

# 2019

UNITED STATES  
PATENT AND TRADEMARK OFFICE



United States Patent and Trademark Office  
United States Department of Commerce

Ethics Law and Programs Division  
Office of the Assistant General Counsel

202-482-5384 – [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) – [www.commerce.gov/ethics](http://www.commerce.gov/ethics)



## SUMMARY OF ETHICS RULES



## PUBLIC SERVICE IS A PUBLIC TRUST

As an employee of the United States Patent and Trademark Office (USPTO), you have been placed in a position of trust and are held to a high standard of ethical conduct. You not only have an obligation to perform your duties to the best of your abilities, but to also familiarize yourself with Government ethics rules and policies and to comply with applicable restrictions, both when performing your Government duties and, in some cases, when engaging in personal activities off duty and after leaving Federal service.

This is a summary of ethics rules based on Federal conflict of interest statutes, regulations set forth in the Standards of Ethical Conduct for Employees of the Executive Branch, and other ethics laws and Department of Commerce policies. Additional information is available on the website of the Ethics Law and Programs Division at [www.commerce.gov/ethics](http://www.commerce.gov/ethics). However, it is always best to seek specific advice from an ethics official about the rules or their application to a specific situation.

**Ethics Law and Programs Division** – To obtain advice about ethics laws, you can contact a Commerce ethics official at: [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) or 202-482-5384.

*Designated Agency Ethics Official for the U.S. Department of Commerce:*

David Maggi  
Chief, Ethics Law and Programs Division

*Alternate Designated Agency Ethics Official:*

Michelle O. McClelland  
Assistant General Counsel for Administration and Transactions

**Office of Inspector General (OIG)** – Employees have an obligation to report waste, fraud, abuse, or other violations of the law. The OIG maintains a Hotline for receiving allegations of fraud, waste, abuse, and other violations of law in U.S. Department of Commerce programs or operations. To file a complaint, please visit [www.oig.doc.gov](http://www.oig.doc.gov), click on “Hotline & Whistleblower Protection” on the top right and then scroll down to the “Online Complaint Form.”

The Ethics Law and Programs Division does not investigate allegations of violations of law.

Prepared by the Ethics Law and Programs Division, Office of the General Counsel,  
United States Department of Commerce – 202-482-5384 – [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov)  
April 22, 2019

## GENERAL ETHICAL PRINCIPLES

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

Applicable Law: Executive Order 12731, 55 Federal Register (Fed. Reg.) 42,547 (October 17, 1990); 5 Code of Federal Regulations (C.F.R.) § 2635.101(b)



## FINANCIAL CONFLICTS OF INTEREST

One of the most basic of the conflict of interest rules concerns self-dealing. To ensure public confidence in the integrity of the Government and its employees, a conflict of interest statute provides that you may not be placed in a position where you will be called upon to act on a matter in which your personal financial interests (or the interests of those close to you) may differ from the goals and interests of the Government, thereby creating a “conflict of interest.” Such a conflict is resolved by having you disqualify (or “recuse”) yourself from participating in any matter creating a conflict of interest (unless an exemption applies allowing your participation).

**General Rule.** You cannot participate as a USPTO official in a matter that will have a direct and predictable effect on your financial interests; on the financial interests of your spouse, minor children, household members, general partners, outside employers, or prospective employers; or on the financial interests of an organization in which you serve as a trustee, officer, or board member. This includes a matter that affects a company in which you own stock.

**Exceptions to the General Rule.** There are some exceptions to the general rule, however; you may participate in matters affecting a financial interest if the financial interest is:

- a holding in a publicly-traded diversified mutual fund;
- a holding of less than \$50,000 in a publicly-traded “sector-specific mutual fund” (a fund that focuses on a specific industry sector or state or foreign country);
- a publicly-traded stock or bond holding of \$15,000 or less in a company;
- a publicly-traded stock or bond holding of \$25,000 or less in a company regarding participation in broad policy matters affecting the company as a member of a group or industry sector (if total investments in the group/industry sector are \$50,000 or less), (but not participation in matters affecting the company individually); or
- covered by a conflict of interest waiver (which are generally available only for employees serving overseas or in unusual circumstances—contact the Ethics Law and Programs Division at 202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) for information on waivers).

**Use of Insider Information and Investing in IPOs.** You are barred from using insider information (any nonpublic information you receive as a Federal employee) to make investment decisions. In addition, if you file public financial disclosure report (which is required for political appointees, SES members, and employees at a similar pay level) you are barred from investing in Initial Public Offerings (IPOs) except in the same manner as is available to members of the public generally.

