by appointment or invitation and acceptance. (A consultant whose services are obtained by contract is also subject to this subpart if his relationship to the Department is that of an employee. Such condition will exist only through error or misunderstanding, as Department instructions require that a person whose relationship to the Department is that of an employee shall be appointed. Only where there is not to be such relationship shall a formal contract be processed.)

(5) Whether services are compensated or rendered without compensation;

(6) Whether or not services are obtained pursuant to a statute exempting persons rendering services from conflict of interest statutes.

(b) This subpart need not be applied to:

(1) Doctors, dentists, and allied medical specialists performing services for, or consulted as to the diagnosis or treatment of, individual patients;

(2) Veterinarians performing services for or consulted as to care and service to animals.

(e) When no conflict of interest or apparent conflict is disclosed by the review of the statements, no further action is necessary by the reviewing officer and the statements shall be filed in accordance with §73.735–1005.

(f) When a question on conflict of interest or apparent conflict arises, the reviewing officer shall work with the employee to resolve the matter. He shall offer the employee or special Government employee an opportunity to explain the conflict or apparent conflict. If the question cannot be resolved the matter shall be reported to the operating agency head through the appropriate counselor or deputy counselor for further consideration and action.

§ 73.735–1005 Maintenance of records.

Statements on which questions of conflict of interest or apparent conflict have arisen shall be annotated to show the action taken. All statements and supplementary statements of employment and financial interests shall be filed at a level where they are readily available to the operating agency head. This level shall be that of the approving official or higher. These records shall be treated as Personnel-Confidential and made available only as specifically authorized by the head of the operating agency or the Civil Service Commission for good cause shown. Each employee who is responsible for reviewing or retaining statements of employment and financial interests shall maintain each such statement in confidence and shall not allow access to, or information to be disclosed from a statement except to carry out the purpose of this part.

Subpart K—Disciplinary and Remedial Action

§ 73.735–1101 Disciplinary action.

(a) Violation of the regulations contained in this part may be cause for disciplinary action which may be in addition to any penalty prescribed by law.

(b) The type of disciplinary action to be taken shall be determined in relation to the specific violation. No standard table of penalties has been established for application in the Department. Those responsible for recommending and for taking disciplinary action must apply judgment to each case, taking into account the general objectives of meeting any requirements of law, deterring similar offenses by the employee and other employees and maintaining high standards of employee conduct and public confidence. Some types of disciplinary actions to be considered are:

(1) Oral admonishment.
(2) Written reprimand.
(3) Reassignment.
(4) Demotion.
(5) Suspension.
(6) Separation.

(c) Demotion, suspension, and separation are adverse actions and when taken must follow law, Civil Service Regulations and Department procedures.

§ 73.735–1102 Remedial action.

(a) Where the statements of employment and financial interest of employees or special Government employees, filed under the provisions of subparts J and L of this part, show a conflict of interest with their official responsibilities, consideration should be given by the agency head or his designee and the employee's supervisor to reconciling the conflict through remedial actions. The following are examples of such actions which may be appropriate:

(1) Divestment by the employee or special Government employee of his conflicting interest.
(2) Disqualification for a particular assignment.
(3) Changes in assigned duties.

(b) Remedial action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 73.735–904 Annual reporting.

On September 5 each year, the approving officer shall require a report from each person for whom outside work has been approved during the past year.[1] The report shall show:

(a) *For the 12 months just past (ending August 31).* (1) Whether the anticipated work was actually performed for the person or organization named in the request for approval;

(2) Actual amount of time spent on the activity;

(3) Actual compensation received in cash, and statement of any other benefits received, such as stock, options to purchase stock, or participation in life insurance plans.

(b) *For the forthcoming 12 months (ending August 31).* (1) Whether it is anticipated that the outside work will continue;

(2) Whether any change is anticipated with respect to information supplied in accordance with the original request on which approval was based.

§ 73.735–905 Maintenance of records.

All requests for approval of outside work or of participation in a matter in which an employee has a financial interest (or copies of such requests), a copy of the notification of approval or disapproval, and the annual report shall be filed at a level where they are readily available to the operating agency head. This level shall be that of the approving official or higher. These records will be treated as Personnel-Confidential and made available only to persons specifically authorized by the head of the operating agency.

Subpart J—Statements of Employment and Financial Interest

§ 73.735–1001 General.

