

2014 – UNITED STATES DEPARTMENT OF COMMERCE – 2014
INTERNATIONAL TRADE ADMINISTRATION

**SUMMARY OF ETHICS RULES FOR EMPLOYEES OF THE U.S.
AND FOREIGN COMMERCIAL SERVICE**



PUBLIC SERVICE IS A PUBLIC TRUST

Ethics
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ETHICS LAW AND PROGRAMS DIVISION
OFFICE OF THE ASSISTANT GENERAL COUNSEL FOR ADMINISTRATION
202-482-5384 – ethicsdivision@doc.gov – www.commerce.gov/ethics

Ethics
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PUBLIC SERVICE IS A PUBLIC TRUST

As an employee of the U.S. and Foreign Commercial Service of the International Trade Administration, you have been placed in a position of trust and are held to a high standard of ethical conduct. This handout contains a summary of the rules set forth in conflict of interest statutes, the *Standards of Ethical Conduct for Employees of the Executive Branch*, and other ethics laws. You should retain this handout for use as a reference source.

Office of the Assistant General Counsel for Administration

To obtain legal advice regarding ethics issues, contact the:

- **Ethics Law and Programs Division at 202-482-5384 or ethicsdivision@doc.gov.**

To obtain legal advice regarding other administrative law issues, call the following offices:

- Employment and Labor Law Division at 202-482-5017
for advice regarding employment law and labor law issues
- General Law Division at 202-482-5391
for advice regarding appropriations laws, joint projects, preservation and release of documents, and general administrative law issues.

Designated Agency Ethics Official:

- *Barbara S. Fredericks – Assistant General Counsel for Administration*

Alternate Designated Agency Ethics Official:

- *David Maggi – Chief, Ethics Law and Programs Division*

Office of Inspector General – The Ethics Law and Programs Division provides advice but does not investigate allegations of violations of law. To report fraud, waste, abuse, or other violations of law, or to request an investigation, call the Office of Inspector General Hotline at 800-424-5197 or 202-482-2495 or email hotline@oig.doc.gov.

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.*



MISUSE OF GOVERNMENT RESOURCES

Basic Principle: Do Not Steal



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

Use of U.S. Government Resources. You can use U.S. Government resources only for authorized Government activities. Such resources include Government equipment, supplies, services, and the time of Government personnel. You cannot use information you receive in the course of your employment for personal purposes, unless the information is also available to the public. However, you can use frequent flier miles you earned from Government travel for personal purposes, including personal travel or upgrades for official travel.

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

- the pursuit of 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 to the U.S. Government; or
- any violation of a statute or regulation.

If you serve in the United States, you may use office printers for personal Internet and email uses, provided such use does not consume excessive resources.

Employees Overseas. If you serve overseas, you should follow the rules set by the Chief of Mission regarding the use of Government services, equipment, and supplies, which may be more restrictive than the rules applicable to employees serving in offices in the United States.

Use of U.S. Government Position. You cannot use your U.S. Government authority, including business contacts obtained through employment, for personal activities. In addition, you cannot use your Government title in connection with a non-Government activity, except as part of general biographical data or when writing for a scientific or technical publication (if you include a disclaimer). If you are a political appointee, you are required by an Ethics Pledge you signed to make hiring and employment decisions based on the candidate's qualifications, competence, and experience.



GIFTS AND BRIBES

Basic Principle: Avoid Undue Influence



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 in your U.S. Government position. You also cannot accept payment for performing your agency 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 U.S. Department of Commerce, is regulated by the Department, or has interests that can be affected by performance of your agency duties or a gift that was offered to you because of your U.S. Government 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 US\$20 or less (other than cash) (up to US\$50 per year from the same donor);*
- gifts from a relative or friend (if based on your personal relationship);
- gifts from a foreign government of US\$350 or less (a gift of over US\$350 can be accepted on behalf of the United States Government);
- meals and entertainment overseas (if a foreign citizen is present, you are attending for agency purposes, and the value is less than the *per diem* for the city);*
- invitations to “widely-attended gatherings”† (if your supervisor approves);*
- discounts generally available to the public;
- awards and honorary degrees (in some cases);*
- meals, lodging and travel based on an outside business relationship* or a spouse’s employment; and
- items of little intrinsic value (greeting cards, plaques, trophies).