**Special Rule for U.S. Patent and Trademark Office Employees.** USPTO employees are barred from applying for a patent or acquiring, directly or indirectly, except by inheritance or bequest, any right or interest in a patent issued by USPTO.

*Applicable Law: 15 United States Code (U.S.C.) § 78u-1; 18 U.S.C. § 208; 35 U.S.C. § 4; 5 C.F.R. §§ 2635.401–2635.403 and 2640.201–2640.202*



## CONFLICTS OF INTEREST BASED ON PERSONAL RELATIONSHIPS

It is important to avoid not only financial conflicts of interest but any appearance of loss of impartiality, including an appearance of a conflict based on personal relationships. An appearance of bias is most likely when a matter concerns a person or organization with which you have a close relationship.

**General Rule.** You cannot participate in matters in which persons with whom you have “covered relationships” are before USPTO as a party or to represent a party if your participation would cause a reasonable person to question your impartiality.

Persons with whom you have a “covered relationship” include:

- persons with whom you have or are seeking business or financial relationships;
- household members;
- close relatives;
- employers and clients of your parents, dependent children, and spouse (and their prospective employers and clients);
- recent former non-Federal employers and clients, (which includes anyone who was an employer or client within the past year and, if you are a political appointee, anyone (other than a state or local government) that was an employer or client within the two years prior to your appointment (in which case the restriction will last for two years after your appointment)); and
- organizations (other than political parties) in which you are an active participant.

**Exception to the General Rule.** If the Government’s need for your participation in a matter outweighs appearance concerns, a waiver of the disqualification requirement may be available. Contact the Ethics Law and Programs Division at 202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) for more guidance on this exception.

**Perception Concerns.** Note that if you are assigned to a task that does not involve someone with whom you have a “covered relationship,” but which still may raise a question regarding favoritism, such as a matter concerning a personal friend, you should discuss the concern with your supervisor, who can decide whether to reassign the matter to someone else based on management concerns, even though there is no legal requirement for your disqualification. You can also discuss such perception concerns with an ethics official.

*Applicable Law: 5 C.F.R. §§ 2635.501-2635.503; Ethics Pledge, Executive Order No. 13770, 82 Fed. Reg. 9333 (February 2, 2017)*



## NON-FEDERAL EMPLOYMENT AND OTHER OUTSIDE ACTIVITIES

**General Rule on Outside Activities.** Although you can have an outside job, hold a position in a non-Federal organization, and otherwise engage in personal activities during non-duty hours, such work, position, and activities must be compatible with your Government duties. Because you cannot work as a Federal employee on anything that will affect the financial interests of an outside employer or an organization in which you serve as an officer or board member, you cannot hold such employment or position if that disqualification will prevent you from performing important USPTO duties. A similar problem would apply if you are active in an organization and your agency duties require you to work on matters in which that organization is a party (or represents a party) because of the requirement to disqualify yourself from working on such matters as a Federal employee. In addition, outside activities may be incompatible with your Government position if they will create an appearance of misuse of your Federal position, which is most likely if your personal activities are closely related to your Government duties or the activities of USPTO. You may seek specific advice about outside employment and or activities from an ethics attorney at 202-482-5384.

**Working for a Foreign Government.** Employment with, providing services to, or accepting compensation from a foreign government is prohibited by the Emoluments Clause of the U.S. Constitution, unless expressly permitted by statute.

**Outside Practice of Law.** There are special rules for engaging in the practice of law. Most *pro bono* activities are allowed as long as the client does not have business before your agency, the matter at issue is not one in which the U.S. Government is a party or has an interest, and the activity does not include representation before a Federal agency or Federal court. Other situations are determined on a case-by-case basis. If you are an attorney, please consult applicable bar rules as well as Federal ethics rules.

**Teaching, Speaking, and Writing.** You cannot receive payments (other than for travel) for teaching, speaking, or writing about programs or operations of the Department (unless as part of a course that is in the regular curriculum of an accredited school). A writing about USPTO programs or operations that are related to your duties must be given to your supervisor for prior review. If you are a political appointee in the SES, you must receive prior approval before teaching for compensation.

