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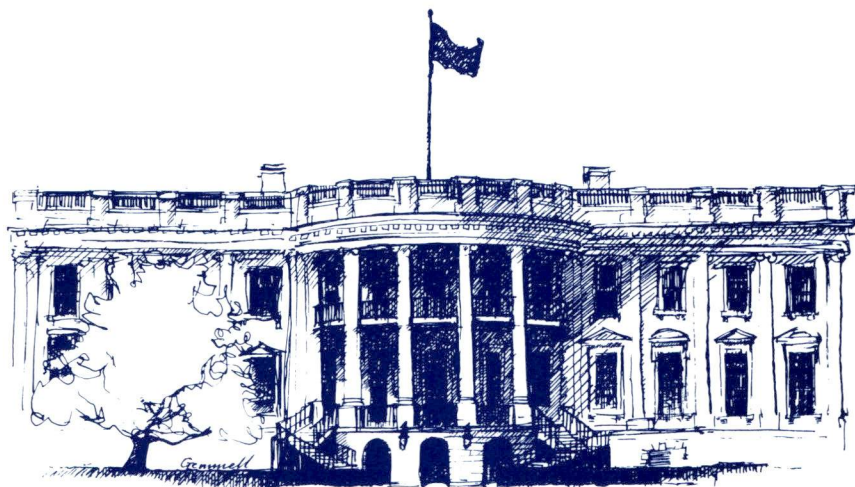
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Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Speechwriting, White House Office of
Series: Snow, Tony, Files
Subseries: Subject File, 1988-1993

OA/ID Number: 13899
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[Staff Manual-White House Office, 6/91]

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Staff Manual

WHITE HOUSE OFFICE

June 1991

FOREWORD

The following material is a reference guide to internal office activities and procedures for White House Office staff. It is intended to answer some of the more frequent questions that arise in the normal course of daily operation and to direct attention to available sources of information.

TABLE OF CONTENTS

Service Reference Guide	I
Directory of Information and Procedures	
General Information	Tab A
Employment	Tab B
Presidential Scheduling Procedures	Tab C
Materials for the President	Tab D
White House Office Papers	Tab E
Standards of Conduct	Tab F
Forms	Tab G
Index.	Tab H

SERVICE REFERENCE GUIDE

Appointments:

Visitors (All Appointments)	WAVES	6742
Repairman (One-day work order)	WAVES	4311

Athletic Facilities:

Senior Staff Gym	Room 11, OEOB	6616
White House Athletic Center	Room 2008, NEOB	5688

Audio Visual Equipment

Room 082, OEOB 2622

Building Maintenance and Repair Services

After hours	Room 48, OEOB	3675
	Room 48, OEOB	3364 or WH Operator

Conference Rooms

Room 1, OEOB 2500

Computer Service and Support

Help Desk	Room 4026, NEOB	7370
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Credit Union

Room 41, OEOB 2900

Document Preparation

Room 5013, NEOB 5163

Duplicating/Printing

Room 15, OEOB 2294

Equipment Repair:

Duplicating Equipment	Room 5001, NEOB	7100
Computer Equipment	Room 4026, NEOB	7260
Typewriter	Room 1, OEOB	2500
Fax Machines	Room 1, OEOB	2500

Escort Service

WAVES 4366

Facilities

Room 484, OEOB 2335

Graphics

Room 5013, NEOB 3624

Health Unit:

Residence	Ground Floor	2672
OEOB	Room 107, OEOB	2182

Imprest Fund/Petty Cash

Room 1, OEOB 2500

Libraries:

EOP Library, NEOB	Room G102, NEOB	3654
Law Library	Room 528, OEOB	3397
EOP Library, OEOB	Room 308, OEOB	7000

Lost and Found:

OEOB		2020
White House		4480

Mail and Messenger:

West Wing	West Wing	2615
East Wing	East Wing	2918
OEOB	Room 5, OEOB	7005
Courier Receiving Facility	Room G-1, NEOB	3332

Notary Public:

.	Room 1, OEOB	2500
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Paging

.		WH Operator
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Personnel (White House)

.	Room 6, OEOB	2260
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Procurement

.	Room 1, OEOB	2500
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Staff Mess (White House)

.	Room 404	4192
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Supply Room

.	Room 082, OEOB	2622
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Tours:

Executive Residence		
Public Tours	Visitors Office	2322
After hours (weekends)	Usher's Office	2650
West Wing	Ground Floor	2663
OEOB	Room 484, OEOB	5895

Travel:

Reservation and Ticketing	Room 87, OEOB	2250
Authorizations and Vouchers	Room 1, OEOB	2500

Visitors Office

.	East Wing	2322
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Waves (Secret Service)

.	Room 060, OEOB	6742
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**Weekly Compilation of
Presidential Documents.**

.	Room 536, OEOB	6482
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GENERAL INFORMATION

Access List

New employees with a temporary pass or individuals needing temporary access (30 days or less) must be cleared into the White House Complex on the Access List. Access for new employees will be automatic if the personnel forms are properly completed (see Tab B, **Employment**). Questions concerning the Access List should be forwarded to the White House Security Office (Room 84, OEOB, x2345).

Staff on the Access List must stop at a regular entry gate, present picture identification, and advise the officers they are on the Access List. The temporary pass that is issued must be returned upon leaving the Complex.

Personnel on the Access List may not clear individuals into the White House, OEOB, NEOB, or perform escort duty.

Administrative Contacts

Each White House office has a designated administrative contact, who serves as part of a network created to collect and disseminate administrative information within the White House. The White House Administrative Office serves as liaison with the administrative contacts.

Administrative Office

The White House Administrative Office (Room 1, OEOB, x2500) is responsible for a wide variety of administrative functions, which include the scheduling of conference rooms, the purchasing of specialized supplies and equipment, the processing of bills, formulating annual budget plans, issuing parking permits, magazine and newspaper subscriptions, issuance of travel advances, and the processing of travel vouchers.

This Office is separate from the Office of Administration, which provides common support functions to all agencies of the Executive Office of the President (EOP).

Appointments

White House passholders are authorized to clear outside visitors into the White House Complex. EOB passholders are authorized to clear appointments into the OEOB and NEOB only.

In either case, the passholder must call the U.S. Secret Service WAVES Center (x6742) and have the following information available for the agent:

- visitor's first and last name;
- visitor's date of birth;
- date, time, and place of meeting;
- caller's name; and
- social security number for those meeting with the President, Vice President, or First Family.

Appointments must be made at least 30 minutes before arrival and are good for 1 hour before or after the time given. East and West Wing visitors must be escorted at all times by a White House passholder.

When over five appointments are anticipated, the list of names should be submitted at least 4 hours in advance on U.S. Secret Service Form SSF 2037 (see Tab G, **Forms**). Names of visitors meeting with the President, Vice President, or First Family should be submitted 48 hours in advance.

Visitors attending events for which they have received and accepted official invitations will be noted on the gate list and need not be cleared individually.

Arrival Ceremonies (See Ceremonies)

Athletic Facilities

There are two athletic facilities in the EOP Complex.

- The **Senior Athletic Unit** (Room 11, OEOB, x6616) is limited to Assistants and Deputy Assistants to the President and the Cabinet. The Unit is open for female members from 5:45 a.m. - 7:00 a.m. and 3:30 p.m. to 5:30 p.m. daily and to male members at all other times.
- The **White House Athletic Center** (Room 2008, NEOB, x5688) is a full service exercise and fitness facility open for membership to all EOP employees (including detailees and contractors assigned to EOP agencies). The facility has locker rooms, showers, sauna, jacuzzi, and exercise equipment. Aerobic and exercise classes are also offered. Upon request, individual exercise programs for members can be developed by staff physiologists. The Center is open weekdays from 7:00 a.m. to 8:00 p.m.

Audio Visual Equipment

Slide projectors, overhead projectors, and screens are available from the Supply Store (Room 082, OEOB, x2622). One day advance notice should be given to assure availability and delivery. For meetings where the President is directly involved, WHCA will supply audio-visual equipment.

Briefing Papers (Presidential)

A briefing paper with 16 copies in the format prescribed in the White House Correspondence Manual must be submitted to the Staff Secretary by 3:00 p.m. the day preceding a Presidential appointment or event. (See Tab D, **Materials for the President**).

Business Cards

Business cards are available to all Commissioned Officers and other White House Office staff on a case-by-case basis following approval by the Director of White House Operations.

Order forms are available from the White House Administrative Office (Room 1, OEOB, x2500). Due to Government regulation, the cost of business cards must be paid personally by staff members.

Cabinet Room

The Cabinet Room is reserved for the use of the President. This room can be viewed as part of the West Wing tour (See **Tours**).

Central Files (See Records Management, Office of)

Ceremonies

Arrival Ceremony

Arrival ceremonies help welcome visiting foreign heads of state. Staff members may escort up to 6 guests, but must enter the South Lawn through the Southwest Gate. Should staff have suggestions for inviting large groups of guests, please forward a brief description to the Director, Visitors Office (East Wing, x2322).

The proper courtesies should be practiced by staff members at all White House ceremonial functions to provide leadership for other guests who may be unaware of proper etiquette.

Civilian Personnel	
Segment:	Courtesy:
Ruffles and Flourishes	Stand at attention
Hail to the Chief	Stand at attention and applaud
All National Anthems	Stand at attention, may place hand over heart
Military Personnel	
Segment:	Courtesy:
Ruffles and Flourishes	Stand at attention
Hail to the Chief	Stand at attention and applaud
All National Anthems	Stand at attention and salute if outdoors; if indoors, stand at attention only.

Other West Wing or Residence Ceremonies

White House staff members should not attend other ceremonies or official events unless specifically invited. Staff members who are invited should not bring guests unless the invitation specifically includes them.

Invitation lists for events in the Residence are handled through the Office of the Social Secretary; West Wing events are usually coordinated through the project officer for the particular event. If staff members have any suggestions about an event, they should contact the project officer.

Classified Information

Executive Order 12356 prescribes a uniform system for classifying, declassifying, and safeguarding national security information. National security information shall be classified as "Top Secret," "Secret," or "Confidential." Documents may be classified only by persons granted classifying authority by the President, agency heads, or those delegated the authority to do so under Executive Order 12356; and only in accordance with the procedures outlined in Executive Order 12356. Questions concerning classification of documents should be referred to the Director, Office of Information Policy and Security Review (x3103). The NSC Office of Security (x4907) can provide guidance on the proper procedures for handling, storing, and destroying classified information.

Classified information found unsecured will be confiscated by the Uniformed Division of the Secret Service, and a copy of a security violation will be left at the location where the violation occurred. The individual responsible and the superior senior staff member involved will receive an appropriate warning letter from the Counsel's Office. Any discovery by staff members of unsecured classified documents or other violations of sound security practices should be reported to the White House Security Office (x2601).

Disclosure of classified or other sensitive information is prohibited. It is critical to avoid even the appearance of using information for private gain obtained in the course of an employee's official duties.

Classified information may only be disclosed to persons who hold security clearances for that particular level of classification and have a need to know the information. Verification of security clearances is handled by the White House Security Office (x2601). The disclosure of classified information to unauthorized persons may result in criminal prosecution. Classified information may not be discussed on any telephone, unless the telephone has been specifically secured.

Commissions and Certificates

A commission is a formal document signed by the President to appoint a person to Federal office, generally a Senate confirmed position, an Executive level position, or a Presidential board, council, or commission.

Where the appointment is not to a Federal office, but requires Presidential action, a certificate is used. Any question concerning the issuance of appointment documents should be directed to the Office of the Executive Clerk (x2226).

Computer Services and Support

Numerous computer and word processing services are available to White House staff through the Information Resources Management Division (IRMD) of the Office of Administration. Please call x7370 for further information or assistance on the following:

- Training – Regularly scheduled training on a variety of software packages is available from the Computer Support Center (Room 483, OEOB).
- Technical Assistance and Repair – The Help Desk provides limited technical assistance by phone and coordinates the repair of equipment or service.

Requests for new or revised computer systems should be directed through your administrative contact to the Director of White House Operations for approval.

Conference Rooms

The White House Administrative Office (Room 1, OEOB, x2500) is responsible for the approval, reservation, and coordination of setup and occupancy of the Conference Rooms.

To reserve a Conference Room:

- Call the White House Administrative Office to determine if the room is available (see Room Chart);
- If available, the room may be temporarily reserved pending the receipt by the Administrative Office of a Conference Room Form **at least 48 hours** in advance (see Tab G, **Forms**).

CONFERENCE ROOMS

Room	Seating Capacity	Restrictions	Equipment Available	To Book Contact
1. Room 22 OEOB	50 theater style with 16 seated at table			Admin. Office x2500 - WH
2. Room 180 OEOB	27 total with 16 seated at table	Food not allowed		Admin. Office X2500 - WH
3. Room 248 OEOB	44 total with 14 seated at table			Director's Office x4840 - OMB
4. President's Briefing Room 450 OEOB	Without TV coverage: 227 seated; with TV coverage: 177 seated; with videotaping: 212	Food not allowed	Projection	Admin. Office X2500 - WH
5. Treaty Room 474 OEOB	110 Seated 200 Reception			Admin. Office x2500 - WH
6. Room 476 OEOB	30 total with 16 seated at Table	Food not allowed		Admin. Office x2500 - WH
7. Roosevelt Room	34-40 seated	Table to remain in room. Food not allowed		Admin. Office x2500 - WH
8. Ward Room (Conference Dining Room)	10-15 seated	Non-meal hours		WH Staff Mess x4192 or x6377
9. Residence	Varies	President or First Lady in attendance		Social Secretary x7064 - EW WH

When reserving a Conference Room, it is important to remember the following rules and regulations:

- All agencies within the Executive Office of the President may use Conference Rooms but only for official functions. White House staff takes priority.
- The Conference Rooms are not available for use by private citizens or organizations.
- No outside organization may pay for food or refreshments at official events within the EOP complex.
- Conference Rooms are not available on weekends.

Conflict of Interest

A "conflict of interest" refers to any situation where a government official has an actual or apparent personal interest in the outcome of a matter which that person is in a position to influence through decision, recommendation, advice, or other formal or informal action.

A violation of law does not require an intent to favor one's personal interest and cannot be overcome by showing the absence of such an intent. Participation, by itself, in a particular matter in which one has a financial interest is unlawful.

The financial interests of **all** members of a staff member's family living within his or her household are regarded as his or her own.

Employees must be ever sensitive to avoid even the appearance of a conflict or other impropriety which can be fully as damaging as the real thing. Matters relating to conflicts of interest are regulated by civil and criminal statutes, Executive order, regulations, and the Standards of Conduct for Executive Office of the President employees. Tab F of this manual provides a more detailed description of these requirements. Staff members should familiarize themselves with these provisions and should consult the Office of the Counsel to the President on any questions.

Crank Calls

A person receiving a crank call should transfer the call immediately to the Secret Service Protective Division.

- Forward the call to x2686 or x2687 and identify as a crank call.
- The Secret Service agent will acknowledge your information and tell you to hang up.

Credit Union

Membership in the White House Federal Credit Union is open to all White House staff members. Located in Room 42, OEOP, the Credit Union is open Monday – Thursday, 10:00 a.m. to 3:00 p.m., Friday 10:00 a.m. to 4:00 p.m., and closed on weekends and holidays. The Loan Department for the Credit Union is located in Room 41, OEOP (x7080).