* *If you are a political appointee, you cannot use this exception for a gift or invitation 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 is a media company (and the invitation was not extended by an individual who is a registered lobbyist).*

† *An event is a “widely-attended gathering” if a large, diverse group from outside the U.S. Government is expected to attend and it is not primarily entertainment; if the invitation is from someone other than the host, more than 100 persons must attend and the value must be US\$350 or less. A form for supervisory approval can be downloaded from 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 US\$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).

Gifts to the U.S. Government. U.S. Government agencies can accept travel payments for employees to attend meetings and similar functions. However, you cannot ask anyone to pay for your travel and cannot accept: (1) first-class airline tickets or (2) an honorarium or speaking fee in connection with Government travel. The U.S. Department of Commerce can also accept other types of gifts to support agency activities, if acceptance would not create an appearance of impropriety. Honoraria cannot be accepted and, except in rare cases, gifts from ITA grantees and contractors and persons with interests in controversial matters before ITA cannot be accepted. You can ask for funds and in-kind donations to support an agency mission (except that you cannot solicit for the travel of a Federal employee) as part of a solicitation program that is non-preferential (such as to or through a broad-based group) and that does not give donors substantive benefits, such as the right to meet with senior U.S. officials or to speak or distribute materials at ITA events. These same rules apply to solicitations by someone co-hosting an event with ITA. A gift of more than US\$35,000 in value must be approved by the Secretary of Commerce. It is best to contact an ethics official for advice before soliciting any funds or other support on behalf of the U.S. Government.

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.

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.



APPEARANCES OF BIAS

Basic Principle: No Favoritism



It is important to avoid not only financial conflicts of interest but any appearance of loss of impartiality. 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 the Government 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, special authorization to participate in matters may be available. Contact the Ethics Law and Programs Division at 202-482-5384 or ethicsdivision@doc.gov for more guidance on obtaining this authorization.

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 on whether to reassign the matter to someone else based on management concerns, even though there is no legal problem.



EMPLOYMENT OUTSIDE THE U.S. GOVERNMENT BASIC PRINCIPLE: AVOID DIVIDED LOYALTIES



Non-Government Employment. You cannot engage in outside employment or other personal activity that conflicts with your Commercial Service position, including employment that requires disqualification from important Government duties or an activity that creates an appearance of using your public office for private gain. You must disqualify yourself from participating in a matter as a Commercial Service employee if it will affect the financial interests of an outside employer or if an organization in which you are an active participant is a party or is representing a party in the matter.

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

Special Rules for U.S.-Citizen Employees Overseas. If you are a *U.S. citizen employee* working overseas (and not locally-hired), you cannot, in your country of assignment:

- work for compensation or
- transact or have an interest in any business; and your spouse or a family member cannot:
 - engage in outside employment or an activity that:
 - would violate any law of the country;
 - would require a waiver of diplomatic immunity deemed unacceptably broad by the Chief of Mission; or
 - could otherwise damage the interests of the United States, as determined by the Chief of Mission of that country.

Furthermore, if you are a *U.S. citizen employee* working overseas, you, your spouse, and family cannot, in your country of assignment:

- speculate in currency exchange;
- engage in transactions at exchange rates differing from local legally-available rates, unless authorized in advance by the Chief of Mission;
- engage in sales to unauthorized persons of currency acquired at preferential rates through diplomatic or other restricted arrangements;
- engage in transactions using a diplomatic pouch or official mail, if not approved;
- transfer blocked funds in violation of U.S. foreign funds and asset controls;
- engage in independent and unsanctioned private transactions that involve you in violation of foreign currency control regulations; or
- act as an intermediary in the transfer of private funds from persons in one country to persons in another country (including the U.S.), except as authorized as part of your official duties.