**General Rule on Contacting the Government and Receiving Payments for Communications by Others.** You cannot act as an agent or attorney or, if paid, otherwise communicate with a Federal agency or Federal court on behalf of someone other than yourself to influence Government action, unless an exception applies (see below). This restriction applies to contacts made on behalf of relatives and friends, as well as clients or an employer. In addition, you cannot receive any payment that is based on the representational activities of someone else before a Federal agency or Federal court during a period in which you served as a Federal employee. This situation most often arises if you have an outside position as a partner of a firm or are entering the Government from, or leaving the Government to join, a partnership with a Federal practice and some of your compensation will be based on fees

the partnership earned from its Federal practice while you were with the Government or that are paid to you while you are a Federal employee.

**Exceptions to the Rule on Contacting the Government.** You can represent: (1) your parents, spouse, or children, or an estate or trust, but only if you receive approval beforehand, which can be obtained by contacting an ethics official; (2) other Federal employees in some personnel disputes if you do not receive compensation; and (3) if you are not paid, a professional, recreational, or similar group if most of the organization's members are Federal employees or their spouses or dependents, and if the matter does not involve claims against the Government, proceedings in which the organization is a party, or Government financial benefits to the organization. Contact the Ethics Law and Programs Division at 202-482-5384 for advice or to obtain approval to represent a family member.

**Serving on Boards of Federal Child Centers and Fitness and Health Organizations.** Although you can serve in a personal capacity on boards of organizations composed primarily of Federal employees and can discuss most organization issues with Department officials, you must be careful to not discuss issues concerning financial payments from the Department to the organization with Department officials. All such discussions must be conducted by someone who is not a Federal employee.

**Serving in an Official Capacity as an Officer or on the Board of a Nonprofit Organization.** You may serve *in an official capacity* as a board member, officer, or agency liaison with a nonprofit organization as part of your USPTO duties without being subject to any disqualification requirement regarding working on matters at USPTO in which the organization has a financial interest. However, such service requires approval by a senior USPTO official. In determining whether to authorize such service an agency manager must carefully consider whether such service will further an agency mission, whether there are resources available to support the activity, and whether an official relationship with the organization is appropriate in light of the organization's activities and membership. Furthermore, organization documents may be subject to release under the Freedom of Information Act.

If you serve with an outside organization on behalf of your agency, laws other than conflict of interest laws will restrict some of your activities, including the Anti-Lobbying Act, which would bar you from engaging in grass-roots lobbying and the Hatch Act, which bars Federal employees from engaging in political activities while on duty. You would also be barred from engaging in fundraising. For more information on service with nonprofit organizations, contact the Ethics Law and Programs Division at [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) or 202-482-5384.

**Restrictions on Noncareer SES Employees.** If you are a political appointee in the SES, you may not receive: (1) earned income of greater than \$127,914 per year, (2) any compensation for practicing a profession that involves a fiduciary relationship with clients (or for affiliating with such a firm), or (3) serving as an officer or on a board.

*Applicable Law: 18 U.S.C. §§ 203, 205, and 208; 5 C.F.R. §§ 2635.801–2635.809 and 2636.301-2636.307*





## POLITICAL ACTIVITIES

**General Restrictions concerning Political Activities.** Activities as a Federal employee must be kept separate from personal activities concerning a partisan political campaign, meaning an election in which candidates are identified by political party.

You cannot:

- engage in partisan political activities while on Government premises;
- engage in partisan political activities while on official duty;
- ask for or accept political contributions (even during non-duty hours);\*
- invite others to a political fund-raiser, or host a political fund-raiser;
- use the authority of your Government position to support or oppose a candidate in a partisan political campaign or a political party;
- use Government equipment or other resources for partisan political activities, including your agency title, or access to email or the internet;
- run as a candidate in a partisan election (except as an independent candidate in local elections in the Washington, D.C. suburbs and other designated areas); or
- ask for or accept volunteer services from a subordinate.

*\* unless the funds are being raised for a multi-candidate fund of a Federal employee's union in which you are a member and the solicitation is to a union member who is not your subordinate*

**Permitted Activities.** Except as indicated in the above restrictions (and the exceptions noted below for career members of the SES and administrative law judges (but not patent law judge), you may actively engage in political campaign activities during non-duty hours, including by:

- giving funds to a candidate or political party;
- attending a political fund-raiser, rally, or other campaign event;
- assisting in the management of a campaign;\*
- serving as an officer in a political group;\*
- soliciting votes (but not funds) for a candidate;\*
- making telephone calls or stuffing envelopes for a campaign;\* and
- speaking at a political event.\*

*\* activities not permitted for career SES members and administrative law judges (but not patent law judges)*

**Special Rules for Career SES Members and Administrative Law Judges.** If you are a career member of the Senior Executive Service or an administrative law judge (as distinguished from a patent law judge), you cannot actively assist in a partisan campaign or be an officer in a political organization, even during non-duty hours. However, you can vote and give money to a party or campaign and attend political rallies, fundraisers, and similar events. You can also actively participate in nonpartisan elections and referenda.