(a) The requirements of this subpart are in addition to and not in substitution for, the requirements of Subpart I of this part concerning administrative approval for certain activities. Also, the requirements of this subpart are in addition to and not in substitution for, or in derogation of, any similar requirement otherwise imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 73.735–1002 Applicability.

(a) The following employees shall submit statements of employment and financial interest in accordance with the provisions of this subpart:

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

(2) Employees in positions classified at GS–13 or above (or comparable pay level) specifically identified in Appendix C to this part which have basic duties and responsibilities which require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to contracting or procurement, administering or monitoring grants or subsidies, regulating or auditing private or other non-Federal enterprise, or other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise;

(3) Any other positions classified at GS–13 or above (or comparable pay level) specifically identified in Appendix C to this part as positions determined by the operating agency head as requiring the incumbent thereof to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and to carry out the requirements and intent of standards of ethical conduct.

(4) Any other positions classified below GS–13 (or comparable pay level) specifically identified in Appendix C determined by the operating agency head (and justified to and approved by the Civil Service) as requiring the incumbent thereof to report employment and financial interests in order to protect the integrity of the Government and avoid employee involvement in a possible conflicts-of-interest situation.

1/ The report shall be in the format shown in Appendix H.

Subpart I—Administrative Approval for Certain Activities

§ 73.735–901 Applicability.

Administrative approval is the authorization by an operating agency head (see 73.735–903 for requests on which agency head must act) or such person or persons as he designates for an employee to engage in certain outside activities or to participate in his Government capacity in a matter in which he has a direct or indirect financial interest. It is required in advance for:

(a) Any outside work which creates a conflict or apparent conflict of interest or about the propriety of which an employee is uncertain;

(b) Certain writing or editing activities as specified in § 73.735–403;

(c) Certain types of teaching or lecturing as specified in § 73.735–405;

(d) All professional and consultative services as specified in § 73.735–402;

(e) Any other outside activity or financial interest for which the head of an operating agency imposes an internal requirement for administrative approval;

(f) Participation of an employee in his Government capacity in any matter in which he has a direct or indirect financial interest, on grounds that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government might expect, as specified in Subpart E of this part;

(g) Certain office-holding activities in professional societies as specified in § 73.735–406.

§ 73.735–902 Requesting approval.

Employees shall make requests for administrative approval in writing through administrative channels to the operating agency head (Assistant Secretary for Administration for Office of Secretary employees) or to such person or persons as he designates.[1] Unless the operating agency requires extra copies of the request, it shall be made in one copy only.

(a) *Outside work.* The request shall include:

(1) Employee's name, occupational title, grade or rank and Federal salary;

(2) Nature of the activity, giving full description of specific duties or services for which approval is being requested. In the case of self-employment in a professional capacity, however, it is sufficient to indicate the type of service to be rendered, as medical, legal, etc.

(3) Name and business of person or organization for which work will be done, or statement that work is to be done as self-employment. If self-employment, show whether alone or with partners, giving their names, and, if such self-employment consists of professional services to a large number of clients or patients, estimate the total number rather than listing them individually.

(4) Place where work will be conducted.

(5) Estimated total time that will be devoted to the activity. (If on a continuing basis, show estimated time per year; if not, show total time and anticipated ending date.)

(6) Whether services can be performed entirely outside of usual duty hours; if not, estimated number of hours of absence from work that will be required.

(7) Method or basis of compensation (e.g., whether fee basis, per diem, per annum, or other).

At any time when the income from an employee's approved outside work changes or there is a change in the nature or scope of the duties or services performed, or the nature of his employer's business, the employee shall submit a revised request. The employee not only has a duty to keep the Department informed of a change of approved outside actions, but to inform the Department promptly. If the outside work is discontinued sooner than anticipated (not merely suspended temporarily), he shall notify the officer who approved the request.

(b) *Participation in a matter in which an employee has a financial interest.* The request shall include the information listed below. New approval must be sought for each dealing by an employee

1/ Request shall be in the format prescribed in Appendix G.

§ 73.735–702 Processing indebtedness complaints.

(a) *Tax indebtedness.* (1) When an employee cannot pay his Federal income taxes promptly he should get in touch with the local office of the Internal Revenue Service and make arrangements to pay. If he fails to make such arrangements or fails to keep the agreement, the Internal Revenue Service may place a levy against his salary. This will require the payroll office to deduct at least part of the employee's take-home pay to meet the tax obligations.