Permitted Overseas Employment. Even if you are a U.S. citizen employee, you or a family member can accept employment that takes place solely within the U.S. embassy and you can receive compensation for teaching if it is for an extension program of an accredited U.S. degree-granting institution or a private foreign university that is not state-supported.

Special Rules for Locally Engaged Staff Overseas. If you are *locally engaged staff overseas* (employees who are not U.S. citizens or are U.S. citizens who were hired overseas), you must receive approval from the Chief of Mission before accepting any outside employment. Approval will be granted unless the activity would violate any law of the country or could damage the interests of the United States.

Sale of Personal Property. If you are a U.S. citizen, you and your spouse and family members cannot sell or dispose of personal property that was imported into or purchased from a foreign country if it was exempt by virtue of your U.S. Government position from import limitations, customs duties, or taxes that would otherwise apply, unless authorized by the Chief of Mission and applicable regulations.

Service with Private Organizations. You must receive approval from both the Chief of Mission and the Assistant General Counsel for Administration for you or your spouse or a family member to serve in a private capacity overseas as an officer, director, or trustee of a private organization. You also should seek guidance from the Ethics Law and Programs Division regarding serving in an official capacity with an outside organization; official service as a board member or officer was formerly barred in most cases but is now permitted if with a nonprofit organization when such service will further an agency mission. However, some restrictions apply to such service. Contact the Ethics Law and Programs Division at 202-482-5384 or ethicsdivision@doc.gov for further guidance.

Fund-raising for a private organization in an official capacity is permitted in some circumstances, with the approval of the Chief of Mission, if it will advance U.S. foreign policy interests. You should seek further advice before engaging in such fund-raising.

Working for a Foreign Government. If you are a U.S. citizen, you cannot work for, or receive payments from, a foreign government, unless authorized by statute.



CONTACTING THE U.S. GOVERNMENT BASIC PRINCIPLE: AVOID DIVIDED LOYALTIES



Basic Restrictions on Contacting the U.S. Government on Behalf of Others.

Generally, you cannot serve as an agent or attorney or, if paid, otherwise represent anyone before a United States Government agency or court. For purposes of this restriction, representation includes any communication, whether by telephone, by email, in writing, or in person, that is made with the purpose of influencing U.S. Government action on behalf of anyone other than yourself, including a relative (but see below for exceptions). Requests for publicly-available information are not barred, nor are factual responses to Government requests for information.

Receiving Compensation based on the Representational Activities of Others. In addition to being personally barred from representing others before the United States Government, you are also barred from receiving any payment that is based on representational activities of others before a U.S. Government agency or court during a period in which you serve or served as a U.S. Government employee.

Exceptions to the Rule on Contacting the U.S. Government. You can represent:

- 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;
- other U.S. Government employees in some personnel disputes if you do not receive compensation;
- if you are not paid, professional, recreational, and similar groups before the U.S. Government if the majority of the organization's members are Federal employees or their spouses or dependents, and if the matter does not involve claims against the U.S. 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 if you need to obtain prior approval.

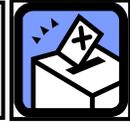
Serving on Boards of Federal Child Centers and Fitness and Health Organizations.

Although you can serve on boards for 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.