*Applicable Law: 5 U.S.C. §§ 7321–7326; 5 C.F.R. §§ 734.201–734.702*





## GIFTS

The United States Government, like all governments, recognizes that the acceptance of bribes is the most basic form of corruption. Similarly, acceptance of gifts or payments may create an appearance of undue influence on Government workers.

**Rules concerning Bribes and Salary Supplementation.** You cannot receive anything of value from a non-Government source for taking action or failing to take action your Government position. You also cannot accept payment for performing your Federal duties from a source other than the United States Government.

**General Rule concerning Personal Gifts from Non-Federal Sources.** Generally, you cannot accept a personal gift from anyone who has or is seeking business with or action from the Department, is regulated by the Department, or has interests that can be affected by your Federal duties or a gift that was offered to you because of your USPTO position. Gifts to your spouse or minor children are usually considered gifts to you.

**Exceptions to the General Rule concerning Personal Gifts.** You can accept:

- gifts of \$20 or less (other than cash) (up to \$50 per year from the same donor);\*
- gifts from a relative or friend (if based on your personal relationship);
- invitations to “widely-attended gatherings” (if your supervisor approves);\* †
- business meals overseas (if a foreign person is present, in most cases);\*
- discounts generally available to the public;
- awards and honorary degrees (in some cases);\*
- meals, lodging and travel if based on an outside business relationship\* or a spouse’s employment;
- items of little intrinsic value (greeting cards, plaques, trophies); and
- gifts from a foreign government of \$390 or less—a gift of over \$390 can be accepted on behalf of the United States Government.

*\* If you are a political appointee, you cannot use this exception for a gift or invitations from a registered lobbyist or lobbying organization unless: (1) it is an invitation to an event at which you are speaking, (2) the gift or invitation is based on a personal relationship, or (3) the gift or invitation is from a lobbying organization that is a 501(c)(3) organization or a media company (and the invitation was not extended by a person who is a lobbyist).*

*† An event is a “widely-attended gathering” if a large and diverse number of people from outside the U.S. Government are expected to attend and the event is not primarily entertainment; if the invitation is from someone other than the host of the event, more than 100 persons must be attending and the value must be \$375 or less to use this exception. A form for supervisory approval can be downloaded from the Ethics Law and Programs Division web page at [www.commerce.gov/ethics](http://www.commerce.gov/ethics).*

**General Rule concerning Gifts between Employees.** You cannot offer a gift to a supervisor or accept a gift from a subordinate *unless* one of the exceptions below applies.

**Exceptions to the General Rule concerning Gifts between Employees.** You can offer to a supervisor or accept from a subordinate a gift if:

- the gift is for a special, infrequent major event (such as the birth or adoption of a child, recovery from a serious illness, retirement, or a wedding);
- the gift is worth \$10 or less, given occasionally;
- it is food shared in the office;
- it is personal hospitality at one's home; or
- it is a gift to a host or hostess (such as wine or flowers).

**General Rule concerning Gifts to the Government.** You can, on behalf of the Department and with the approval of an authorized agency official, accept gifts to support agency activities. However, in most cases you cannot accept a gift from:

- (1) an agency contractor or grantee,
  - (2) someone who is in an industry regulated by your agency, or
  - (3) someone who has an interest in a controversial matter pending before your agency.
- Furthermore, gifts cannot be accepted if the circumstances would create an appearance of loss of impartiality by you or your agency.

You should contact the Ethics Laws and Programs Division for advice before asking for support for agency events or if you have any question regarding a gift to support an agency program.

**Gifts for Official Travel.** Gifts to an agency are most often in connection with official travel. You cannot ask anyone to pay for your travel, but offers may be accepted if they comply with the above standards. However, you cannot accept: (1) first-class airline tickets or (2) an honorarium or speaking fee in connection with Government travel.

**Forms Relating to Gifts.** Forms for reporting gifts and for obtaining a supervisor's approval to accept an invitation are available at the Ethics website: [www.commerce.gov/ethics](http://www.commerce.gov/ethics).