(2) When a complaint on tax indebtedness is received by a member of the personnel or administrative office or a comparable official, he will discuss it with the employee. The employee will be told that he is expected to make arrangements to pay the indebtedness and to abide by the arrangements. If a supervisor receives such a complaint, he should send it to his personnel or administrative office.

(b) *Indebtedness for family support.* A complaint that an employee has failed to meet his obligations for support of his family will be handled in the same manner as in paragraph (a)(2) of this section.

(c) *Indebtedness in mercantile cases.* When an indebtedness complaint of this type is received, the personnel or administrative office or the employee's supervisor, according to local practice, will discuss it with the employee. If more than one letter is received from the same creditor within 30 days, the additional letter or letters will not be discussed with the employee. If the supervisor holds the discussion, he will send the debt letter with a notation of the results of the discussion with the employee or the employee's statement of intention to the personnel or administrative office for filing.

§ 73.735–703 Telephone inquiries.

(a) Telephone inquiries to verify employment with the Department, the amount of an employee's salary, and similar information should be referred to the personnel or administrative office, or in the case of a Social Security District Office employee, to the District Manager. No other person or office should give out this information. Where there is question as to whether such information should be provided by telephone the caller should be asked to present his request in writing.

(b) No action will be taken on debt complaints received by telephone. When a creditor calls to make a complaint, he will be told that Department policy does not permit handling debt complaints by telephone and will be told the office to which he should direct his complaint in writing. An employee shall not be called to the telephone to discuss a debt complaint with a creditor.

§ 73.735–605 Conduct in Federal buildings.

(a) 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. However, this section does not preclude activities:

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

(2) Involving fundraising within the Federal service under section 3 of Executive Order 10927 and similar agency-approved activities.

(b) General Services Administration regulations on "Conduct on Federal Property" are applicable to all property under the control of the General Services Administration and are applied to all buildings and space under the control of this Department. These regulations prohibit, among other things, gambling and consumption of intoxicating beverages on the premises. The GSA regulations are found in Subpart 101–19.3 of the GSA Regulations, 41 CFR 101–19.3.

§ 73.735–606 Use of official information.

The public interest requires that certain information in the possession of the Government be kept confidential, and released only with general or specific authority under Department or operating agency regulations. This is necessary because it may involve the national security or because it is private personal or business information which has been furnished to the Government in confidence (Item 19–21, Appendix A). In addition, information in the possession of the Government and not generally available may not be used for private gain. The following paragraphs set forth the rules to be followed by Department employees in handling information in official files or documents:

(a) *Classified information.* Employees who have access to information which is classified for security reasons in accordance with Executive Order 10501, as amended, are responsible for its custody and safekeeping, and for assuring that it is not disclosed to unauthorized persons. See Security Manual, Part 3, for details.

(b) *Security and investigative information.* Security and investigative data received from Government agencies or other sources for official use only within the Department or developed under a pledge of confidence is not to be divulged to unauthorized persons or agencies.

(c) *Information obtained in confidence.* Certain Department units (e.g., Food and Drug Administration, Social Security Administration) obtain in the course of their program activities certain information from businesses or individuals which they are forbidden by law from disclosing. These statutory prohibitions are cited in Appendix A to this part. Each employee is responsible for observing these laws.

(d) *Use of information for private gain.* Government employees are sometimes able to obtain information about some action the Government is about to take or some other matter which is not generally known. Information of this kind shall not be used by the employee to further his or someone else's private financial or other interests. Such a use of official information is clearly a violation of a public trust. Employees shall not, directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

§ 73.735–607 Nondiscrimination.

An employee shall not be discriminated against because of race, color, religion, national origin, sex, or age. This prohibition applies to both employment and utilization of Federal employees.

There shall also be no discrimination on the basis of politics or marital status, or on the basis of a physical handicap with respect to any position the duties of which may be efficiently performed by a person with a physical handicap.

§ 73.735–502 Employees in regulatory, procurement and contracting activities.

(a) Employees in regulatory, procurement and contracting activities are prohibited from having certain types of financial interests, as stated below. The term "employee" as used here, includes line supervisory officials in the upward chain of authority and staff officials who advise supervisory officials.