Drug Testing

Executive Order No. 12564 and Section 503 of P.L. 100-71 established goals to achieve a drug-free Federal workplace. Consistent with the Executive Order and the Act, the White House has determined that all current and future positions have been identified as testing designated positions, the incumbents of which will be subject to random drug testing. This also includes mandatory applicant testing of individuals who are being seriously considered for employment. To obtain information concerning the White House and EOP Drug-Free Workplace Plan, please contact the White House Personnel Office (Room 6, OEOP, x2260).

Duplicating Equipment

For easy access, copiers have been placed on the first and second floors of the East and West Wings. The appropriate East or West Wing messenger should be notified if the machines need supplies or service. In addition, a central copier is located in Room 160-1/2 OEOP.

Requests for new or different equipment should be directed through one's administrative contact to the White House Administrative Office (x2500). Copier malfunctions should be reported to the OA Administrative Operations Division (x7100).

Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential counseling service for EOP employees who need help with personal or work-related problems. The EAP helps identify problems and makes referrals to appropriate professional services.

Immediate help is available by dialing (301) 762-4260 or 1-800-468-8369; the EAP has a 24-hour answering service. An appointment will be scheduled at the employee's convenience. There is no charge to visit an EAP counselor. To obtain a copy of the EAP brochure, contact the White House Personnel Office (Room 6, OEOB, x2260).

Entertainment

Acceptance of entertainment by White House staff members is strictly regulated by the Standards of Conduct. In general, it is not permissible to accept a free meal, refreshments, or offers of tickets or other entertainment from a donor who has official dealings with any component of the executive branch. For further information, see Tab F, **Standards of Conduct**.

Entertainment Fund

Congress annually appropriates a modest sum to the White House Office for official entertainment expenses. Before a function can be funded from this account, written approval must be obtained from the Director of White House Operations through the White House Administrative Office. The request should have Department Head approval and must include a cost estimate.

Escort System

An escort system is available for employees who are required to work after dark. By calling the U.S. Secret Service Watch Commander (x4366), an employee may request an escort to his or her car by an available Uniformed Division Officer.

Equipment

Requests for the procurement or replacement of office equipment should be sent through the administrative contact to the Director of White House Operations. The request should describe the equipment specifications and provide justification for the request.

If repair of equipment is necessary, the following offices should be contacted:

- The White House Administrative Office (x2500) for the repair of typewriters and fax machines.
- The Administrative Operations Division of OA (x7100) for the repair of duplicating equipment.
- The Client Services Desk (x7370) for the repair of ADP equipment.

Executive Clerk, Office of the White House

Located in Room 5, OEOB (x2226), the Office of the Executive Clerk is responsible for the preparation and disposition of all official Presidential documents, such as nominations to the Senate, commissions of appointments, acceptances of resignations, Executive orders, proclamations, messages to the Congress, memoranda from the President to units of the executive branch, and, in many instances, various awards, citations, certificates, and medals. In addition, the office serves as the official point of Presidential receipt for formal documents from the Congress, such as joint resolutions, enrolled bills, and Senate confirmation resolutions.

The office is charged with maintaining the official White House record of Presidential action on all subjects mentioned above and can provide precise information, including historical data, on these documents. The office also maintains a set of the U.S. Code, U.S. Statutes at Large, and the U.S. Code of Federal Regulations.

The Office of the Executive Clerk is open from 7:00 a.m. – 7:00 p.m. on weekdays and 9:00 a.m. – 4:00 p.m. on Saturdays.

Executive Orders

Executive orders are formal documents issued by the President to direct or authorize specific action by the executive branch. After signature, they are announced by the White House Press Office, numbered and published in the *Federal Register*. They are also printed in the *Weekly Compilation of Presidential Documents*.

The procedure for processing Executive orders is itself established by Executive Order 11030, as amended. Regardless of where in the executive branch proposed orders are prepared, they must be submitted to the Director of the Office of Management and Budget (OMB) for approval. The OMB's Office of the General Counsel coordinates interagency clearance of proposed orders and consults with the Counsel to the President. Proposed orders are also approved by the Attorney General for form and legality before being presented to the President for signature.

Additional information concerning Executive orders may be obtained from the Office of the Executive Clerk (x2226) and the General Counsel of OMB (x5600). Copies of Executive orders may be obtained from the EOP Publications Service (x3610) or the White House Information Center (Room 308, OEOP, x7000).

Executive Residence

The Executive Residence is the home of the President and First Family. For generic purposes, the Residence will undoubtedly always be referred to as the White House, but for administrative and legal purposes, it should be referred to as the "Executive Residence" to avoid confusion with the White House Office. For further information, see Tours.

Facsimile (Fax) Machines

For easy access, the West Wing, East Wing, and OEOP messenger offices provide telecopier service; fax hardcopy will be delivered as soon as possible. Refer to the White House Telephone Directory for fax numbers of all other EOP offices.

<i>OEOP</i>	
Incoming	456-2461
Outgoing	456-2412
<i>West /East Wing</i>	456-2883

Requests for fax machines should be submitted through your administrative contact to the Director of White House Operations.

Federal Register

The Federal Register, a part of the National Archives, maintains an office within the EOP complex to compile Presidential statements, press releases, speeches, etc., for publication as the *Weekly Compilation of Presidential Documents* (Room 536, x6482).

Copies of the *Federal Register* and the *Weekly Compilation of Presidential Documents* are received by many West Wing and OEOP offices, but are also in the OEOP Library and the Law Library.

Files (See Records Management, Office of)

Financial Disclosure

The Ethics in Government Act requires White House staff paid at the GS-16 level or above to file an Executive Personnel Financial Disclosure Report (SF-278) annually. Statements are filed on May 15 each year, but new staff members at these pay grades must file within 30 days of arrival and departing staff at these pay grades must file a supplemental statement.

Currently, as a matter of White House policy, all Commissioned Officers (regardless of salary level) must complete an SF-278 report and file it with Counsel's Office. Filings received from Commissioned Officers paid below the GS-16 level now remain confidential. Under the Ethics Reform Act of 1989, however, all Commissioned Officers will be required to file public SF-278 reports in 1991. All other employees paid at the GS-13 through GS-15 levels must file a Confidential Statement of Employment and Financial Interests (OA 39). Questions relating to disclosure as well as requests for forms should be addressed to the White House Counsel's Office (x2632).

Freedom of Information

The Freedom of Information Act provides that the public may obtain access to agency files and records by submitting a request. The White House Office is not an agency for purposes of the Act and need not furnish records on request, but certain units of the Executive Office of the President are covered. All requests for information under the Act should be referred to the Counsel's Office.

Since the Act does apply to agency records (although certain records are exempt from disclosure), it is important that White House files not be commingled with agency files and that access to the White House files be restricted to White House staff.

Furniture and Furnishings

Requests for new furniture, furniture repair, carpentry work, office rearrangement, or telephone installation should be submitted on a Facilities Request form (see Tab G, **Forms**) to the White House Administrative Office through the administrative contact.

To avoid confusing personal with government property, staff who furnish their offices with personal property should clearly label such items and send a memorandum to the White House Administrative Office describing each item.

General Services Administration (GSA)

The General Services Administration (GSA) manages the support facilities for the East and West Wings of the White House, the OEOP, the NEOB, the Winder Building, and Jackson Place townhouses. Requests for East or West Wing building services (e.g., repair of heaters, air conditioning, or lighting) should be directed to the Facilities Management Office (x2335).

Gifts

There are strict rules governing acceptance of gifts from foreign and domestic sources. Gifts from officials of foreign governments are governed by the provisions of the Foreign Gifts and Decorations Act, which is described further in the Standards of Conduct section of this manual (see **Tab F**).

As to other gifts in general, it is not permissible for a White House staff person to accept a gift from an entity that has or is seeking contracts or other business with any part of the executive branch that conducts activities regulated by the executive branch; or has interests that may be substantially affected by the staff member's performance or non-performance of official duties. Certain exceptions apply. For example, it is permissible to accept a gift from a friend or relative, under circumstances that make clear that the motivation for the gift is purely personal. Other exceptions are described in Tab F of the Standards of Conduct section of the manual. It is important to note, however, that under current policy, there is no set dollar value below which gifts are automatically permissible.

White House staff members required to complete the SF-278 financial disclosure report should report to the Gift Unit (Room 457, OEOB, x7133) receipt of gifts from all sources other than relatives. In general, the gift should be submitted to the Gift Unit, along with a completed Staff Gift Record form. In filling out the form, it is important to provide full details about the circumstances of the gift. In the alternative, if in a particular case it is evident that it is not permissible or desirable to retain a gift, it may be returned directly to the donor with an appropriate explanation. In such case, the gift need not be sent to the Gift Unit, although a copy of the letter returning the gift should be provided to the Gift Unit for its records. See Tab F for more information on the procedures for handling gifts.

Graphics and Document Preparation

All graphics and documentation preparation services are performed by the Office of Administration. The OA Graphics Section (Room 5013, NEOB, x3624) prepares a wide-range of visual aid materials: artwork design and reproduction, camera enlargements and reductions, computer-assisted calligraphy, color slides, and transparencies. This branch produces charts, graphs, and posters; it also arranges for the printing of letterhead stationery, programs/invitations, newsletters, and brochures.

The OA Document Preparation Section (Room 5013, NEOB, x5163) provides high-quality typesetting for reports, manuscripts, booklets, newsletters, calendars, and schedules. A wide variety of fonts are available.

Hatch Act (See Political Activities)

Hiring

The procedures for submitting a request for any new hire, including detailees, consultants, volunteers, and interns, require the completion of a Request for Personnel Action form or WHP-1, and a Supplemental Security Form or WHP-2 (available from the White House Personnel Office). All such requests require department head approval and are subject to review by the White House Personnel Office. All personnel activities must be approved by the Director of White House Operations. A Security Investigation Form (SF-86) should also be obtained from and returned to the White House Security Office (Room 84, OEOB). Section B of this Manual addresses employment procedures.

Please note that all new hires are subject to mandatory applicant drug testing. No commitments should be made until final confirmation is received from the White House Personnel Office.

Holidays

Paid legal holidays are:

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
Inauguration	Columbus Day
Presidents' Birthday	Veteran's Day
Memorial Day	Thanksgiving Day
	Christmas Day

Internship Program

The White House Office has a number of offices that provide internship opportunities year-round to students who wish to learn more about the executive branch. Students must be over 18 years of age and may serve a maximum of 90 days. Applications and information may be obtained from the White House Internship Coordinator (Room 100, OEOB, x6266).

Invitations To Official Events

Invitations to receptions, briefings, dinners, and other events in the Executive Residence are handled through the Social Secretary's Office (x7064). Staff members wishing to suggest names to receive invitations should forward them to the Social Secretary along with social security numbers and dates of birth if the President or First Lady is expected to attend.

Under no circumstances should any uninvited staff member attend, issue invitations, or escort guests not on the official invitation list into an event.

Invitations to events, including those to White House staff members, will indicate if a spouse or guest is to be included.

Leave

Several types of leave are applicable to the White House staff: annual leave, sick leave, leave without pay, maternity leave, military leave, and leave for court/jury duty. Commissioned Officers on the White House Office payroll do not earn leave.

- Annual Leave is earned at the rate of 4, 6, or 8 hours per 2-week pay period, depending upon length of government service (6 hours after 3 years and 8 hours after 15 years). The maximum accruable annual leave is 240 hours, and any amount in excess of that is forfeited at the end of the leave year. The compensation for unused annual leave is paid in a lump sum when the employee leaves government service.
- Sick leave accrues at 4 hours per pay period, with no maximum limit, but with no payment if not used when an employee leaves government service.

For additional information on these and other types of leave, call the White House Personnel Office (x2260).

Libraries

Three libraries provide a wide range of information and services to all EOP staff.

- The **EOP Library, OEOB** (Room 308, OEOB, x7000) covers special interest areas such as the Presidency, past and current administrations, American history and politics,

government policy, and national security. Staff also maintains an extensive vertical file and an in-house news clipping service.

- The **Law Library** (Room 528, OEOB, x3397) maintains a basic legal and legislative collection with a strong emphasis on administrative and Federal case law. The collection also includes congressional materials such as bills, laws, committee hearings, prints, and reports.
- The **EOP Library, NEOB** (Room G-102, NEOB, x3654) covers special interest areas including economics, the budget, and other areas relating to the management of Federal Government activities.

An on-line catalog shared by all sites provides easy access to holdings in any of the three libraries. Reference librarians with experience in locating information in printed and electronic media are available.

Lobbies

Telephone numbers for lobbies in the White House Complex are:

OEOB Pennsylvania Avenue	x4445
OEOB 17th Street	x4269
West Lobby	x2605
Ground Floor, West Wing.....	x2181
East Wing	x4474

Guests visiting West and East Wing staff must be escorted by a passholder to and from the lobby area.

Lobbying

Federal laws prohibit the use of Federal funds to lobby the Congress or coordinate a lobbying effort by others. They do not prohibit normal congressional liaison for direct support of Administration proposals. The laws are aimed at efforts to enlist others in pressuring the Congress. Questions concerning permissible activity should be addressed to the Counsel's Office. (See **Standards of Conduct**, Tab F.)

Mail and Messenger Services

Incoming Mail

All incoming mail and parcels undergo security screening at an off-site location prior to delivery to the White House Complex. The White House Mail Section is then responsible for analyzing and sorting Presidential and staff mail sent through the U.S. Postal Service.

The Office of Administration messengers deliver all external and internal mail within the White House complex. Interoffice mail is delivered and retrieved every two 2 hours and should reach its destination within the complex on the next mail run.

Outgoing Mail

The White House Mail Section is also responsible for handling outgoing mail sent through the U.S. Postal Service.

All official Presidential correspondence should be sent to the Correspondence Review Section (Room 75, OEOB) for a final error check. The White House Mail Section will not handle outgoing Presidential correspondence unless it has been processed by Correspondence Review. Outgoing Presidential mail should not be folded or placed in an envelope (this will be done by the Mail Section).

The White House requires that Mail Section employees open any package mailed at Government expense in order to determine the appropriate postage rate. If, upon opening the package, the Mail Section concludes that the contents are of a personal or unofficial nature, the package will be returned to the staff member when possible.

Overnight Express Mail

The use of express overnight mail must be approved by the White House Administrative Office (Room 1, OEOB, x2500) prior to mailing. Preprinted forms for official mailings and envelopes are available from Room 1. The express mail facility is located in Room 52 and is open from 9:00 a.m. - 6:30 p.m. Monday through Friday.

Metro Area Deliveries

The Office of Administration's messengers make deliveries to Capitol Hill and Federal agencies. For information on schedules, please contact the OEOB Messenger Mailroom (x7005).

Red Tag Deliveries

"Red Tag" messenger service allows for immediate pickup and delivery of material. **It should be used only when absolutely necessary.** To request Red Tag service, call the messenger room closest to the office where the material is to be picked up.

Room 52 OEOB	x7005
West Wing	x2615
East Wing	x2918

Mail Window

The Mail Section (Room 52, OEOB) sells stamps and accepts parcels for mailing from 9:00 a.m. to 4:00 p.m. Monday through Friday. In addition there are two postage stamp vending machines located on the Ground Floor of the OEOB and NEOB.

Mass Mailings

An office requesting a mass mailing should complete the Mass Mailing Request Form and submit it to the White House Administrative Office (x2500) for approval (See Tab G, **Forms**). The request should identify special printing or duplicating requirements and should include preprinted labels or identify the label list maintained by the Office of Records Management.