POLITICAL ACTIVITIES

BASIC PRINCIPLE: DON'T MIX POLITICS AND PUBLIC SERVICE



General Restrictions concerning Engaging in U.S. Political Activities. If you are a U.S. citizen, you can actively engage in political activities relating to a United States election campaign (when not on duty, not on Government premises, and not representing the United States Government), but you cannot:

- engage in political activities while on U.S. Government premises;
- engage in political activities while on official duty;
- engage in political activities when representing the United States Government;
- use the authority of your U.S. Government position for political purposes;
- use U.S. Government resources for political purposes, such as by sending a political email from your office computer;
- accept or receive a political contribution;
- personally ask for or accept political contributions (except for an Federal employee union in some cases);
- host a political fund-raiser;
- ask for or accept volunteer services from a subordinate; or
- run as a candidate in a partisan election (except in certain areas in the United States).

Permissible Activities. Unless you are a career member of the SES, you can:

- assist a U.S. election campaign, such as by seeking for votes (but not funds), stuffing envelopes, and organizing campaign events and
- serve as an officer in a U.S. political organization.

Activities Overseas. If you are a U.S. citizen employee overseas, you cannot actively participate in a foreign electoral campaign; however, you can participate in U.S. campaign activities within the restrictions identified.

If you are not a U.S. citizen (including if you have dual citizenship), you may actively participate in political activities of your country of citizenship when off duty and when off U.S. Government premises. However, U.S. Government officials serving outside the United States, including non-U.S. citizens, cannot participate in any political activities when on duty as a U.S. Government official or when otherwise representing the United States.

Special Rules for Career SES Members. If you are a career member of the Senior Executive Service, you cannot actively engage in partisan campaign activities or serve as an officer of a political organization, even during non-duty hours. (These restrictions do not apply to Senior Foreign Service members.) During non-duty hours you can actively participate in nonpartisan elections and non-candidate campaigns, such as for referenda. Regarding partisan campaigns, you can vote, make contributions, and sign nominating petitions.



FINANCIAL CONFLICTS OF INTEREST

Basic Principle: No Self-Dealing



Financial Conflicts of Interest. You cannot, as part of your U.S. Commercial Service duties, participate in any matter that will affect your personal financial interests, unless an exemption applies (see below) or you have received a conflict of interest waiver. Furthermore, the financial interests of some persons are considered so intertwined with your own that you are also barred from participating in matters affecting their financial interests. These include the financial interests of your spouse, minor children, household members, general partners, and non-Federal employers; persons with whom you are seeking employment; and organizations in which you serve as an officer or director.

Exemptions. Exemptions permit you to participate in matters affecting a financial interest if the financial interest is a:

- holding in a U.S.-registered diversified mutual fund;
- holding in a U.S.-registered industry sector-specific mutual fund or geographic sector-specific mutual fund valued at US\$50,000 or less (if total interests in all funds in that sector total US\$50,000 or less);
- stock or bond holding (traded on a U.S. exchange) of US\$15,000 or less in a U.S. company if the company is a party in a specific-party matter; or
- stock or bond holding (traded on a U.S. exchange) of US\$25,000 or less in a U.S. company with regard to a broad policy matter (if total holdings in the industry or group affected by the matter are US\$50,000 or less).

Waivers. If you serve overseas, you may obtain a waiver for interests that meet certain criteria, such as stock valued at US\$50,000 or less. Contact the Ethics Law and Programs Division at 202-482-5384 or ethicsdivision@doc.gov to obtain such a waiver.

Investing in IPOs. All Federal employees are barred from investing in Initial Public Offerings (IPOs) except in the same manner as is available to members of the public generally. Use of insider information regarding investment decisions is also prohibited.

Limits on Investments for Employees Serving Overseas. If you are a U.S. citizen serving overseas (and were not hired locally), you and your family are restricted from investing in:

- stocks or bonds of a company headquartered in, or that conducts substantial business in, your country of assignment;
- mutual funds that concentrate investments in your assigned country; and
- real estate in your country of assignment (other than a personal residence or retirement property, if approved by the Chief of Mission).



SEEKING EMPLOYMENT

Basic Principle: Avoid Divided Loyalties



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). If you are participating in a procurement over \$100,000, you must give written notice to your supervisor and the Ethics Law and Programs Division of employment contacts with or from a competing contractor.