(1) Regulatory activities. For the purpose of this paragraph all activities in the following organizations or functions within organizations are designated as regulatory activities: Control activities in foods, drugs, cosmetics, colors, devices, pesticides, hazardous substances, food additives, and veterinary foods, drugs, preparations, and devices in the Food and Drug Administration; Division of Biologics Standards, NIH, PHS; Division of Foreign Quarantine Program, NCDC, PHS; inspection and enforcement activities of the Environmental Sanitation Program, NCUIH, BDPEC, PHS; National Center for control activities of Air Pollution Control, BDPEC, PHS; and the divisions of the Office of the General Counsel serving the above regulatory activities. An employee who is engaged in a regulatory activity shall not have financial interests in any company whose business activities are subject to such regulations, unless the regulated activities of the company are an insignificant part of its total business operations. Such an employee may not hold shares in a mutual fund or other regulated investment company which specializes in holdings in industries that are regulated by the organization in which he is employed.

(2) Procurement or contracting activities. An employee who serves as a procurement or contracting officer or whose duties include authority to recommend or prepare specifications, negotiate noncompetitive contracts, or evaluate bids, shall not have financial interests in companies with which his office has any significant procurement or contracting relationship. An insignificant relationship exists only when all the following conditions are met: (i) the company is one with which the employee would rarely or never do official business; (ii) such business as he would do with the company is with respect to items of a standard type on the basis of competitive bids or regulated prices, as for utility services; and (iii) the amount of the financial interest is very small in relation to the size of the company. Such an employee may not hold shares in a mutual fund or other regulated investment company that specializes in holdings in industries with which his office has any significant procurement or contracting relationship.

(b) An employee who has a direct or indirect financial interest that would be prohibited except that he believes it to be relatively "insignificant" in terms of the discussions in paragraph (a) (1) and (2) of this section should request approval for retention by discussing the matter with his supervisor. If the supervisor approves the retention, the fact concerning such financial interest should be recorded. An employee who retains such an approved financial interest must disqualify himself from participating in his Government capacity if a matter arises involving the organization in which he has such interest. If in a special situation an exception to this rule appears desirable, administrative approval must be obtained in accordance with Subpart I of this part. Such approval extends only to the specific situation and may not be interpreted as extending to other situations, even though involving the same outside organization or similar official activities.

§ 73.735–503 Disposition of financial interest.

An employee who is newly assigned to a position in which the holding of stock or other financial interests is prohibited shall liquidate his interests within 90 days of entrance on duty in such position.

§ 73.735–504 Exceptions.

If any situation arises in which it would appear to be contrary to the best interests of the Government, or cause extreme and undue hardship to an individual to apply strictly the policies set forth in this subpart, a request for exception should be forwarded through supervisory channels to the counselor or deputy counselor for his part of the Department, for review and recommendation to the Secretary.

§ 73.735–405 Teaching and lecturing. [1]

(a) *Conditions that must be met.* Employees are encouraged to engage in teaching and lecturing activities which are not part of their official duties when certain conditions are met. These conditions, which apply to outside teaching and lecturing (including giving single addresses such as commencement and Memorial Day speeches) whether or not done for compensation, are:

(1) No Government-financed time is used in connection with such activity, nor Government supplies which are not otherwise available to the public;

(2) Government travel or per diem funds are not used for obtaining or performing such teaching or lecturing;

(3) Such teaching or lecturing is not dependent on specific information which would not otherwise be available to the public;

(4) Teaching, lecturing, or writing may not be for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for use of nonpublic information on the basis that the use is in the public interest.

(5) Such activities do not involve knowingly instructing persons on dealing with specific matters pending before Government organizations with which the employee is associated in an official capacity;

(6) Advance approval is obtained when required by paragraph (b) of this section.

(b) *Advance approval.* Advance approval must be obtained in accordance with Subpart I of this part before an employee may:

(1) Teach or lecture for an institution which has or is likely to have official dealings with the operating agency in which he is employed;

(2) Use, for teaching or lecturing purposes, clinical case records or other material of a confidential nature or to which access is limited for persons outside the Government. Such use will not be permitted unless made under safeguards established by the operating agency to retain the confidentiality of the material and such use is determined to be in the public interest.

§ 73.735–406 Holding office in professional societies.

(a) Employees may be members of professional societies and be elected or appointed to office in such a society. Activity in professional associations is generally desirable from the point of view of both the Department and the employee. Employees shall avoid, however, any real or apparent conflict of interest in connection with such membership. For example, they must not:

(1) Directly or indirectly commit the Department or any portion of it on any matter;

(2) Permit their names to be attached to documents the distribution of which would be likely to embarrass the Department;

(3) Serve in capacities involving them as representatives of non-Government organizations in dealing with the Government.