*Applicable Law: 5 U.S.C. §§ 7342, 7351, and 7353; 15 U.S.C. § 1522; 18 U.S.C. §§ 201 and 209; 5 C.F.R. §§ 2635.201–2635.205 and 2635.301–2635.304; 41 C.F.R. Part 304-1; Ethics Pledge, Executive Order No. 13770, 82 Fed. Reg. 9333 (February 2, 2017); Department Administrative Order 203-9*



## MISUSE OF GOVERNMENT RESOURCES

The most common violation of ethics standards concerns the misuse of Government resources. Appropriated funds, agency gift funds, and other Commerce resources are provided to support Government activities and may be used only for authorized purposes.

**General Rules.** You can only use Government resources, including Government equipment, supplies, services, and duty time, for authorized purposes. You cannot use your official title in connection with your personal activities. Furthermore, nonpublic information you learn through your Federal job cannot be used for personal purposes, including nonpublic trade data, economic analyses, census data, private personnel information, and other nonpublic information, unless the information is readily available to the public. You also cannot use your Government authority, including business contacts obtained through Federal employment, for personal non-official activities.

**Exceptions to the General Rules regarding Use of Your Title, Frequent Flier Benefits, and Access to the Internet and Email.** You can use your Government title for personal activities as part of general biographical data or when writing for a scientific or technical publication (if you include a disclaimer). You can use frequent flier miles and other benefits obtained from Government travel for personal purposes, including personal travel or upgrades on official travel. Access to the internet and email can be used for some personal purposes, but there are restrictions, as explained below.

**Use of the Internet and Email.** You can use office access to email and the internet for personal activities if your use does not interfere with office operations, is not prohibited by your agency, and you not use such access for:

- private commercial business activities or profit-making ventures;
- partisan political activities;
- prohibited lobbying activities;
- uses that result in additional charges to the Government;
- engaging in prohibited discriminatory conduct;
- obtaining or viewing sexually explicit material;
- any activity that would bring discredit on the Department; or
- any violation of a statute or regulation.

You can use office printers for personal purposes if such use does not consume excessive resources.

*Applicable Law: 18 U.S.C. § 641; 5 C.F.R. §§ 2635.701–2635.705; United States Patent and Trademark Office (USPTO) Internet Use Policy*



## SEEKING EMPLOYMENT

**Seeking Employment.** Once you begin a job search, you must disqualify yourself from working on any matter (including a policy matter) affecting a prospective employer until either of you ends employment discussions (or until two months have passed with no response after submitting a résumé).

**Reporting Employment Contacts and Discussions.** There are four circumstances in which you must report contacts or discussions about future employment.

- (1) If you are a member of the Senior Executive Service (SES), a political appointee, or otherwise required to file a public financial disclosure report (OGE Form 278), including some Senior Foreign Service members, SL/ST employees, and NOAA Corps officers, you are required to report the employment discussions or an agreement regarding future employment within three days of the beginning of the discussions or the agreement to an ethics official, including a statement that you are disqualifying yourself from participating in matters in which the prospective employer has an interest. A form to report such employment discussions is available from the Ethics Law and Programs Division web page at [www.commerce.gov/ethics](http://www.commerce.gov/ethics); it should be downloaded, signed, and provided by email to [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) or an ethics official or delivered to the Division (in Room 5898C of the Herbert C. Hoover Building, 1401 Constitution Avenue, NW, Washington, D.C. 20230).
- (2) If you are participating in a procurement of greater than \$100,000 in value and you contact, or are contacted by, competing contractors in the procurement, you must provide written notification to both an ethics official (which can be by email to [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov)) and your supervisor, even if you do not pursue discussions after the initial contact.
- (3) If you accept travel payments from a prospective employer, you must notify either an ethics official (at [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov)) or your supervisor in writing that you are disqualifying yourself from participating in matters in which the prospective employer has an interest.
- (4) If you are assigned a matter concerning a prospective employer, because you are barred from working on that matter, you should notify the person who gave you the assignment that you cannot work on it and that it needs to be reassigned. This notice does not need to be in writing and you do not necessarily need to explain the reason for your disqualification.