Materials for the President

All communications to the President's Office should come through the Staff Secretary, who may or may not "staff out" such documents for comment. (See **Materials for the President**, Tab D.)

Medical Unit

The Medical Unit (Room 107, OEOB, x6024) is a small dispensary for treating emergencies and minor maladies. It is open Monday through Friday, 9:30 a.m. to 11:00 a.m. and 1:30 p.m. to 3:30 p.m.

Military Office (East Wing)

The White House Military Office is responsible for coordination of all military support to the President and the White House. This support includes:

- The White House Communications Agency (WHCA)
- Transportation - The White House Garage
- Air Force One and Marine One
- Camp David
- The White House Staff Mess
- The President's Physician
- The President's Military Aides
- White House Television Office

The Military Office also serves as a coordinating point for all administrative communications between the White House and the Department of Defense.

News Summary

The *White House News Summary* is a summary of major stories from hundreds of newspapers throughout the country and the major network television news prepared for the President, Senior Staff, and others with specific needs. The *Summary* is published weekdays by the Office of News Summary (Room 412, OEOB, x2950).

Notary Public

Notary services are available for White House staff members from the White House Administrative Office (Room 1, x2500).

Office of Administration (OA)

The Office of Administration is headed by the Deputy Assistant to the President for Management (Ground Floor, West Wing, x7052) and provides common administrative support to all agencies of the Executive Office of the President (EOP). The agency is comprised of the following divisions and offices:

- **Administrative Operations Division** (Room 5001, NEOB, x7100) provides mail/messenger, printing/graphics, procurement/contracting, and office supplies services to the EOP and White House.
- **Facilities Management Division** (Room 484, OEOB, x2335) coordinates capital improvement projects. Manages service requests for the White House complex and manages the historic preservation of the OEOB.
- **Financial Management Division** (Room 4005, NEOB, x7244) manages EOP accounting and budgeting functions, payroll services, and non-White House travel/impress funds.

- **Information Resources Management Division** (Room 4202, NEOB, x4980) manages computer and telecommunications processing, text processing, and all related information technology services.
- **Library and Information Services Division** (Room 308, OEOB, x7000) provides research assistance and operates two libraries in the OEOB and one in the NEOB.
- **Office of the General Counsel** (Room 472, OEOB, x2273).
- **Personnel Management Division** (Room 4013, NEOB, x3765) assists with recruitment, training, classification, and security and maintains official personnel records on employees of the EOP agencies.

Office Space

All inquiries with respect to office space should be directed to the Facilities Management Office (x2335).

Office Supplies

A complete inventory of office supplies is available from the supply store (Room 082, OEOB, x2622). Supplies may be obtained in person or by charging the item to the individual office. Bulk items may be delivered directly to the office by supply personnel on request.

Special supplies that are not available from the supply store may be ordered through the White House Administrative Office (Room 1, OEOB, x2500).

Outside Earned Income

All full-time, non-career Presidential appointees are subject to a total ban on outside earned income imposed by Executive Order 12674, issued by President Bush in April 1989. This ban extends to all full-time White House Office and Office of Policy Development staff. An exception applies only to certain individuals in the White House Operating Units and to staff paid below the equivalent of GS-9. All outside employment must be approved in advance by the Assistant to the President for Management and Administration. For more information see Tab F, **Standards of Conduct**.

Outside Positions

White House staff may not hold positions as officers, directors, board members, or trustees of any for-profit entity. Such positions on nonprofit entities are permitted subject to applicable ethical standards with the advance approval of the Counsel's Office. For further information on the applicable standards, see Tab F, **Standards of Conduct**.

Oval Office

The Oval Office is the President's primary working office. This office may not be entered by any White House staff member unless accompanied by a Secret Service Officer or member of the President's immediate office. For further information, see Tours.

Paging

Paging equipment is available for issuance by WHCA after approval by the Director of White House Operations, on a case-by-case basis.

Parking

Each White House office is given an assigned allotment of parking permits to be distributed by the administrative contact on a monthly basis. Requests and inquiries should be directed through the administrative contact to the White House Administrative Office (Room 1, OEOB, x2500). Upon approval, the applicant is notified as to the area in which he or she is to park and is issued an appropriate vehicle sticker which must be visible at all times. Lost, misplaced, or stolen passes should be reported immediately.

Passes

The appropriate pass will be issued on the day a new White House staff member begins work or shortly thereafter. Passes must be displayed at all times while inside the White House Complex. Passes vary as follows:

- WHS - White House Staff
- EOB - Individuals requiring access to the EOB
- NN - Used in conjunction with an EOB pass by individuals who need temporary access to the White House
- MIL- Military
- MAC - GSA Maintenance and Cleaning
- NGS - Non-Government Service
- USSS -U.S. Secret Service
- RES - Individuals who work in the Executive Residence
- OGA - Other Government Agency (State, Treasury, etc.)
- LE - Law Enforcement
- NEOB - Individuals requiring access to the NEOB only

Subsequent problems, such as lost, misplaced, stolen, or mutilated passes should be referred to the U.S. Secret Service Pass Office (Room 23, OEOB, x4259). Outside of normal working hours, stolen or lost passes should be reported immediately to the U.S. Secret Service Duty Desk at 395-4005.

Persons holding temporary photo passes that require an extension beyond the current expiration date should contact the White House Personnel Office at least a week in advance of the expiration date to ensure that arrangements are made for the extension.

Persons who are issued a non-photo temporary pass, for any reason, must return the pass to the officer at the gate upon leaving the complex.

Payroll

Staff members having questions regarding deductions or other aspects of their checks should call the White House Personnel Office, (x2260).

Personnel

An appointment on the White House Office payroll is referred to as an Excepted Service Appointment or Presidential Appointment. All White House Office employees serve at the pleasure of the President, are not part of the competitive career service, and are not Schedule C employees.

Policy Staff

Employees involved in the development and implementation of policy are termed "Policy Staff." Compensation for these positions is said to be "administratively determined," although the salary levels may be equivalent to the General Schedule.

Operating Staff

Staff filling non-policy jobs in Operating Units are assigned equivalent General Schedule (GS) grades but do not have the status associated with competitive career employees. Operating Unit Staff may also be compensated by "administratively determined" (AD) salary levels.

In addition to permanent policy and operating staff, several types of temporary personnel are employed by the White House Office and are governed by strict statutory requirements. Requests to use such employees should be made through the White House Personnel Office and must be approved by the Director of White House Operations.

All Government employees including consultants, volunteers and interns, are subject to conflict of interest requirements and ethics rules. Consult Counsel's office for further information on how these requirements (described in Tab F, **Standards of Conduct**) apply to part-time and/or unpaid positions.

Personnel, Office of White House

The White House Personnel Office (Room 6, OEOB, x2260) handles all White House Office personnel matters including questions concerning employee compensation, leave, benefits, etc. The Personnel Office serves as a liaison with the Office of Administration's Personnel Management whose responsibility it is to process all White House personnel and payroll actions.

The Office of White House Personnel should not be confused with the Presidential Personnel Office, which recruits Presidential appointees for positions outside the White House.

Photographs

The White House photographers cover most events in which the President or First Lady participates. Requests from White House staff members must be channeled through the administrative contact in each office. Requests for limited numbers of photographs of certain events, particularly if the staff member is depicted, will be filled whenever possible. The White House Photographers Office is located in the West Wing (x4050).

Staff members should remind their guests not to use cameras inside any building in the complex; cameras are only permitted at public events.

Requests for the President's or First Lady's autograph on official photographs should be submitted to the Office of Presidential Correspondence (Room 94, OEOB, x7610). For more information, see Tab G, **Forms**.

Political Activities

The Hatch Act prohibits participation in partisan political activities by most employees of the executive branch. Staff paid from the White House Office appropriation are largely exempt from the restrictions of the Hatch Act; however, strict rules and procedures govern participation in political activities. (Detailees and most other EOP employees are subject to the restrictions of the Hatch Act.)

In general, beyond those restraints, White House employees may not use Government property or facilities for political activities nor solicit contributions from Federal employees on Federal

property. Staff may not engage in political activities on Government time; attendance at any type of political function during normal working hours requires the use of annual leave.

White House employees absent from their job for more than one day a week for political purposes must take annual leave or leave without pay, approved in advance. One workday a week may be missed for political purposes provided the employee fulfills his or her full 40-hour obligation to the Government during the other days of the week. For further information, (see Tab F, **Standards of Conduct** or contact the Counsel's Office).

President's Signature

The President's name on letters and telegrams should be used only when totally appropriate and when a senior staff signature will not suffice.

Requests for letters or telegrams over the President's name must be submitted with the written approval of a senior staff department head to the Office of Presidential Correspondence.

Presidential Appointments

The Office of Presidential Personnel is responsible for Presidential appointments to Cabinet and sub-Cabinet posts in Executive departments and agencies and to Presidential boards, commissions, and councils. Any suggestions, recommendations, or endorsements of persons for such positions should be forwarded to Presidential Personnel and not to the department or agency involved.

The White House should not, however, become involved in sponsoring any candidates for Government positions in the career competitive service since such positions are nonpolitical and must be filled in accordance with established laws and regulations.

Presidential or White House Commissions

Presidential or White House commissions, boards, conferences, or councils do not necessarily operate out of, or have any administrative connection with, the White House Office or the EOP. Such entities often are entirely independent, having their own separate budget, offices, and staff.

Precise information about the origin, duties, and Presidential appointments to such entities may be obtained from the Office of the Executive Clerk (Room 5, OEOB, x2226).

Presidential Messages and Correspondence, Office of

The Office of Presidential Messages and Correspondence processes all correspondence addressed to the President and First Lady and other Presidential documents. Inquiries about Presidential Correspondence should be directed to the Office of the Director (Room 94, OEOB, x7610).

Agency Liaison

The Agency Liaison Office (Room 91, OEOB, x7486) assists the public who have written the President, the First Lady, or staff with their problems. These cases are resolved through contact with various Federal agencies and private sector organizations.

Presidential Greetings and Comments

The Presidential Greetings and Comments Office (Room 39, OEOP, x2852) is responsible for filling requests for Presidential greeting cards and takes general public calls from persons who wish to convey their opinions to the President on issues or register their complaints. The comments line 456-1111 is staffed by volunteers from 9:00 a.m. to 5:00 p.m. Monday through Friday.

Limited office assistance for East Wing and OEOP staff may be requested from volunteers of the Presidential Inquiries Office.

Presidential Messages

Presidential messages are letters intended to be read at public events. All requests for messages with the President's signature must be submitted at least 10 working days in advance to the Office of Presidential Messages (Room 18, OEOP, x2941) which reviews the request, drafts, and dispatches the message.

All staff requests must be approved by the office head.

Secretarial and Typing Unit

The Secretarial and Typing Office (Room 60, OEOP, x2304) types White House correspondence and provides assistance in preparing large form letter mailings.

West Wing staff offices may request temporary secretarial assistance from this Unit. Support may be given to East Wing and OEOP offices when staff is available.

Special Letter Response

The Special Letter Response Office (Room 93, OEOP, x2276) will review any special letter request. It should contain as much information as possible about the need for a letter. If it is deemed appropriate, a response from the President is drafted.

Student Correspondence

The Student Correspondence Office (Room 435, OEOP, x7734) responds to questions or letters from students from kindergarten through the college level.

White House Gifts

White House Office (Room 457, OEOP, x7133) processes all gifts for the President and First Lady and members of the White House staff.

Presidential Greeting Cards

Anniversary Cards

A Presidential anniversary card will be sent upon written request for 50th or subsequent wedding anniversaries. Requests should be sent to the Presidential Greetings and Comments Office (Room 39, OEOP, x2852).

Birthday Greetings

A Presidential birthday card will be sent upon written request for 80th or subsequent birthdays. Requests for birthday cards should be sent to the Presidential Greetings and Comments Office (Room 39, OEOP, x2852).

Other special occasion cards are also available. (See Tab G, **Forms**.)

Presidential Scheduling

All Presidential appointment and scheduling requests, including photo opportunities and courtesy calls, must be coordinated with the Office of Presidential Appointments and Scheduling. (See Tab C, **Presidential Scheduling Procedures**.)

Presidential Seal

The current Presidential Seal was first established by Executive Order 10860 and later amended. It denotes the Office of the President of the United States and may be used only under certain circumstances.

Inquiries and requests regarding the use or display of the Seal should be directed to the White House Counsel's Office or to the Director of White House Operations.

Press Coverage of Presidential Events

Members of the press covering activities in which the President is participating are escorted by members of the Press Secretary's staff. Members of the press should not be taken into rooms with the President unless accompanied by a member of the Press Secretary's staff. The Office of the Press Secretary handles arrangements for members of the press.

Unless there is press coverage of an event in which the President is participating, only official White House photographers may be present. Others, such as photographers hired by organizations participating in Presidential meetings, should not be admitted.

Press Inquiries

Inquiries from the news media should be forwarded to the Office of the Press Secretary.

Press Releases

Press releases for which the date and/or the specific occasion is known can be obtained by staff from the EOP Publications Service (Room 2200, NEOB, x3610). Public inquiries should be referred to the Publications Office (Room 2200, NEOB, 395-7332).

Inquiries from staff members requiring research to identify the specific press release should be directed to the EOP Library, OEOB, (x3397).

The first source in attempting to locate a press release should be the *Weekly Compilation of Presidential Documents* (The "Weekly Comp"), published by the Office of the Federal Register, or if from previous years, *the Public Papers of the President*. These documents contain most (though not all) press releases, nominations, announcements, speeches, etc. Offices not on the regular "Weekly Comp" distribution list may contact the EOP Library, OEOB (x7000).

Printing

The Office of Administration Publishing Branch provides printing and duplicating services throughout the EOP complex. Additionally, oversized jobs are sent to the Government Printing Office. Printing requests must be approved in advance by the White House Administrative Office (Room 1, OEOB, x2500).

The print shop is located in Room 15, OEOB (x2295). Hours of operation are 7:00 a.m. to 11:00 p.m. weekdays and 8:00 a.m. to 4:30 p.m. on Saturday.

Proclamations

Proclamations are formal Presidential documents with roughly the effect of an Executive order. There are two types of proclamations: regulatory (usually with budget or trade implications) and commemorative.

Commemorative proclamations are typically observances of a day, week, or month, such as Thanksgiving Day, Fire Prevention Week, or Red Cross Month. There are approximately 60 recurring ceremonial proclamations that are issued annually. In addition, there are many others that the Congress requests the President to issue throughout the course of a year.

Although proclamations may originate in any Government department or agency, they must pass through OMB's Office of Legislative Reference before proceeding to the President for his signature. Additional information concerning proclamations may be obtained from the Office of the Executive Clerk. Copies from the current administration may be obtained from the EOP Publications Service (x7332) or the EOP Library (Room 308, OEOP, x7000).

Publications

Requests for publications should be made through the White House Administrative Office (Room 1, OEOP, x2500). The request should be made in writing and specify the publication, cost, and the appropriate address of the recipient. These requests should be kept to a minimum and, whenever possible, publications should be shared by staff members.

Purchasing

For items unavailable from the supply store, a written request should be submitted to the White House Administrative Office (Room 1, OEOP, x2500). It should specify ordering information such as the quantity, size, model number, price, source, delivery date, person to whom the supply should be delivered, and any other data. Requests for purchases of more than a nominal value must be submitted in writing by the department head or his designee and forwarded to the White House Administrative Office for approval.