(b) In undertaking any office or function beyond ordinary membership in a professional association, a Department employee must obtain advance approval in accordance with Subpart I of this part in any situation in which his responsibilities as an officer would create a real or apparent conflict of interest with his responsibilities as a Department employee. For example, advance administrative approval must be obtained:

(1) Before an employee who is responsible for review and approval of grants or contracts, or is in a supervisory position over those who conduct review and approval, may hold office, or be a trustee or member of the governing board, or the chairman or member of a committee, in any organization which has or is seeking a grant or contract with the operating agency in which he is employed;

(2) Before an employee may hold office in an organization which customarily expresses publicly views on matters of legislative or administrative policy within the areas of concern to the Department.

1/ Includes Speechmaking.

(e) An employee who is a Presidential appointee covered by section 401(a) of Executive Order 11222 shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not or will not on request become part of the body of public information.

(f) Application of these general provisions to some specific activities is discussed in §§ 73.735–402 to 73.735–407.

§ 73.735–402 Professional and consultative services.

(a) Employees may engage in outside professional or consultative work only after meeting certain conditions. Except as provided in §§ 73.735–403, 73.735–404, and 73.735–405, the conditions which must be met are:

(1) The work is not to be rendered to organizations, institutions, or State or local governments with which the official duties of the employee are directly related, or indirectly related if the indirect relationship is significant enough to permit existence of conflict or apparent conflict of interest, and

(2) The work is not to be rendered for compensation to help institutions or government units prepare or aid in the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between the institutions or government units and the Federal Government. All requests to perform consultative services, both compensated and uncompensated, for institutions or government units which have recently negotiated or may in the near future seek a contract or grant from the Federal Government must be carefully appraised to avoid any conflict or apparent conflict of interest.

(3) Advance administrative approval in accordance with Subpart I of this part must be obtained. Such approval is required whether or not the services are for compensation, and whether or not related to the employee's official duties.

(b) For the purpose of this section, "professional and consultative work" is work in occupations such as those listed in Appendix B to this part.

§ 73.735–403 Writing and editing.

(a) *General.* Employees are encouraged to engage in outside writing and editing whether or not done for compensation, when such activity is not otherwise prohibited. Such writing and editing, though not a part of official duties, may be on a directly related subject or entirely unrelated. Certain conditions must be met in either case, however, and certain clearances or approvals are prescribed according to the content of the material as set forth in paragraphs (b) through (e) of this section.

(b) *Conditions applying to all writing and editing done not as a part of official duties.* All of the following conditions shall apply to all writing and editing whether related or unrelated to the employee's official duties:

(1) Government-financed time or supplies shall not be used by the author or by other Government employees in connection with the activity.

(2) Official support must not be expressed or implied in the material itself or advertising or promotional material, including book jackets and covers, relating to the employee and his contribution to the publication.

(3) Editing activities must not involve approval or disapproval of advertising matter.

(4) Advance administrative approval must be obtained if required by paragraph (f) of this section.

(c) *Additional conditions applying to writing and editing activities unrelated to the employee's official duties or other responsibilities and programs of the Federal Government.* In addition to observing the conditions in paragraph (b) of this section, the employee must either:

(1) Make no mention of his official title or affiliation with the Department, or

(2) Use his official title or affiliation with the Department in a way that will not suggest or convey official endorsement of the work.

(d) *Additional conditions applying to writing and editing activities related to the employee's official duties or other responsibilities and programs of the Federal Government.* In addition to observing the conditions in paragraph (b) of this section, the employee must either:

(1) Make no mention of his official title or affiliation with the Department, or

(2) Use his official title or affiliation with the Department and a disclaimer as provided in paragraph (e) of this section, or

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee may accept travel expenses from outside sources only when acceptance is approved in accordance with the provisions of the Department Travel Manual. The Travel Manual states restrictions in this connection: "Neither payment in cash nor services in kind may be accepted where an inspectional or administrative-supervisory relationship exists between the traveler and the non-Federal organization offering to pay his expenses. Examples are: Food and Drug inspectors may not receive travel expenses in cash or kind from any individual business which it inspects unless the inspection is under the program of Certification Services or is part of a reconditioning operation; staff of the Department who have responsibility for making grants to States, local governments, or institutions may not receive travel expenses in cash or kind from organizational segments of the States, local governments, or institutions to which the traveler has responsibility for making grants or assuring compliance with grant regulations; grant-in-aid auditors may not accept travel expenses in cash or kind from any organization which they have responsibility for auditing." An employee may not be reimbursed, or payment made in his behalf for excessive personal living expenses, gifts, entertainment or other personal benefits, nor be reimbursed by a person for travel or official business under agency orders when a reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967. Employees of this Department are authorized by section 211 of Public Law 85–67 (42 U.S.C. 3506) in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Department to accept payment in cash or in kind from non-Federal agencies, organizations, and individuals, for travel and subsistence expenses to cover the cost thereof as provided in the Department Travel Manual.