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 officers, you are required to report the employment discussions or an agreement regarding future employment within three days of the beginning of the discussions 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; it should be downloaded, signed, and provided to the Division by email to ethicsdivision@doc.gov or to an ethics official or by mail or delivery to 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 both to an ethics official (which can be by email to ethicsdivision@doc.gov) and to 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) 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 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.



POST-EMPLOYMENT RESTRICTIONS

Basic Principle: Follow “Revolving Door” Rules



Post-Employment Restrictions. After leaving the U.S. Government some restrictions will apply to you.

All Employees: You cannot:

- contact a U.S. Government 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 U.S. Government official;
- for two years, contact a U.S. Government agency or court on behalf of someone else on a matter involving specific parties on which a subordinate worked or which was under your responsibility during your last year of Government service; or
- disclose or use protected nonpublic Federal information, such as treaty negotiation information, personnel information, trade secrets, or national security information.

Senior Employees (employees whose base pay is US\$156,997.50 or more): If you are a senior employee, in addition to the restrictions on all employees, you cannot:

- for one year, contact ITA (or the Department, if you are a Senate-confirmed Presidential appointee) on behalf of someone else to influence Government action or
- for one 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.

Senior Political Appointees (political appointees whose base pay is US\$156,997.50 or more): If you are a senior political appointee, in addition to the restrictions on all senior employees and all political appointees, you cannot:

- for two years, contact ITA (or the Department, if you are a Senate-confirmed Presidential appointee) on behalf of someone else to influence Government action.

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) to any political appointee in the Executive Branch.

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

- for one year, accept compensation from the contractor of a US\$10,000,000 or more procurement.

Exceptions and Special Post-Employment Rules. 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, former employees who received buyouts, and political appointees who work for a lobbying firm after leaving the Government.



FINANCIAL DISCLOSURE

Basic Principle: Tell the Truth



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 are available on the Ethics Law and Programs Division web page at www.commerce.gov/ethics.

If you have a question, or need assistance in filling out your report, contact the Ethics Law and Programs Division at 202-482-5384 or ethicsdivision@doc.gov.

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. Additional information is also available at: www.commerce.gov/ethics.



CITATIONS TO APPLICABLE LAW



Misuse of Government Resources

18 United States Code (U.S.C.) § 641
5 Code of Federal Regulations (C.F.R.) §§ 2635.701–2635.705
Department of Commerce Internet Use Policy

Gifts and Bribes

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. 13490, 74 Fed. Reg. 4673 (1/21/2009)

Conflicts of Interest and Disqualifications

15 U.S.C. § 78u-1; 18 U.S.C. § 208
5 C.F.R. §§ 2635.401–2635.403, 2635.501–2635.503, and 2640.201–2640.202
Ethics Pledge, Executive Order No. 13490, 74 Fed. Reg. 4673 (1/21/2009)
3 Foreign Affairs Manual (FAM) Part 4120

Non-Federal Employment and Activities

5 U.S.C. §§ 7321–7326; 18 U.S.C. §§ 203, 205, and 208
5 C.F.R. §§ 734.201–734.702 and 2635.801–2635.809
3 FAM Part 4120

Political Activities

5 U.S.C. §§ 7321–7326
5 C.F.R. §§ 734.201–734.702 and 734.201–734.702
NOAA Corps Regulations, Chapter 9, Part 2

Seeking Employment and Post-Employment Activities

5 U.S.C. app. 4 § 101 note [Pub. L. No. 112-105, § 16(a), 126 Stat. 291, 303];
18 U.S.C. §§ 207 and 208; 41 U.S.C. § 423
5 C.F.R. Parts 2635 and 2641; 15 C.F.R. §§ 15.11–15.18

Financial Disclosure and Ethics Training

5 U.S.C. App. 4 §§ 101-111
5 C.F.R. Part 2634 and §§ 2638.701–2638.705