Under no circumstances should items be ordered from private suppliers without prior approval from the Administrative Office.

Records Management, Office of

The Office of Records Management (ORM) is open 8:00 a.m. until 10:30 p.m. daily and from 8:30 a.m. to 3:30 p.m. Saturday. The office is often open beyond these hours to accommodate staff demands. However, a records manager is available anytime through the White House Switchboard.

Office of the Director

The Office of the Director (Room 80, OEOP, x2240) is the central record keeping unit within the White House Office. All staff members are encouraged to consult with this office for guidance on files and filing.

The Central Files Section

The Central Files Section (Room 72, OEOP, x2242) maintains the major segment of records in the White House. These records consist of papers, tapes, photographs, and electronic media, etc., generated or received by the President, the First Lady, and/or their staffs. They are indexed utilizing a computer-based system which permits rapid retrieval of information. For optimum efficiency, all staff members should coordinate, file, and retrieve information from this system.

Correspondence Review and Referral Section

The Correspondence Review and Referral Section (Room 76, OEOP) should receive all outgoing Presidential correspondence for a final check for typographical errors, mistakes, or inconsistencies in titles, spelling, and addresses. The correspondence will then be sent to the Mail Room for dispatch.

Data Entry Section

The Data Entry Section (Room 74, OEOP) has partial responsibility for a number of computer-based information systems in the White House. In varying degrees, this unit assists in the management of computerized information on Presidential and staff correspondence, gifts, lists of individuals and special interest groups for briefings and/or continuous mailings. Mail to be referred to departments and agencies for acknowledgement or requesting a draft for incorporation into a White House reply is dispatched through this section.

As stated in the Presidential Records Act of 1978, complete ownership, possession, and control of Presidential records is administered by the United States Government. Therefore, all staff members should confer with the Office of Records Management or the Counsel's Office, as appropriate, regarding the disposition of any records as defined by this Act.

Roosevelt Room

The Roosevelt Room is used for meetings involving the President and/or White House senior staff. See Conference Rooms for scheduling procedures. The Room is part of the regular West Wing tour (see **Tours**).

Seal, The Great

The Great Seal of the United States was officially created by the Continental Congress in 1782. In 1947, the Secretary of State was given authority over use of the Great Seal, and it may be affixed only with his permission. Unauthorized use of the Great Seal is a criminal offense pursuant to 18 U.S.C. Section 713.

Secretarial Assistance

See Presidential Messages and Correspondence, Secretarial and Typing Office.

Smoking Policy

Smoking is not permitted in the following areas:

- East and West Wing lobbies
- General office space, unless the space is appropriately configured and ventilated to protect non-smokers against involuntary exposure
- Conference rooms
- Elevators
- Staff Mess
- OEOP Cafeteria
- Restrooms

Questions regarding these regulations should be directed to the Director of White House Operations.

Staff Mess

Due to physical limitations, the White House Staff Mess may be used only by specific persons designated by the Director of White House Operations. Takeout tray service accounts may be established by persons permanently housed in the West Wing. Under no circumstances may trays be taken to the East Wing or the OEOB.

Members of the media and foreign diplomats are not allowed in the Staff Mess.

Stationery

The importance of maintaining the integrity of White House letterhead cannot be overemphasized. All official correspondence should be unsealed; sealed White House envelopes will be opened for inspection.

White House letterhead is to be used for official purposes only by bona fide staff. Azure (pale green) stationery is for the exclusive use of the President.

Telegrams and Mailgrams

All telegrams or mailgrams must go through the Telegraph Office (Room 87, OEOB, x2138) which is open 8:30 a.m. to 6:00 p.m. weekdays.

Sending 50 or more telegrams or mailgrams must be approved by the White House Administrative Office. Telegrams over the President's name must receive prior approval by a senior staff department head and be submitted to the Special Assistant to the President for Presidential Messages and Correspondence (x7610).

Telephones

The EOP uses two telephone prefixes: the 456 telephone prefix is unique to the White House, while the 395 prefix services some EOB offices and all offices in the NEOB. Internally the prefix does not matter; however, the correct prefix is needed from outside the complex.

Directories

White House directories may be obtained from the Mail/Messenger Room. These directories are restricted in nature and should not be made available to outside agencies or individuals.

Installation

Requests for new or altered telephone service should be directed to the Director of White House Operations.

When calling long-distance, the FTS "8" line should be used only for official business. Commercial long-distance calls are monitored, and action will be taken to recover costs for personal calls.

Repair

Telephone malfunctions should be reported directly to the telephone repair service (x9611).

Telephone Switchboards

There are two basic telephone systems in the White House:

The Administrative or "Admin" Switchboard

The "Admin" Board (456-1414) is the basic commercial telephone switchboard and is open 24 hours a day, 7 days a week.

The Signal Board

The Signal Board is the WHCA/Military Board. It is responsible for all mobile communications, including paging. Contact is generally through the "Admin" Switchboard.

Time and Attendance Records

Time and attendance records are maintained by authorized timekeepers in each department. In order to receive compensation, a time and attendance record must be completed for each employee per pay period. It must be submitted to the White House Personnel Office (Room 6, OEOB) no later than 6:00 p.m. on Friday at the end of the pay period. For assistance call the White House Personnel Office (x2260).

Tours

Executive Residence

Tours of the Executive Residence (White House) are given Tuesday through Saturday mornings throughout the year. It is best to double check the day before a tour since occasionally the Residence is closed at the last minute for an official event.

All tours begin at the Visitors Entrance, continue halfway through the ground floor of the Residence, upstairs to the State Floor; through the East Room, Green Room, Blue Room, Red Room, State Dining Room; and exit from the North Portico through the Northeast Gate.

The National Park Service distributes tickets for public tours at the Ellipse starting at 8:00 a.m. for tours which begin at 10:00 a.m. and officially end at 12:00 noon.

Information on White House public tours may be obtained from the outside by dialing 456-7041.

Staff members are allowed to place up to ten guests at the front of the public line anytime between 10:30 a.m. and 12:00 noon. Staff members should meet their guest at the Visitors Entrance. Guests cannot be placed on the tour at any other location.

Congressional Tours

Prior to opening the Residence to the public, guided tours are given (by reservation only) Tuesday through Saturday, 8:15 a.m. to 8:45 a.m. White House staff may request reservations for Congressional Tours for family and special guests through their office's administrative contact.

School vacation times as well as Thanksgiving, Christmas, and Easter, are particularly busy, and any requests for Congressional tour tickets during this period should be limited to immediate family and must be scheduled several weeks in advance.

It is very important that White House staff not schedule tours for Congressional staffs, as each Hill office receives an allotment and must call the White House Visitors Office for reservations.

Staff Tours

White House passholders are permitted to escort small groups (not to exceed seven, including passholder) through the Executive Residence when the First Family or their guests are not in the Residence and no activities are scheduled. Available times for this tour are determined by the President's schedule.

All after hours Residence tours require prior approval from the Ushers Office (x2650). Individuals should contact the Ushers Office the day of the scheduled tour to reconfirm.

West Wing Tours

Tours of the West Wing are limited to the Oval Office, Cabinet Room, the Roosevelt Room, the White House Press Briefing Room and the West Wing Lobby on the following days and by appointment. Please note that the hallway between the Oval office and the Vice President's office is not open for tours.

Monday	7-10 p.m.
Tuesday	No tour
Wednesday.....	7-10 p.m.
Thursday.....	No tour
Friday	7-10 p.m.
Saturday after 1 p.m.....	(no appointment necessary)
Sunday all day.....	(no appointment necessary)

No more than six (6) guests are permitted to a group. Appropriate attire is expected, and taking of pictures is prohibited. Reservations for staff with appropriate passes should be made through the Office of the Director of White House Operations (x2663).

Commissioned Officers are exempt from scheduling appointments on tour night provided they personally conduct the tour.

Marine One Arrivals and Departures

Although passholders may bring guests to view Marine One arrivals or departures from the South Lawn, normal West Wing tour rules remain in effect before and after the departure.

Unless the West Wing is open for tours at the time of a Marine One arrival or departure, EOB staff and guests will not be permitted to walk through the West Wing to reach the South Grounds. Entrance to the South Grounds should be through the West Garden Room. Due to Press requirements, all staff and their guests should be on the east side of the driveway.

Staff members with requests for large groups to attend an arrival or departure should direct their requests to the Director, Visitors Office (x2322).

Old Executive Office Building

The Preservation Office provides public tours of the OEOB. Tours are conducted on Saturdays from 9:00 a.m. to 12:00 noon by reservation only. No tours are conducted if a holiday falls on a Saturday. Call 395-5895 for reservations.

Special Events Open to the Public

Information about the special events open to the public is sent to all staff preceding each event by the Visitors Office. These events include:

- **Christmas Candlelight Tours** which are held on three nights during the Christmas season.
- **Spring and Fall Garden Tours** which are held one weekend in mid-April and mid-October.
- The **White House Easter Egg Roll** has been held Easter Monday on the White House Lawn since 1878. It is open to the public for children 8 years and younger accompanied by an adult.

Travel

The White House Administrative Office travel section processes travel documents for White House staff.

Domestic Travel

A travel authorization is required for all travel outside the metropolitan area. The authorization form (see Tab G, **Forms**) must be signed by the traveler, the department head or deputy, and forwarded to the White House Administrative Office for processing at least 24 hours prior to departure. The Administrative Office will forward the authorization to the Director of White House Operations for final approval.

Cash advances for 100 percent official travel may be drawn from the White House Administrative Office after approval of the travel authorization, provided the staff member does not have outstanding unpaid or unaccounted for travel advances.

Restrictions apply on accepting offers from outside organizations to fund travel by White House and Office of Policy Development employees. **If accepting 501(c)(3) travel, prior written approval must be obtained from the White House Counsel's Office (x2674).** For further information, see Tab F, **Standards of Conduct**

The traveler is responsible for submitting to the White House Administrative Office for processing a travel voucher upon completion of each official trip. The voucher (see Tab G, **Forms**) must include the traveler's signature, the signature of the department head or deputy, and actual departure and arrival information.

Foreign Travel

In addition to the requirements for domestic travel, all staff members traveling out of the country in an official Government capacity must obtain prior written permission from the Office of the Assistant to the President for National Security Affairs.

Foreign travel of staff advancing or accompanying the President is handled and funded through the Department of State. This also applies to some individual non-Presidential foreign travel.

When making foreign travel arrangements, an employee should bear in mind that reimbursement for airfare using anything other than a U.S. flag carrier is not permitted from Government funds unless specific prior approval is obtained.

Bonus mileage or other forms of promotional credits earned while traveling on government business cannot be used to earn free personal travel. Any employee or volunteer who earns mileage and uses it for personal use is obligated to repay to the government the full value of the personal travel. For further information, please contact the White House Counsel's Office (x2674).

Other questions about travel rules and regulations should be directed to the White House Administrative Office (Room 1, OEOB, x2500).

Travel and Transportation Office

The Travel and Transportation Office (Room 86, OEOB, x2250) reserves and issues airline and railway tickets for all official White House approved travel. The Travel Office is open 8:30 a.m. to 6:00 p.m. weekdays.

U.S. Secret Service

Secret Service has four divisions at the White House:

- Presidential Protective Division (PPD)
- Vice Presidential Protective Division (VPPD)
- Technical Security Division (TSD)
- The Uniformed Division (UD)

The Presidential and Vice Presidential Protective Divisions are responsible for the physical protection of the President, the Vice President, and certain members of their families.

The Technical Security Division is responsible for physical security (locks and alarms), pass issuance, electronic counterintelligence, and any other technical security matters. TSD can be reached through the White House Operator.

The Uniformed Division controls and coordinates security at all entrances and various posts within the complex. This Division is also responsible for the management of the WAVES Center and for maintaining the physical security around the perimeter of the area. The watch commander of the Uniformed Division may be reached at (x4366).

Usher's Office

The Chief Usher is the general manager of the Executive Residence. He is assisted by the Curator of the White House and Assistant Ushers. Information on the Executive Residence may be obtained from the Usher's Office (x2650).

Requests for information about events in the Residence, however, should be directed to the Social Secretary's Office (x7064).

Visitors

Visitors to White House staff offices must be cleared through the WAVES Center (x6742) (see **Appointments**). Visitors in the East and West Wing must be escorted by a White House passholder to and from their appointments.

Visitors Office

The primary function of the Visitors Office (East Wing, x2322) is to schedule reservations for Congressional and special tours and coordinate any special White House events open to the public (see **Tours and Ceremonies**).

Weekly Comp

The *Weekly Compilation of Presidential Documents* (“Weekly Comp”) which contains most of the Presidential statements, speeches, nominations, and other White House press releases is published by the Office of the Federal Register.

White House Transportation

In-town automobile transportation for official business is available from the White House transportation pool. There are two transportation categories – priority and general. The list of those eligible is maintained by the Director of White House Operations (x2663).

- The priority list is comprised of senior staff members at the rank of Deputy Assistant to the President and above. This group has priority over the general list. Use extends through evenings and weekends and allows for transportation to Dulles and Baltimore – Washington International airports.
- The general list entitles staff members to use vehicles between the hours of 7:00 a.m. to 7:00 p.m. on weekdays only and does not allow for trips to Dulles or Baltimore – Washington International airports.

White House cars are to be used for official business only. Except for a very few individuals (expressly designated pursuant to statutory requirements), official cars may not be used for transportation to and from home (“portal to portal service”).

Eligible persons should call the White House garage dispatcher (x2660) to schedule a car.

White House staff members with occasional transportation requirements whose names are not on either list may request a car by calling the Office of the Director of White House Operations (x2663). Such requests will be accommodated whenever possible.

White House Communications Agency (WHCA)

The White House Communications Agency, a unit of the Department of Defense, falls under the White House Military Office (x2150). WHCA’s functions include:

- The Signal Switchboard
- The WHCA Computer Center
- Public address and audio support for the President
- The in-house closed circuit television

White House Fellows

White House Fellows are a group of approximately 15 to 20 outstanding men and women selected by the President’s Commission on White House Fellowships to serve for 1 year in the executive branch of the Federal Government.

On occasion several may serve at the White House. Most typically work in Cabinet agencies and have no direct connection with the White House.

EMPLOYMENT

To Employ Someone on the White House Staff:

At least 2 weeks prior to the anticipated arrival of a new employee, the following forms must be obtained from the White House Personnel Office (Room 6, OEOB x2260) and completed.

Request for Personnel Action, WHP-1 (Exhibit I)
Supplemental Information Sheet, WHP-2 (Exhibit II)
Personnel Qualification Statement, SF-171 (Exhibit III)

NOTE: A new employee or detailee will not be appointed to the payroll until a drug test has been administered and the results are negative.

Additional forms may also need to be completed and returned to the appropriate office.

- **Questionnaire for Sensitive Positions** (SF-86, security investigation questionnaire) and for individuals to be paid at or above the GS-13 level (or equivalent). An original and three copies of each required form, all with original signatures, should be returned to the White House Security Office (Room 84, OEOB, x2345). To expedite the security investigation, these forms should be turned in as soon as possible after the decision to hire an individual has been reached. Any missing information may delay an individual's security investigation. These forms are available only from the Security Office (Room 84, OEOB).
- **Financial disclosure forms** for positions paid at the equivalent rate of GS-13 and above are distributed by the White House Personnel Office and should be returned to the Office of the Counsel to the President, West Wing.