§ 73.735–302 Offers of gifts and expenses from outside sources.

Law provides criminal penalties for whoever directly or indirectly receives, gives, offers or promises anything of value for performance of or to influence the performance of an official act (Item 2, Appendix A of this part).

§ 73.735–303 Gifts to official superiors.

An employee shall not solicit contributions from another employee for a gift or make a donation as 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 himself. (Item 24, Appendix A of this part.) 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.

§ 73.735–304 Acceptance of awards.

(a) This subpart does not preclude an employee from accepting an award from a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit education and recreational, public service, or civic organization.

(b) An employee shall not accept a gift, present, decoration or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342 and 22 U.S.C. 2621, 2625. (See General Administration Manual Chapter 20–25 for Department policy and procedures.)

§ 73.735–305 Other prohibitions.

An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

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

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

Subpart A—General Provisions

§ 73.735–101 Principles and purpose.

In order to assure that the business of this Department is conducted effectively, objectively and without improper influence or appearance thereof, all employees must be persons of integrity and observe unquestionable standards of behavior. An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government. An employee must avoid conflicts of his private interests with his public duties and responsibilities. Also, he must not do indirectly that which is improper for him to do directly. For example, members of his family may not accomplish for him that which he, himself, may not do. The propriety of any activity must be considered in relation to general ethical standards of the highest order. Certain standards are set by law. Others are set by regulation and by policy. This part references or discusses these standards and constitutes the Department's regulations on this subject. Failure to observe any of the regulations in this part is cause for disciplinary action.

§ 73.735–102 Applicability.

The regulations in this part apply to all officers and employees of the Department, including regular officers of the Public Health Service Commissioned Corps and Reserve Officers of the Corps while on active duty, except that the regulations in this part apply to special Government employees only to the extent stated in Subpart L of this part. A special Government employee is defined by law as "* * * an officer or employee * * * who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties whether on a full-time or intermittent basis * * *."

§ 73.735–103 Responsibilities.

(a) Supervisors, because of their day-to-day relationships with employees, are responsible to a large degree for maintaining high standards of conduct. They must become familiar with the Department regulations and apply the standards to work they do and supervise. They shall inform new employees as they come on duty and make sure that all employees are kept aware of the regulations. Supervisors shall take suitable action, including disciplinary action in accordance with Subpart K of this part, when violations occur.

(b) Each employee shall be responsible for observing all generally accepted rules of conduct and the specific provisions of law and the regulations in this part. He shall secure approvals when required and file statements of outside work and financial interests as appropriate, as stated in this part. He is subject to discipline in accordance with Subpart K of this part, when he violates laws, rules or regulations on conduct or the ethical principles involved. When an employee has doubt about any provision, he shall consult his supervisor, the personnel office, the administrative office or the counselor or deputy counselor.

§ 73.735–104 Advice and guidance.

The following sources shall provide guidance and assistance as described on matters covered by the regulations in this part:

(a) Supervisors shall advise employees who come to them with questions on matters covered by the regulations in this part, or, as they consider appropriate, shall refer such questions to higher levels of management, the personnel office, or the counselor or deputy counselors who have been designated in accordance with paragraphs (b) and (c) of this section.

(b) The Regional Attorneys are designated deputy counselors for all employees of the Department in the geographic areas covered by their respective regions, except as specified in paragraph (c)(3) of this section. Included are employees and special Government employees of the regional offices, Public Health Service hospitals, clinics, or other Public Health Service installations, District Offices and Payment Centers of the Social Security Administration, and District Offices of the Food and Drug Administration. Deputy counselors shall:

(1) Give authoritative advice and guidance when requested to employees, special Government employees, management officials and personnel offices within their areas of jurisdiction.

(2) Receive information on and attempt to resolve, or refer to the Department counselor, conflicts of interest or appearances of conflicts of interest in Statements of Employment and Financial Interests submitted by employees and special Government employees to whom they are required to give advice and guidance, which are not resolved at lower levels.