*Applicable Law: 5 U.S.C. app. 4 § 101 note [Pub. L. No. 112-105, § 17(a), 126 Stat. 291, 303]; 18 U.S.C. § 208; 41 U.S.C. § 423; 5 C.F.R. Part 2635.601-2635.606*



## POST-EMPLOYMENT RESTRICTIONS

**Post-Employment Restrictions.** *All Employees:* You cannot:

- contact a Federal agency or court on behalf of someone else concerning a matter involving specific parties (a matter with identified and named parties, such as a contract or grant) on which you worked as a Government official;
- for 2 years, contact a Federal agency or court on behalf of someone else concerning a matter involving specific parties on which a subordinate worked or that was under your responsibility during your last year of Government service;
- disclose or use protected nonpublic Federal information, such as treaty negotiation information, personnel information, trade secrets, or national security information; or
- for 1 year, obtain any patent or interest in any patent issued by USPTO (except by inheritance or bequest).

*Senior Employees (employees whose base pay is \$166,340 or more):* If you are a senior employee, in addition to the restrictions on all employees, you cannot:

- for 1 year contact USPTO (or the entire Department if you are the Under Secretary), on behalf of someone else to influence Government action or
- for 1 year, represent before any branch of the United States Government a foreign government or foreign political party, or advise or assist such a government or party in its dealings with the U.S. Government.

*All Political Appointees:* If you are a political appointee, in addition to the restrictions that apply to all employees and, if applicable, to senior employees, you cannot:

- for the remainder of the President's Administration, engage in lobbying activities (activities that require registration under the Lobbying Disclosure Act) before any Presidential appointee or SES political appointee;
- for 5 years, engage in lobbying activities before your former operating unit (or the Department, if you are a Presidential appointee);
- engage in activities for a foreign government or foreign political party that would have required registration under the Foreign Agents Registration Act as it existed on January 20, 2017.

*Procurement Officials and Program Managers:* If you are a procurement official or program manager of a procurement of \$10,000,000 or more, you cannot:

- for 1 year, accept compensation from the bidder or contractor of the procurement.

**Exceptions and Additional Post-Employment Restrictions.** Exceptions to these rules apply concerning providing testimony or representing state and local governments, international organizations, and educational and medical institutions, in some cases. Additional restrictions apply to attorneys under bar rules and former employees who received buyouts (regarding returning to Federal service within five years).

**Additional Information Available.** Contact the Ethics Law and Programs Division at 202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) for advice on these rules.

*Applicable Law:* 18 U.S.C. § 208; 41 U.S.C. § 2103; 35 U.S.C. § 4; 5 C.F.R. Part 2641; 15 C.F.R. §§ 15.11–15.18



## FINANCIAL DISCLOSURE

**Basic Guidelines.** Presidential Appointees, members of the Senior Executive Service (SES), employees in non-career policy-making positions, procurement officials, and other employees whose performance of Federal duties could have a significant impact on the interests of members of the public are required to file financial disclosure reports. These are collected upon entry into a position for which such reports are required and annually thereafter (in February or May, depending on the employee's position).

If you are designated as required to file a financial disclosure report, please keep in mind that the information you disclose is used to provide advice to you to help ensure that you do not inadvertently engage in prohibited activities. To provide this advice (and to certify that the report includes all necessary information), it is important that the information you provide be accurate and that all required information be reported. Specifically, please be sure to include:

- the full name of any mutual fund (not just the generic name of the company managing the fund);
- specific holdings in any IRA, 401(k) account, trust, or investment account (other than broadly-diversified mutual funds, if you file a confidential report (OGE Form 450));
- a short description of the activities or industry sector of any privately-held company or limited partnership; and
- assets and sources of income of your spouse (and assets of your dependent children).

**Transaction Reports.** If you are a member of the SES, a political appointee, or otherwise required to file a public financial disclosure report (OGE Form 278), you are also required to file a Transaction Report when you (or your spouse or dependent child) buy, sell, or exchange a security of greater than \$1,000. Such reports need to be filed within 30 days of notice to you of the transaction and no later than 45 days after the date of the transaction. Transaction reports, like OGE Form 278s, are filed using the electronic filing system *Integrity* and are available on the Ethics Law and Programs Division web page at [www.commerce.gov/ethics](http://www.commerce.gov/ethics).

If you need assistance filling out your report, contact an Ethics official at 202-482-5384.

*Applicable Law: 5 U.S.C. App. 4 §§ 101-111; 5 C.F.R. Part 2634*

For more information about any of these rules and guidance on their application to a specific situation, contact the  
Ethics Law and Programs Division at  
202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov).

Additional information is also available at:  
[www.commerce.gov/ethics](http://www.commerce.gov/ethics).