All forms applicable to an individual's employment must be completed and returned to the White House Personnel Office at least two (2) weeks prior to the proposed effective date of employment. In the case of Detailees and other Government Support Personnel, additional time may be needed. In those cases, the office heads will be appropriately advised.

On the first day of employment, a new employee should be cleared in as an appointment if a pass has not already been obtained. Further access arrangements should be made through the Security Office, Room 84, OEOB.

To Request Personnel Action on Incumbent Staff:

To reassign an employee on the White House Staff from one office to another or to request promotion or title change, a Request for Personnel Action, WHP-1 (Exhibit I), must be completed and sent to the White House Personnel Office.

To Depart from the White House:

The Resignation Form and Checkout Form (Exhibit IV and V) must be obtained from the Personnel Office.

- The resignation Form (Exhibit IV) must be completed and returned to the White House Personnel Office no later than three days before departure. This form will provide the address to which the employee's final check and W-2 statement are to be sent.
- The Checkout Form (Exhibit V) must be completed and returned to the White House Personnel Office no later than the last day of duty.
- The employee's final paycheck will be held until the completed Checkout Form and Resignation Form have been returned to the White House Personnel Office.
- The employee may wish to consider completion of a form for Refund of Retirement Deductions if they were withheld from pay and the employee is not going to another Federal Agency.
- For departing staff paid at levels GS-16 and above, financial disclosure forms will be distributed by White House Personnel and must be returned to the Office of Counsel to the President within 31 days of departure. The Office of the Counsel to the President will not sign-off the Checkout Form until this form is completed.

Please direct all questions regarding employment/reassignments/departures for White House Staff to the White House Personnel Office (Room 6, OEOB).

THE WHITE HOUSE OFFICE REQUEST FOR PERSONNEL ACTION

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
(Signature and Date)	

TO BE COMPLETED BY THE REQUESTING OFFICE (Please Type)

ACTION REQUESTED BY: (Department Head Name, Title, Signature and Date)		
ACTION ON (Ms., Miss, Mrs., Mr.):	SOCIAL SECURITY NO.:	DATE OF BIRTH:
REPORTING TO:	ROOM:	EXT.:
PROPOSED EFFECTIVE DATE:	ENDING DATE:	JUSTIFICATION FOR ACTION: <input type="checkbox"/> Vacant permanent slot replaces <input type="checkbox"/> Other

All actions for new temporary personnel must have ending dates

FROM: Position Title _____ Pay Plan _____ Salary _____ <input type="checkbox"/> GS _____ \$ _____ per annum <input type="checkbox"/> UNCL	TO: Position Title _____ Pay Plan _____ Salary _____ <input type="checkbox"/> GS _____ \$ _____ per annum <input type="checkbox"/> UNCL
--	--

NATURE OF ACTION

<input type="checkbox"/> Permanent full-time <input type="checkbox"/> Intermittent (WAE) <input type="checkbox"/> Promotion <input type="checkbox"/> Pay adjustment <input type="checkbox"/> Reassignment to: _____ <input type="checkbox"/> Intern <input type="checkbox"/> Hours per week () <input type="checkbox"/> Consultant (SBA) <input type="checkbox"/> Other _____	<input type="checkbox"/> Change to full-time <input type="checkbox"/> Change in title <input type="checkbox"/> Change to intermittent (WAE) <input type="checkbox"/> Make Permanent <input type="checkbox"/> Extend not to exceed: _____ (Mo/Day/Yr) <input type="checkbox"/> Detailee (from agency) _____ <input type="checkbox"/> OGS (from agency) _____
--	---

TO BE COMPLETED BY THE WHITE HOUSE PERSONNEL OFFICE

Legal Authority: <input type="checkbox"/> Presidential (Commission) Supervisory Status: 1 <input type="checkbox"/> 3 <input type="checkbox"/> 8 <input type="checkbox"/>	Approved Copy to Security (date): _____ Effective Date: _____ Occupation Code: _____ Organization Code: _____
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CONTINUED ON REVERSE SIDE

WHP-1 Revised 7/90

FORWARD TO ROOM 6, OEOB

**THE WHITE HOUSE OFFICE
SUPPLEMENTAL INFORMATION SHEET
FOR PERSONNEL ACTION
(TO BE ATTACHED TO FORM WHP-1)**

_____ Date

	Name (Ms., Miss, Mrs., Mr.) _____ Birth Date _____ <small>(Last) (First) (Middle) (Maiden)</small>			
	Local Address _____		Birth Place _____	
	_____		SSN _____	
	Last Perm. Address _____			
	Tel. No. _____		Emergency _____	
	Office _____		Name _____	
	Tel. No. _____		Tel. No. _____	
	Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated <input type="checkbox"/> Divorced			
	Name of Spouse _____			
	Typing _____		Shorthand _____	
	WPM _____		WPM _____	

Office of _____			
Reporting to _____		Ext. _____	
Room _____		Room _____	
Status: <input type="checkbox"/> White House Employee <input type="checkbox"/> Detailee <input type="checkbox"/> Volunteer <input type="checkbox"/> SBA (Contact)			
<input type="checkbox"/> Other _____			
Desired Effective Date _____		Ending Date _____	

Military Service: <input type="checkbox"/> No <input type="checkbox"/> Yes		Branch _____	
		Date of Service _____	
Prior Federal Govt. Service as Civilian: <input type="checkbox"/> No <input type="checkbox"/> Yes		Ending Date _____	
Current or Last Place of Govt. Service or Civilian Employment: _____			
		Name _____	
_____		Address _____	
		Tel. No. _____	
Personnel Contact in Current/Last Govt. Agency _____			
		Name _____	
		Tel. No. _____	
Prior W. H. Service: <input type="checkbox"/> None <input type="checkbox"/> Employee <input type="checkbox"/> Volunteer <input type="checkbox"/> SBA _____			

TO BE COMPLETED BY REQUESTING OFFICIAL	
<input type="checkbox"/> WH Access List	<input type="checkbox"/> WH Pass _____
	Signature of Requesting Official
<input type="checkbox"/> EOB Access List	<input type="checkbox"/> EOB Pass _____
	Signature of Approving Official
<input type="checkbox"/> Volunteer Pass	

TO BE COMPLETED BY VOLUNTEER	
<i>I acknowledge that the personnel data above is correct and that I am volunteering my services without compensation or promise of such.</i>	
_____	_____
Signature of Volunteer	Date

FOR USE BY WHITE HOUSE PERSONNEL OFFICE ONLY: WHP-2(8/87)
 Preliminary copy to Security _____ Date _____ Approved copy to Security _____ Date _____

Standard Form 171 Application for Federal Employment

Read The Following Instructions Carefully Before You Complete This Application

- DO NOT SUBMIT A RESUME INSTEAD OF THIS APPLICATION.
- TYPE OR PRINT CLEARLY IN DARK INK.
- IF YOU NEED MORE SPACE for an answer, use a sheet of paper the same size as this page. On each sheet write your name, Social Security Number, the announcement number or job title, and the item number. Attach all additional forms and sheets to this application at the top of page 3.
- If you do not answer **all** questions fully and correctly, you may delay the review of your application and lose job opportunities.
- Unless you are asked for additional material in the announcement or qualification information, **do not attach** any materials, such as: official position descriptions, performance evaluations, letters of recommendation, certificates of training, publications, etc. Any materials you attach which were not asked for may be removed from your application and will **not** be returned to you.
- We suggest that you **keep a copy** of this application for your use. If you plan to make copies of your application, we suggest you leave items 1, 48 and 49 blank. Complete these blank items each time you apply. **YOU MUST SIGN AND DATE, IN INK, EACH COPY YOU SUBMIT.**
- To apply for a specific Federal civil service examination (whether or not a written test is required) or a specific vacancy in a Federal agency:
 - Read the announcement and other materials provided.
 - Make sure that your work experience and/or education meet the qualification requirements described.
 - Make sure the announcement is open for the job and location you are interested in. Announcements may be closed to receipt of applications for some types of jobs, grades, or geographic locations.
 - Make sure that you are allowed to apply. Some jobs are limited to veterans, or to people who work for the Federal Government or have worked for the Federal Government in the past.
 - Follow any directions on "How to Apply". If a written test is required, bring any material you are instructed to bring to the test session. For example, you may be instructed to "Bring a completed SF 171 to the test." If a written test is not required, mail this application and all other forms required by the announcement to the address specified in the announcement.

Work Experience (Item 24)

- Carefully complete each experience block you need to describe your work experience. Unless you qualify based on education alone, **your rating will depend on your description of previous jobs. Do not leave out any jobs you held during the last ten years.**
- Under **Description of Work**, write a **clear and brief, but complete** description of your **major** duties and responsibilities for each job. Include any supervisory duties, special assignments, and your accomplishments in the job. We may verify your description with your former employers.
- If you had a major change of duties or responsibilities while you worked for the same employer, describe each major change as a separate job.

Privacy Act Statement

The Office of Personnel Management is authorized to rate applicants for Federal jobs under sections 1302, 3301, and 3304 of title 5 of the U.S. Code. Section 1104 of title 5 allows the Office of Personnel Management to authorize other Federal agencies to rate applicants for Federal jobs. We need the information you put on this form and associated application forms to see how well your education and work skills qualify you for a Federal job. We also need information on matters such as citizenship and military service to see whether you are affected by laws we must follow in deciding who may be employed by the Federal Government.

We must have your Social Security Number (SSN) to keep your records straight because other people may have the same name and birth date. The SSN has been used to keep records since 1943, when Executive Order 9397 asked agencies to do so. The Office of Personnel Management may also use your SSN to make requests for information about you from employers, schools, banks, and others who know you, but only as allowed

Veteran Preference in Hiring (Item 22)

- **DO NOT LEAVE Item 22 BLANK.** If you do not claim veteran preference place an "X" in the box next to "NO PREFERENCE".
 - You **cannot** receive veteran preference if you are retired or plan to retire at or above the rank of major or lieutenant commander, **unless** you are disabled or retired from the active military Reserve.
 - To receive veteran preference your separation from active duty must have been under honorable conditions. This includes honorable and general discharges. A clemency discharge does not meet the requirements of the Veteran Preference Act.
 - Active duty for training in the military Reserve and National Guard programs is not considered active duty for purposes of veteran preference.
 - To qualify for preference you must meet **ONE** of the following conditions:
 1. Served on active duty anytime between December 7, 1941, and July 1, 1955; (If you were a Reservist called to active duty between February 1, 1955 and July 1, 1955, you must meet condition 2, below.)
 - or
 2. Served on active duty any part of which was between July 2, 1955 and October 14, 1976 or a Reservist called to active duty between February 1, 1955 and October 14, 1976 and who served for more than 180 days;
 - or
 3. Entered on active duty between October 15, 1976 and September 7, 1980 or a Reservist who entered on active duty between October 15, 1976 and October 13, 1982 and received a Campaign Badge or Expeditionary Medal or are a disabled veteran;
 - or
 4. Enlisted in the Armed Forces after September 7, 1980 or entered active duty other than by enlistment on or after October 14, 1982 and:
 - a. completed 24 months of continuous active duty or the full period called or ordered to active duty, or were discharged under 10 U.S.C. 1171 or for hardship under 10 U.S.C. 1173 and received or were entitled to receive a Campaign Badge or Expeditionary Medal; or
 - b. are a disabled veteran.
 - If you meet one of the four conditions above, you qualify for 5-point preference. If you want to claim 5-point preference and do not meet the requirements for 10-point preference, discussed below, place an "X" in the box next to "5-POINT PREFERENCE".
 - If you think you qualify for 10-Point Preference, review the requirements described in the Standard Form (SF) 15, Application for 10-Point Veteran Preference. The SF 15 is available from any Federal Job Information Center. The 10-point preference groups are:
 - Non-Compensably Disabled or Purple Heart Recipient.
 - Compensably Disabled (less than 30%).
 - Compensably Disabled (30% or more).
 - Spouse, Widow(er) or Mother of a deceased or disabled veteran.
- If you claim 10-point preference, place an "X" in the box next to the group that applies to you. **To receive 10-point preference you must attach a completed SF 15 to this application together with the proof requested in the SF 15.**

by law or Presidential directive. The information we collect by using your SSN will be used for employment purposes and also may be used for studies, statistics, and computer matching to benefit and payment files.

Information we have about you may also be given to Federal, State and local agencies for checking on law violations or for other lawful purposes. We may send your name and address to State and local Government agencies, Congressional and other public offices, and public international organizations, if they request names of people to consider for employment. We may also notify your school placement office if you are selected for a Federal job.

Giving us your SSN or any of the other information is voluntary. However, we cannot process your application, which is the first step toward getting a job, if you do not give us the information we request. Incomplete addresses and ZIP Codes will also slow processing.

DETACH THIS PAGE – NOTE SF 171-A ON BACK

Application for Federal Employment—SF 171

Read the instructions before you complete this application. Type or print clearly in dark ink.

Form Approved:
OMB No. 3206-0012

GENERAL INFORMATION

1 What kind of job are you applying for? Give title and announcement no. (if any)

2 Social Security Number
3 Sex Male Female
4 Birth date (Month, Day, Year)
5 Birthplace (City and State or Country)

6 Name (Last, First, Middle)
Mailing address (include apartment number, if any)

City State ZIP Code

7 Other names ever used (e.g., maiden name, nickname, etc.)

8 Home Phone Area Code Number
9 Work Phone Area Code Number Extension

10 Were you ever employed as a civilian by the Federal Government? If "NO", go to item 11. If "YES", mark each type of job you held with an "X".
 Temporary Career-Conditional Career Excepted
What is your highest grade, classification series and job title?

Dates at highest grade: FROM TO

AVAILABILITY

11 When can you start work? (Month and Year)
12 What is the lowest pay you will accept? (You will not be considered for jobs which pay less than you indicate.)
Pay \$ _____ per _____ OR Grade _____

13 In what geographic area(s) are you willing to work?

14 Are you willing to work:
A. 40 hours per week (full-time)?
B. 25-32 hours per week (part-time)?
C. 17-24 hours per week (part-time)?
D. 16 or fewer hours per week (part-time)?
E. An intermittent job (on-call/seasonal)?
F. Weekends, shifts, or rotating shifts?

15 Are you willing to take a temporary job lasting:
A. 5 to 12 months (sometimes longer)?
B. 1 to 4 months?
C. Less than 1 month?

16 Are you willing to travel away from home for:
A. 1 to 5 nights each month?
B. 6 to 10 nights each month?
C. 11 or more nights each month?

MILITARY SERVICE AND VETERAN PREFERENCE

17 Have you served in the United States Military Service? If your only active duty was training in the Reserves or National Guard, answer "NO". If "NO", go to item 22.
YES NO

18 Did you or will you retire at or above the rank of major or lieutenant commander?
YES NO

THE FEDERAL GOVERNMENT IS AN EQUAL OPPORTUNITY EMPLOYER
PREVIOUS EDITION USABLE UNTIL 12-31-90

FOR USE OF EXAMINING OFFICE ONLY

Date entered register		Form reviewed: Form approved:		
Option	Grade	Earned Rating	Veteran Preference	Augmented Rating
			<input type="checkbox"/> No Preference Claimed	
			<input type="checkbox"/> 5 Points (Tentative)	
			<input type="checkbox"/> 10 Pts. (30% Or More Comp. Dis.)	
			<input type="checkbox"/> 10 Pts. (Less Than 30% Comp. Dis.)	
			<input type="checkbox"/> Other 10 Points	
Initials and Date				
<input type="checkbox"/> Disallowed <input type="checkbox"/> Being Investigated				

FOR USE OF APPOINTING OFFICE ONLY

Preference has been verified through proof that the separation was under honorable conditions, and other proof as required.

5-Point 10-Point--30% or More Compensable Disability 10-Point--Less Than 30% Compensable Disability 10-Point--Other

Signature and Title

Agency Date

MILITARY SERVICE AND VETERAN PREFERENCE (Cont.)

19 Were you discharged from the military service under honorable conditions? (If your discharge was changed to "honorable" or "general" by a Discharge Review Board, answer "YES". If you received a clemency discharge, answer "NO". If "NO", provide below the date and type of discharge you received.)

Discharge Date (Month, Day, Year)	Type of Discharge	
	YES	NO

20 List the dates (Month, Day, Year), and branch for all active duty military service.

From	To	Branch of Service

21 If all your active military duty was after October 14, 1976, list the full names and dates of all campaign badges or expeditionary medals you received or were entitled to receive.

22 Read the instructions that came with this form before completing this item. When you have determined your eligibility for veteran preference from the instructions, place an "X" in the box next to your veteran preference claim.

- NO PREFERENCE
- 5-POINT PREFERENCE -- You must show proof when you are hired.
- 10-POINT PREFERENCE -- If you claim 10-point preference, place an "X" in the box below next to the basis for your claim. To receive 10-point preference you must also complete a Standard Form 15, Application for 10-Point Veteran Preference, which is available from any Federal Job Information Center. ATTACH THE COMPLETED SF 15 AND REQUESTED PROOF TO THIS APPLICATION.
- Non-compensably disabled or Purple Heart recipient.
- Compensably disabled, less than 30 percent.
- Spouse, widow(er), or mother of a deceased or disabled veteran.
- Compensably disabled, 30 percent or more.

EDUCATION

25 Did you graduate from high school? *If you have a GED high school equivalency or will graduate within the next nine months, answer "YES".*

YES If "YES", give month and year graduated or received GED equivalency: _____
NO If "NO", give the highest grade you completed: _____

26 Write the name and location (*city and state*) of the last high school you attended or where you obtained your GED high school equivalency.

27 Have you ever attended college or graduate school? **YES** **NO** If "YES", continue with 28. If "NO", go to 31.

28 NAME AND LOCATION (*city, state and ZIP Code*) OF COLLEGE OR UNIVERSITY. *If you expect to graduate within nine months, give the month and year you expect to receive your degree:*

Name	City	State	ZIP Code	MONTH AND YEAR ATTENDED		NUMBER OF CREDIT HOURS COMPLETED		TYPE OF DEGREE (e.g. B.A., M.A.)	MONTH AND YEAR OF DEGREE
				From	To	Semester	Quarter		
1)									
2)									
3)									

29 CHIEF UNDERGRADUATE SUBJECTS
Show major on the first line

1)	2)	3)	NUMBER OF CREDIT HOURS COMPLETED	
			Semester	Quarter

30 CHIEF GRADUATE SUBJECTS
Show major on the first line

1)	2)	3)	NUMBER OF CREDIT HOURS COMPLETED	
			Semester	Quarter

31 If you have completed any other courses or training related to the kind of jobs you are applying for (*trade, vocational, Armed Forces, business*) give information below.

NAME AND LOCATION (<i>city, state and ZIP Code</i>) OF SCHOOL	MONTH AND YEAR ATTENDED		CLASS-ROOM HOURS	SUBJECT(S)	TRAINING COMPLETED	
	From	To			YES	NO
School Name 1) City _____ State _____ ZIP Code _____						
School Name 2) City _____ State _____ ZIP Code _____						

SPECIAL SKILLS, ACCOMPLISHMENTS AND AWARDS

32 Give the title and year of any honors, awards or fellowships you have received. List your special qualifications, skills or accomplishments that may help you get a job. *Some examples are: skills with computers or other machines; most important publications (do not submit copies); public speaking and writing experience; membership in professional or scientific societies; patents or inventions; etc.*

33 How many words per minute can you: TYPE? TAKE DICTATION?

1) _____
2) _____

34 List job-related licenses or certificates that you have, such as: *registered nurse; lawyer; radio operator; driver's; pilot's; etc.*

LICENSE OR CERTIFICATE	DATE OF LATEST LICENSE OR CERTIFICATE	STATE OR OTHER LICENSING AGENCY
1)		
2)		

35 Do you speak or read a language other than English (*include sign language*)? **YES** **NO** *Applicants for jobs that require a language other than English may be given an interview conducted solely in that language.*

If "YES", list each language and place an "X" in each column that applies to you. If "NO", go to 36.

LANGUAGE(S)	CAN PREPARE AND GIVE LECTURES		CAN SPEAK AND UNDERSTAND		CAN TRANSLATE ARTICLES		CAN READ ARTICLES FOR OWN USE	
	Fluently	With Difficulty	Fluently	Passably	Into English	From English	Easily	With Difficulty
1)								
2)								

REFERENCES

36 List three people who are not related to you and are not supervisors you listed under 24 who know your qualifications and fitness for the kind of job for which you are applying. At least one should know you well on a personal basis.

FULL NAME OF REFERENCE	TELEPHONE NUMBER(S) (Include Area Code)	PRESENT BUSINESS OR HOME ADDRESS (Number, street and city)	STATE	ZIP CODE
1)				
2)				
3)				

BACKGROUND INFORMATION--You must answer each question in this section before we can process your application.

37 Are you a citizen of the United States? (In most cases you must be a U.S. citizen to be hired. You will be required to submit proof of identity and citizenship at the time you are hired.) If "NO", give the country or countries you are a citizen of: _____ **YES NO**

NOTE: It is important that you give complete and truthful answers to questions 38 through 44. If you answer "YES" to any of them, provide your explanation(s) in Item 45. Include convictions resulting from a plea of nolo contendere (no contest). Omit: 1) traffic fines of \$100.00 or less; 2) any violation of law committed before your 16th birthday; 3) any violation of law committed before your 18th birthday, if finally decided in juvenile court or under a Youth Offender law; 4) any conviction set aside under the Federal Youth Corrections Act or similar State law; 5) any conviction whose record was expunged under Federal or State law. We will consider the date, facts, and circumstances of each event you list. In most cases you can still be considered for Federal jobs. However, if you fail to tell the truth or fail to list all relevant events or circumstances, this may be grounds for not hiring you, for firing you after you begin work, or for criminal prosecution (18 USC 1001).

38 During the last 10 years, were you fired from any job for any reason, did you quit after being told that you would be fired, or did you leave by mutual agreement because of specific problems? **YES NO**

39 Have you ever been convicted of, or forfeited collateral for any felony violation? (Generally, a felony is defined as any violation of law punishable by imprisonment of longer than one year, except for violations called misdemeanors under State law which are punishable by imprisonment of two years or less.) **YES NO**

40 Have you ever been convicted of, or forfeited collateral for any firearms or explosives violation? **YES NO**

41 Are you now under charges for any violation of law? **YES NO**

42 During the last 10 years have you forfeited collateral, been convicted, been imprisoned, been on probation, or been on parole? Do not include violations reported in 39, 40, or 41, above. **YES NO**

43 Have you ever been convicted by a military court-martial? If no military service, answer "NO". **YES NO**

44 Are you delinquent on any Federal debt? (Include delinquencies arising from Federal taxes, loans, overpayment of benefits, and other debts to the U.S. Government plus defaults on Federally guaranteed or insured loans such as student and home mortgage loans.) **YES NO**

45 If "YES" in: **38** - Explain for each job the problem(s) and your reason(s) for leaving. Give the employer's name and address.
39 through 43 - Explain each violation. Give place of occurrence and name/address of police or court involved.
44 - Explain the type, length and amount of the delinquency or default, and steps you are taking to correct errors or repay the debt. Give any identification number associated with the debt and the address of the Federal agency involved.

NOTE: If you need more space, use a sheet of paper, and include the item number.

Item No.	Date (Mo./Yr.)	Explanation	Mailing Address		
			Name of Employer, Police, Court, or Federal Agency	City	State ZIP Code
			Name of Employer, Police, Court, or Federal Agency	City	State ZIP Code
			Name of Employer, Police, Court, or Federal Agency	City	State ZIP Code

46 Do you receive, or have you ever applied for retirement pay, pension, or other pay based on military, Federal civilian, or District of Columbia Government service? **YES NO**

47 Do any of your relatives work for the United States Government or the United States Armed Forces? Include: father; mother; husband; wife; son; daughter; brother; sister; uncle; aunt; first cousin; nephew; niece; father-in-law; mother-in-law; son-in-law; daughter-in-law; brother-in-law; sister-in-law; stepfather; stepmother; stepson; stepdaughter; stepbrother; stepsister; half brother; and half sister. **YES NO**

If "YES", provide details below. If you need more space, use a sheet of paper.

Name	Relationship	Department, Agency or Branch of Armed Forces

SIGNATURE, CERTIFICATION, AND RELEASE OF INFORMATION

YOU MUST SIGN THIS APPLICATION. Read the following carefully before you sign.

- A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).
- If you are a male born after December 31, 1959 you must be registered with the Selective Service System or have a valid exemption in order to be eligible for Federal employment. You will be required to certify as to your status at the time of appointment.
- I understand that any information I give may be investigated as allowed by law or Presidential order.
- I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies and other individuals and organizations, to investigators, personnel staffing specialists, and other authorized employees of the Federal Government.
- I certify that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith.

48 SIGNATURE (Sign each application in dark ink) _____ **49** DATE SIGNED (Month, day, year) _____

THE WHITE HOUSE
WASHINGTON

RESIGNATION for Personnel and Payroll Records:

★ Important note to individual completing this form. Please give specific reason for your resignation.

(Date resignation written)

I RESIGN FOR THE FOLLOWING REASON(s)

EFFECTIVE: _____
(Close of business date)

(Signature)

FORWARDING ADDRESS AND TELEPHONE NUMBER to be used for communications, including separation papers, salary checks and bonds. If there is a restriction on the period of time during which this address is applicable, please indicate:

NEW EMPLOYMENT ADDRESS AND TELEPHONE NUMBER:

Effective date if not immediate: _____

<p align="center">THE WHITE HOUSE WASHINGTON CHECK-OUT</p> <p>① In an effort to expedite the check-out process, the offices have been arranged in order from the 5th floor of the OEOB down to and including the basement.</p> <p>② If the check-out process for a particular office is not applicable to you, please indicate by marking not applicable (NA).</p> <p>③ Upon completion of this form, your signature is required as verification of accuracy.</p> <p>④ Any questions regarding this procedure should be referred to the White House Personnel Office, x2260.</p>	NAME:	First	Last	
	DATE OF SEPARATION:	Month	Day	Year
	CURRENT MAILING ADDRESS:			
	FORWARDING ADDRESS:			

PLEASE NOTE: Your Final Pay Check Cannot be Issued Until this Form has been Satisfactorily Completed and Returned to the White House Personnel Office

- | | |
|--|---|
| 1. EQUIPMENT HAS BEEN RETURNED TO THE WHITE HOUSE COMMUNICATIONS AGENCY. | White House Communications Agency
OEOB, Room 597 (Ext. 4040) |
| 2. WHITE HOUSE MESS HAS BEEN PAID AND WHITE HOUSE MESS PRIVILEGES CANCELLED. | White House Staff Mess
OEOB, Room 404 (Ext. 4192) |
| 3. REFERENCE CENTER MATERIALS CHARGED TO THE EMPLOYEE HAVE BEEN RETURNED. | White House Research Center
OEOB, Room 308 (Ext. 7000) |
| 4. FINANCIAL DISCLOSURE TERMINATION REPORT (GS-16 AND ABOVE, OR EQUIVALENT) HAS BEEN FILED. | White House Counsel's Office
OEOB, Room 112 (Ext. 2934) |
| 5. WHITE HOUSE MAIL ROOM HAS BEEN ADVISED OF A FORWARDING ADDRESS. | White House Mail Room
OEOB, Room 49 (Ext. 2542) |
| 6. WHITE HOUSE FEDERAL CREDIT UNION HAS BEEN ADVISED OF A FORWARDING ADDRESS. | White House Credit Union
OEOB, Room 42 (Ext. 2900) |
| 7. OFFICIAL OR DIPLOMATIC PASSPORT HAS BEEN RETURNED TO THE WHITE HOUSE TRAVEL OFFICE. | White House Travel Office
OEOB, Room 87 (Ext. 2250) |
| 8. SECURITY DEBRIEFING HAS BEEN COMPLETED. | White House Security Office
OEOB, Room 84 (Ext. 2345) |
| 9. DEPOSIT OF PRESIDENTIAL PAPERS AND ORAL HISTORY HAVE BEEN COMPLETED. | White House Records Management
OEOB, Room 80 (Ext. 2240) |
| 10. EMPLOYEE'S WHITE HOUSE, EOB OR VOL PASS, USSS KEYS, COMMISSION BOOK AND STAFF PIN HAVE BEEN RETURNED TO THE SECRET SERVICE | Technical Security Division; USSS
OEOB, Room 23 (Ext. 4259) |
| 11. PARKING REQUIREMENTS HAVE BEEN SATISFIED. | White House Administrative Office
OEOB, Room 1 (Ext. 2500) |
| 12. OUTSTANDING TRAVEL ADVANCES HAVE BEEN PAID. | White House Administrative Office
OEOB, Room 1 (Ext. 2500) |
| 13. WHITE HOUSE TELEPHONE SWITCHBOARD HAS BEEN ADVISED OF A FORWARDING TELEPHONE NUMBER. | White House Telephone Service
OEOB, Room 09 (Ext. 2134) |
| 14. ANY OUTSTANDING WHITE HOUSE ATHLETIC CENTER FEES HAVE BEEN PAID AND WHAC MEMBERSHIP CANCELLED. | White House Athletic Center
NEOB, Room 2008 (Ext. 5688) |

I CERTIFY THAT PROCEDURES FOR SEPARATION HAVE BEEN SATISFIED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature

Date

RETURN COMPLETED FORM TO: WHITE HOUSE PERSONNEL OFFICE, OEOB, ROOM 6 (Ext. 2260)

PRESIDENTIAL SCHEDULING PROCEDURES

All Presidential schedule requests, including photo opportunities and courtesy calls, must be coordinated with the Office of Presidential Appointments and Scheduling.

Schedule Proposals

Schedule proposals should be prepared for all schedule requests (including photo opportunities and courtesy calls). Each such proposal should be prepared, coordinated, and forwarded by a senior staff member. Any correspondence or memoranda concerning the President's schedule should be sent directly to the Appointments and Scheduling Office (Ground Floor-West Wing).

Format: All schedule proposals must follow the format of the attached example.

Deadline: All schedule requests must be submitted in writing to the Office of Presidential Appointments and Scheduling at least 10 days prior to the proposed event.

Long-Range Scheduling Meetings

Once the Appointment and Scheduling Office has determined that the proposed event is needed, is Presidential in nature, and is congruent with Administration goals or themes, it will then be considered for final approval during the weekly Long-Range Scheduling Meeting. It is during this meeting that various senior staff members provide final input to assure no policy or schedule conflict exists.

Notice of Approval

The Appointments and Scheduling Office will notify the office of final approval by way of a "set-up memorandum."

This memorandum provides the date, time, and other particulars, including the responsibility of the project officer.

Exceptions to the Established Procedure

Occasionally the need arises for consideration of a scheduling request immediately. In such a situation, the request should be submitted to the Appointments and Scheduling Office using the standard proposal format. A cover memorandum briefly explaining the urgent need for the event (detailing the reason why the 10-day advance request was not possible) should accompany the proposal.

A decision will be made as quickly as possible, the requesting office will be notified soon thereafter. This procedure should be avoided unless absolutely necessary as the President's schedule is usually determined in final form a week prior.

The Office of Appointments and Scheduling must be notified of any major changes in an event including times, participants, format, location, or subject.

A briefing memo on the event, for use by the President, must be prepared and provided to the Staff Secretary by 3:00 p.m. on the day preceding the event (See Tab D).

TO: PROJECT OFFICERS
FROM:
SUBJECT: CHECKLIST FOR PRESIDENTIAL EVENTS

General Responsibilities

- _____ The Presidential Advance Office (x7565) has responsibility for all logistical arrangements for any event involving press coverage. Please coordinate with them from the time your event is approved in order to avoid the need for last-minute modification.
- _____ Notify and clear all participants. (Full name, social security number and, date of birth).
- _____ Prepare and submit briefing paper to the Staff Secretary's Office by 3:00 p.m. of the preceding day (16 copies)
- _____ Coordinate with the President's Aide on Presidential involvement.
- _____ Coordinate with Press Office and Media Relations regarding Press Coverage. Provide Media Relations with hometowns of participants. No organization's photographers will be admitted to any event unless the press is present. Clearance of such photographers should be coordinated through Media Relations.
- _____ If remarks are required, coordinate with the Speechwriters Office well in advance.
- _____ For outdoor events at the White House, in case of inclement weather, clear and reserve the backup location indicated.
- _____ If participant plans to bring a gift, contact the White House Gift Unit, in advance, for review and proper procedure for handling.
- _____ If any foreign visitor or dignitary is to be involved, please coordinate with the NSC (x2224).
- _____ If any Department of Defense or Military personnel is to be involved, please coordinate in advance with the White House Military Office (x2150).
- _____ If press coverage is expected, please provide all pertinent information concerning this event (guests, scenario, backdrop, etc.) to the Presidential Advance Office at least 72 hours prior to the event.
- _____ Within five (5) days after the event, submit a complete, confirmed list of staff and attendees, identified by title, and the actual starting and completion times of the event to the President's Diarist, Office of Presidential Appointments and Scheduling.
- _____ If tent name cards are needed, send a list of names to the Social Secretary's office (x7064) at least 48 hours in advance.
- _____ For West Wing Meetings all room arrangements (chairs, notepads, pencils, etc.) should be made through Carl Jones or West Wing Receptionist. (x2605).
- _____ Seating charts for meetings in the Roosevelt and Cabinet Rooms need to be attached to your normal scheduling package.

Residence Events

- _____ Coordinate with the Social Secretary's office (x7064) for all arrangements.
- _____ Send guest list to Social Secretary's office, preferably 3 weeks prior to the event.
- _____ The President's attendance at this event should not be announced until official notification is given by the White House Press Office, and any public announcement must be coordinated with that office. Also, prior to the distribution of any printed material, particularly details of the invitation, contact must be made with the White House Social Secretary (x7064).

SCHEDULE PROPOSAL

(DATE)

TO: Deputy Assistant to the President
for Appointments and Scheduling

FROM: (Asst. to President)

REQUEST: (Meeting, briefing, speech, reception, drop-by, etc.)

PURPOSE: (Reasons why the President should honor the request; is it congruent with Administration goals or themes; what is the desired outcome?)

BACKGROUND: (Additional pertinent information)

PREVIOUS PARTICIPATION: (The President's previous participation with this organization or individual)

DATE AND TIME: (OPEN if no date is given)

DURATION: (Time that the President is committed)

LOCATION: (Identify the preferred location in case of inclement weather. Also note if a briefing or meeting is being held prior to or following the President's time location and duration)

PARTICIPANTS: (List attached if more than five)

OUTLINE OF EVENT: (Including description of the President's participation)

REMARKS REQUIRED: (Major speech, talking points, brief remarks, etc.)

MEDIA COVERAGE: (Type of media, photo coverage, if any)

FIRST LADY'S ATTENDANCE:

RECOMMENDED BY:

OPPOSED BY:

CONTACT: (Host Committee Contact Name, Organization, and Telephone Number if working with an outside group)

MATERIALS FOR THE PRESIDENT

All materials for the President are routed through the Staff Secretary, with appropriate coordination among staff offices prior to or simultaneous with delivery.

The following outlines the policies and procedures for preparing and submitting materials for the President. For more detailed guidance, consult the White House Correspondence Manual.

Briefing Memoranda

Briefing memoranda should be prepared for all meetings and events on the President's schedule. Each such memorandum should be prepared, coordinated, and forwarded by the senior staff member ("project officer") who has been assigned lead responsibility for the meeting or event.

Format: Briefing memoranda should be concise – ordinarily a single page. Talking points, as appropriate, are to be provided as attachments. Specific guidance is suggested by the attached "Briefing Paper Format." (See Attachment I.)

Deadline: **Briefing memoranda (with 16 copies) must be delivered to the Staff Secretary by 3:00 p.m. on the day before the scheduled meeting or event.** This deadline is set to allow such further staffing as may be necessary prior to delivery to the President. The President wishes to receive all briefing memoranda for a given day in a single package by the end of the prior day. It is therefore important that there be strict adherence to the 3 o'clock rule.

Decision Memoranda

Decision memoranda are to be prepared for substantive matters requiring Presidential decision. These may originate in the Cabinet (through the Office of Cabinet Affairs), through the NSC system, or through the initiative of particular White House staff offices.

Format: However action memoranda may originate, they should ordinarily take the form suggested by the attached "Decision Memoranda Format." (See Attachment II.)

Deadline: **Decision memoranda for the President should ordinarily be provided to the Staff Secretary at least 48 hours before the desired time of Presidential decision.** This deadline is set in order to allow sufficient time for such further staffing as may be necessary, as well as appropriate time for Presidential review.

Signature Memoranda

Documents requiring the President's signature should be forwarded to the Staff Secretary with a brief explanatory cover note. This note should indicate: (1) the nature of the action involved; (2) its relationship to the approved Presidential policy; and (3) the concurrences or non-concurrences of appropriate reviewing parties. (See Attachment III.)

Information Memoranda

Information memoranda are those intended simply to convey information, **not** to elicit Presidential action. They should be submitted through the Staff Secretary.

Format: In order to facilitate the orderly presentation and efficient review of information memoranda, each should commence with a brief summary. As always, the memoranda themselves should be concise. (See Attachment IV).

Telephone Call Recommendations

Recommendations for telephone calls by the President should be submitted through the Staff Secretary. The recommendation should take the form suggested by the attached "Telephone Call Recommendation Format." (See Attachment V).

Implementation

More detailed and comprehensive guidance on matters of style and format is provided in the *White House Correspondence Manual*.

**Attachment 1
TALKING POINTS
(Format)**

TALKING POINTS FOR MEETING WITH NAME
(at top of first card)

Speechcards (Half-sheets)

- Should be used only when the President will be at a podium to give the talking points or is addressing an audience of more than 25 people.
- Should be in bold, large type, set off by dashes (--), and double spaced.
- End each card at the end of a sentence or paragraph.

4 x 6 Cards

- 4 x 6 cards should be used in all other instances, when the President is not at a podium.
- Should be in regular type, set off by dashes (--) and single spaced.
- End each card at the end of a sentence.

THE WHITE HOUSE

WASHINGTON

DATE (centered)

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT:

I. ACTION-FORCING EVENT: (The nature of the event requiring or suggesting action - and the degree of flexibility associated with it.)

II. BACKGROUND/ANALYSIS: (outline history, current status, possible options and impacts - _____ financial, constituent or other public policy considerations.)

III. RECOMMENDATION: (Indicate single recommendation or list options.)

IV. DECISION:

Approve Approve as amended Reject No action

NOTE: Where necessary, tabs may be attached to Decision Memoranda. However, as in the case of other written materials directed to the President, brevity is important. Seldom should a Decision Memorandum be longer than one or two pages, and tabs, whenever possible, should be limited to five or fewer.

SAMPLE — SIGNATURE MEMORANDUM
(Format)

THE WHITE HOUSE

WASHINGTON

DATE (centered)

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT:

Example – Forwarded for your approval and signature is a nomination containing the names of 266 officers for promotion and original appointment in the Navy.

This nomination has been staffed by the Secretary of the Navy and approved by the Secretary of Defense.

Recommendation

That you sign the nomination attached at Tab A.

Attachment IV
SAMPLE — INFORMATION MEMO
(Format)

THE WHITE HOUSE
WASHINGTON

DATE (centered)

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT:

- I. SUMMARY
(Three (3) sentences or less)
- II. DISCUSSION
(Please be concise)

NOTE: Information Memoranda should not raise issues for decision.

Attachment V
TELEPHONE CALL RECOMMENDATION
(Format)

THE WHITE HOUSE

WASHINGTON

DATE (centered)

RECOMMENDED TELEPHONE CALL

TO: Name and telephone number of person you recommend be called with brief identifying information only when you suspect name will be unfamiliar to the President.

DATE: Date and time the President should make the call.

RECOMMENDED BY: Your name and if recommendation has concurrence of another staff member, so state.

PURPOSE: Preferably one sentence; two at most.

BACKGROUND: Whatever background information you feel will be helpful to the President. Usually 3-4 short sentences will suffice to set the stage and give substance to talking points. Also, make sure that no letter has been sent by Correspondence for the same purpose as the call.

TOPICS OF DISCUSSION: 1. (The specific points that you recommend be made during the conversation)

2.

3.

4.

CONTACT PERSON AND
TELEPHONE NUMBER(S):

DATE OF SUBMISSION:

ACTION: _____

PRESIDENTIAL RECORDS ACT

The requirements governing the ownership, maintenance and disposition of Presidential documents under the Presidential Records Act, 44 U.S.C. sections 2201-07 (the "Act") are listed in summary and are explained in more detail in the material that follows.

Summary of Presidential Records Act Requirements

- Staff members must adequately document the performance of the President's constitutional, statutory, and ceremonial duties.
- Staff members must preserve the original of any Presidential record. Duplicate copies may be destroyed.
- Staff members should preserve Presidential records in complete and orderly files and should keep non-Presidential records that is, personal records, Federal records or non-record materials segregated, preferably through the use of separate filing systems.
- Staff members departing from the White House must turn over to the Office of Records Management the originals of all Presidential records in their possession.
- Staff members are prohibited from taking copies of any Presidential records with them when they depart from the White House, unless those records have clearly been made public previously (e.g., copies of press releases).
- Staff members in some instances may dispose of "non-record" materials such as notes of meetings, rough drafts not circulated to others, visitor logs, duplicate copies, etc.; however, because such records contain official information, staff members are prohibited from removing them (or copies of them) from the White House.

Types of Records Covered by the Act

The Act defines "Presidential records" to include not only the official documents written and received by the President but also the official records created or received by his staff. "Presidential records" encompass any form of memorializing information, including but not limited to written documents, models, pictures, films and audio and electronic recordings.

While the Act requires that staff members adequately document the performance of the President's constitutional, statutory, and ceremonial duties, the decision whether information should be memorialized in the first instance remains with each staff member. For example, it is within the discretion of a staff member to dispose of materials that do not rise to the level of a record, such as scratch pads, unimportant notes to one's secretary, phone logs, visitor logs, notes of meetings, etc., provided this is based upon a determination that creation of a record is not required in the circumstance. However, if non-record material is not disposed of contemporaneously, staff members must be careful to ensure that it is kept by them exclusively for their own use. It should not be made accessible to others on the staff; making non-record material accessible to others on the staff will convert it into "record" material.

Records relating to political activities that are undertaken in the course of carrying out the President's official or ceremonial duties are Presidential records (e.g., political briefing papers for

official trips and official meetings are Presidential records). Records relating to political activities not associated with the President's official duties are not Presidential records (e.g., materials for political and campaign-related meetings and trips).

Private papers, which staff members might keep in their offices are personal, not Presidential records. Personal records include diaries or journals that are kept by a staff member exclusively for his or her own use and reference, are not accessible to others on the staff, and are not used for transacting government business. Personal documents and files should be segregated and stored separately from official records.

Units of the Executive Office of the President Covered by the Act

All records of the White House Office, the Office of Policy Development, the Council of Economic Advisers, the President's Intelligence Oversight Board, and the President's Foreign Intelligence Advisory Board are Presidential records.

Records of the Office of Management and Budget, the Office of the United States Trade Representative, the Council on Environmental Quality, and the Office of Administration are Federal, not Presidential, records.

The records of the National Security Council staff are Federal records if they were received or created in connection with the work of the statutorily created National Security Council. Additionally the NSC's internal administrative records are Federal records. The records of the National Security Council staff are Presidential records if they were received or created for the President, the Assistant to the President for National Security, his Deputy, or a member of the White House staff independently of any meeting or policy and staff actions of the NSC.

The records of the Office of Science and Technology Policy are Federal records; however, those records produced or received by the Director of OSTP in his role as Science Advisor to the President are Presidential records and should be segregated as such.

Maintenance of Presidential Records

The law imposes an affirmative obligation on staff members to document adequately the performance of the President's constitutional, statutory, and ceremonial duties. Staff members are urged to document the performance of their duties and preserve these records in complete and orderly files. Personal records should be kept apart from official records and clearly labeled as such. Moreover, those officials or units that maintain both Presidential records and Federal records should file them separately with a clear indication of whether they are Presidential or Federal.

Assistance in distinguishing among Presidential, Federal and personal records may be obtained from the Office of the Counsel to the President. Assistance in establishing file systems may be obtained from the White House Office of Records Management.

In addition, staff members should, to the extent possible, ensure that any files that they have which contain certain types of particularly sensitive information are clearly labeled to reflect that fact. Under the terms of the Presidential Records Act, as well as available constitutional and common law privileges, most of such sensitive Presidential records will be protected, at least for a specified time period, from public access. Archives personnel, in consultation with the President or his designees, will review all Presidential records and segregate out those records that are to be protected under the Presidential Records Act. However, to avoid inadvertent release of sensitive information, it would be

useful for those who created them, to the extent possible, to mark those files. Possible file labels may include:

- “Classified information” (in general, this label should be unnecessary as classified files should already be clearly marked).
- “Information the release of which may be prejudicial to the maintenance of good relations with foreign nations” (the vast bulk of such information should be classified and, therefore, would fall within category Number 1 above).
- “Sensitive personal information” (information the release of which may be embarrassing to the individuals mentioned or to their families).
- “Sensitive information involving the confidential advice requested by or provided to the President or his advisers.”
- “Sensitive law enforcement materials.”
- “Trade secrets or sensitive commercial or financial information.”
- “Information subject to attorney-client or attorney work product privileges.”

Disposition and Destruction of Presidential Records

Once a decision is made to memorialize and maintain information as a Presidential record, it becomes the property of the United States and may be disposed of only in accordance with procedures established by the Archivist of the United States. The Act prohibits the disposal of Presidential records unless those records no longer have administrative, historical, informational, or evidential value. Moreover, before disposing of any records the President must notify the Archivist and under some circumstances appropriate congressional committees.

The White House Office of Records Management (“ORM”) maintains records disposal schedules, which are approved by the Archivist, for certain recurring types of disposable papers, such as form letter public mail, anonymous public mail, unsuccessful and unsolicited applications for employment, and enclosures received in public mail. If you have a recurring type of disposable material in your office, you may wish to request that ORM enter it on the records disposal schedule. Before you dispose of any documents, contact ORM to determine whether the category of items involved has been approved for disposal. Such prior notice is not necessary for destruction of exact duplicates of documents that are being maintained, or for copies of officially published documents, such as printed reports, etc.

ORM can also arrange for storage of records that are to be preserved, but for which there is no longer a current need. Offices are encouraged to develop systematic records retirement schedules, reserving filing space for those records for which there is a current need.

Legal Control of Presidential Records

Presidential records remain in the custody and control of the President during his term of office and are not accessible to the public under the Freedom of Information Act. In contrast, Federal records are accessible to the public under the provisions of the Freedom of Information Act.

Upon completion of the Administration, the Archivist acquires custody of Presidential records. However, the President may assert control for 12 years over public access to certain categories of records. Basically, these categories are: (a) security classified items; (b) documents related to appointments to Federal office; (c) items specifically exempted from disclosure by other statutes; (d) trade secrets and commercial or financial information; (e) confidential communications requesting or submitting advice between the President and his advisers, or between such advisers; and (f) personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Thereafter, public access is determined by the Freedom of Information Act, subject in all cases to the President's right to invoke any constitutional privilege against disclosure.

Records that May be Retained by Staff Members Upon Departure

To insure that the President maintains the maximum controls permitted by law, staff members may not remove copies of Presidential records from their offices either now or at the end of the Administration. When a staff member leaves the White House, he or she shall deliver all files and records to ORM at the White House or, in the case of the National Security Council staff, to the Executive Secretariat of the National Security Council. Federal records shall be left with the appropriate agency. Staff members may remove only those records that are purely personal.

The foregoing is designed to provide general guidance with respect to the Presidential Records Act. Specific questions of coverage or interpretation should be addressed to the Counsel's Office. Assistance in records maintenance and storage may be obtained from the White House Office of Records Management.

STANDARDS OF CONDUCT

1.	Introduction	F-1
2.	Overview of Ethics Authorities	F-1
3.	Financial Disclosure Requirements	F-2
4.	Conflicts of Interest	F-2
5.	Acceptance of Gifts, Loans, Entertainment, Favors, and Meals (including Gifts from Foreign Governments).....	F-4
6.	Acceptance of Travel and Related Expenses	F-8
7.	Outside Employment, Outside Activities, and Positions in Outside Organizations	F-11
8.	Political Activities of Federal Officers and Employees	F-15
9.	Contacts with Departments and Agencies	F-18
10.	Post-Employment Restrictions	F-22

ATTACHMENTS

A.	Selected Criminal Statutes	
	Conflicts of Interest: 18 U.S.C. 208	A-1
	Supplementation of Salary: 18 U.S.C. 209.....	A-3
	Acting as Agent or Attorney to the U.S. Government: 18 U.S.C. 205.....	A-4
	Compensation for Dealings with the U.S. Government: 18 U.S.C. 203	A-5
	Post-Employment Restrictions: 18 U.S.C. 207	
	As Applicable to Individuals Leaving the Executive Branch Prior to January 1, 1991	A-6
	As Applicable to Individuals Leaving the Executive Branch on or after January 1, 1991	A-8
	Definitions: 18 U.S.C. 202	A-12
	Penalties: 18 U.S.C. 216	A-12
B.	Executive Order 12674	B-1
C.	Standards of Conduct for the Executive Office of the President (3 C.F.R. 100)	C-1
D.	Excerpts from the Regulations on Post-Employment Restrictions (5 C.F.R. 2637)	D-1

1. Introduction

President Bush is strongly committed to providing the citizens of the United States with an Administration whose officials hold themselves to the highest standards of integrity. To that end, it is important for you to be aware of the legal provisions and restrictions that apply to all White House employees.

A combination of statutory, regulatory, and policy constraints, described in greater detail below, imposes requirements relating to such matters as financial disclosure, conflicts of interest, acceptance of gifts and travel, political activities, outside employment and activities, contacts with departments and agencies, and post-employment lobbying. This discussion is designed to acquaint you with some of the basic ethical concepts and legal restrictions applicable to members of the White House staff, so that conflicts of interest and other potential problem situations can be recognized and avoided. This discussion by its nature cannot cover all situations and problems with which staff may be confronted, and rather is intended only to highlight in general terms some of the more common issues and policies. This supplements the mandatory annual ethics training that staff is required to receive pursuant to Executive Order 12674, which was issued by President Bush in April 1989.

Should you have questions or need further information about any of the matters discussed here or about other ethics issues that arise, you should seek assistance from the Office of the Counsel to the President. The Counsel to the President serves as the Designated Agency Ethics Official for the White House Office, Office of Policy Development, and Office of Cabinet Affairs. (Other offices within the Executive Office of the President have their own Designated Agency Ethics Officials, generally within their own counsels' offices.)

One overall principle to keep in mind in considering this discussion and in your daily conduct is the importance of not only adhering to all applicable ethical standards, but also avoiding the appearance of improper conduct. Appearance of impropriety may exist even when conduct does not violate any legal mandate. Even the appearance of impropriety can impair the public's confidence in the integrity of the Government and can cast a cloud over the merits of Government decisions. It can also require the Administration or staff to spend an inordinate amount of time explaining or defending innocent actions, rather than implementing the policy objectives of the President. All staff members must therefore be continually aware of potentially improper appearances as well as actual conflicts in the course of their work. If you have any doubts about a matter, please seek out guidance – it is far better to ask additional questions early than to be surprised or embarrassed later.

2. Overview of Ethics Authorities

There are a number of different aspects to the legal and ethical standards that govern your conduct. Several criminal statutes define and prohibit certain kinds of conduct relating to conflicts of interest (Attachment A). In April 1989, the President issued Executive Order 12674 (Attachment B), which sets forth 14 principles of ethical conduct for executive branch employees. Standards of Conduct for the Executive Office of the President (Attachment C) supplement the Executive Order and criminal statutes. Eventually, these agency-specific standards of conduct will be replaced by a single regulatory scheme applicable throughout the executive branch.

A number of other statutes also impose added requirements. The Ethics in Government Act, for example, requires certain employees to file financial disclosure reports. Separate statutes regulate the extent to which Federal officials and employees may engage in political activities and limit the acceptance of gifts by Federal officials and employees.

3. Financial Disclosure Requirements

The Ethics in Government Act of 1978, as amended, requires certain White House employees to file public financial disclosure reports. Other White House employees are required under White House regulations and policy to file financial disclosure reports that are not available to the public. All disclosure reports are filed with the Office of the Counsel to the President. The requirements applicable to each category of employee are set forth below:

- White House Office, Office of Policy Development, and Office of Cabinet Affairs employees paid at rates at or above the basic rate of pay for GS-16. The Ethics in Government Act requires each individual to file an Executive Personnel Financial Disclosure Report (SF-278) within 30 days of beginning employment; annually on May 15 of each year (covering the prior calendar year); and within 30 days of terminating employment, unless the reporting individual within that time assumes another position for which filing is required. A personal data statement is also required.
- Commissioned Officers paid at a rate less than GS-16. As of January 1, 1991, all White House Commissioned Officers are required to file public SF-278 reports on the same terms that apply to staff paid at the GS-16 level and higher (see above);
- White House Office, Office of Policy Development, and Office of Cabinet Affairs staff, in policy-making positions, paid at a level equivalent to GS-13 through GS-15. Each individual is required to file an annual confidential financial disclosure report (OA-39) and, initially, a personal data statement.

Financial disclosure forms are available from the White House Counsel's Office and the White House Personnel Office.

4. Conflicts of Interest

a. Financial Conflicts of Interest

Federal criminal law precludes an executive branch official from participating personally and substantially in a particular matter in which, to his or her knowledge, the official has a financial interest. See 18 U.S.C. 208 (Attachment A). This statute applies to all executive branch employees, including special Government employees, such as part-time employees, advisory committee members, and consultants and including volunteers. For the purpose of this law, your financial interests include those of your spouse and minor children, those of any organization (including a nonprofit organization) in which you hold a position as officer, director, or trustee, and those of any organization (including a nonprofit organization) by which you are employed or with which you have an arrangement for future employment or are negotiating for employment.

Although the statute precludes your having official dealings with companies or other entities in which you have a financial interest, the prohibition is not limited to direct dealings. The law also precludes you from personal and substantial participation in particular matters not specifically involving such an entity as a named party if the resolution of the matter will directly and predictably affect the entity. Such a financial interest could arise, for instance, in the context of a rule-making affecting all companies within a particular industry, if you own stock in any one of those companies. Similarly, if you are an officer in a nonprofit entity, you may not have an official involvement in matters in which the entity is involved and/or has a financial interest.

There is *no* automatic de minimis exception exempting minor financial interests: if you act personally and substantially in a particular matter in which you know you have a financial interest, you will have violated the statute no matter how small the financial interest.

Notice that the statute does not simply prohibit your taking personal action that *by itself* will affect your financial interests. Under current law, if the resolution of the particular matter will have a direct and predictable effect on a known financial interest of yours, you may not participate personally and substantially in the matter. Personal and substantial participation may include participation exercised "through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise." 18 U.S.C. 208(a). Regulations (issued under a different statute, but helpful as guidance) define the terms as follows:

To participate "personally" means directly, and includes the participation of a subordinate when actually directed by the . . . employee in the matter. "Substantially," means that the employee's involvement must be of significance to the matter, or form a basis for a reasonable appearance of such significance. It requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. A finding of substantiality should be based not only on the effort devoted to a matter, but on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial. 5 C.F.R. 2637.5 (d).

If you face a likely conflict of interest due to your financial holdings, a number of options may be available:

(1) *Recusal*: You can refrain from participating in the particular matter in which you face a conflict. This option will be impractical when your financial interests are such that recusal would prevent you from doing a substantial part of your job. Staff of the Office of the Counsel to the President are available to assist with the preparation of formal recusal documents.

(2) *Waiver*: The statute authorizes waivers in limited circumstances. First, the official who appointed an individual may issue a waiver to the individual if he or she determines that the interest is "not so substantial as to be deemed likely to affect the integrity" of the employee's services. 18 U.S.C. 208(b)(1). For White House Office and Office of Policy Development staff, the President is the official with the authority to grant such waivers, but he has delegated this authority to the Counsel to the President. Once a waiver is executed, a copy is sent to the Office of Government Ethics and will be available for public inspection.

Categories of financial interests can also be made non-disqualifying by a regulation published in the Federal Register, as to interests that are "too remote or too inconsequential to affect the integrity" of the employee's service. 18 U.S.C. 208(b)(2). In addition, special waivers may be available for members of advisory committees.

(3) *Use of a Blind Trust*: Depending on your holdings, you may wish to place assets in one of two kinds of blind trust authorized by the Ethics in Government Act. Any official may create a regular "qualified blind trust"; however, financial interests placed in such a trust do not lose their disqualifying effect (i.e., do not become "blind") until the official is notified by the trustee that a given asset has been sold.

The second kind of blind trust - a "qualified diversified blind trust" - may be appropriate if your holdings are diversified and too extensive to be handled otherwise. Assets placed in such a trust are instantly "blinded."

Detailed, rigorous regulations govern both kinds of trusts, and both blind trusts and the trustees must be approved by the Office of Government Ethics. See generally 5 C.F.R. 2634.401-408.

(4) *Divestiture*: If none of these other options is feasible, you may need to sell, or otherwise divest yourself of the asset or other interest in question in order to carry out the responsibilities of your job. If you are specifically directed to divest yourself of assets in order to

comply with Federal conflict of interest standards, you may be eligible for deferral of taxes on any resulting capital gains. Consult Counsel's Office for more information.

The choice among these options will depend on the nature of your position and the nature of your holdings. You should be aware, however, that certain other arrangements have been determined not to be acceptable ways of resolving potential conflicts. Inadequate cures for conflict include: a commitment by an individual that he or she will immobilize his or her portfolio during his or her Government service; and a self-enforced pledge to maintain extensively diversified holdings that could not easily be benefited by self-dealing. Because it is difficult to state any precise general rules for resolving conflicts, resolution of potential conflicts will need to be handled on an individual basis.

b. Appearance of Conflict

Beyond the prohibition in the criminal law, there are, as noted earlier, separate requirements imposed by Executive order and by regulation that require you to avoid situations that would create an appearance of a conflict of interest, including the appearance of using public office for private gain. Experience has shown that appearance of conflict can be just as embarrassing as actual conflict - sometimes even if an actual charge of conflict of interest ultimately proves to be unfounded.

c. Dealings with the Federal Government

Two criminal statutes also restrict the extent to which a Government employee may deal with the Federal Government otherwise than in the proper discharge of his or her official duties. First, an employee may not act as agent or attorney - with or without compensation - in a claim against the United States or in a proceeding (or other particular matter) in which the United States either is a party or has a direct and substantial interest (see 18 U.S.C. 205). Second, an employee may not solicit, receive, or agree to receive compensation for any representational services during the employee's Federal service - whether the representation is made by the employee or by someone else - in connection with any proceeding or matter in which the United States is a party or has a direct and substantial interest (see 18 U.S.C. 203).

There are a few exceptions to these prohibitions. A special Government employee, for example, is subject to lesser restrictions depending on the duration of his or her service. Also, dealings with the Federal Government in the course of service as a guardian, executor, or other personal fiduciary are permitted with prior approval from the appointing official.

5. Acceptance of Gifts, Loans, Entertainment, Favors, and Meals (including Gifts from Foreign Governments)

There are strict rules governing acceptance of gifts from foreign and domestic sources. White House policy concerning acceptance of gifts and entertainment by members of the White House staff and the disclosure requirements relating to gifts is governed by statute, Executive order, and the Executive Office of the President standards of conduct. Because of the enactment of new laws on gift acceptance as part of the Ethics Reform Act of 1989, there are likely to be changes to these standards made during 1991. Additional guidance will be issued as appropriate.

Some important aspects of current laws and regulations are highlighted below. Specific questions should be referred to the Counsel's Office.

a. Gifts that May Not Be Accepted: Conflicts of Interest

(1) General Principles

No member of the White House, Cabinet Affairs, or Office of Policy Development staff may accept a gift – which means anything of monetary value (including favors, loans, entertainment, and meals) – from a "prohibited source", i.e., a person or entity that:

- has or is seeking contracts or other business with or is seeking official action from any department in the executive branch;
- conducts activities regulated by the executive branch; or
- has interests that may be substantially affected by the staff member's performance or non-performance of official duties.

In addition, gifts may not be accepted if they are offered as compensation for an employee's services to the U.S. Government. The foregoing prohibitions apply to your spouse and immediate household as well. Specific exceptions to these general conflict of interest rules are set forth in part (b) below.

(2) Procedure for Returning Impermissible Gifts

In general, if a prohibited gift is received by a staff member, whether abroad, at the office, or at home, the staff member must return it to the donor with a letter explaining that it cannot be accepted. A copy of the letter should be retained in his or her files, and a copy should be sent to the White House Gift Unit.

If in unusual circumstances the gift cannot be returned (donor unknown, the address of donor unknown, or other), an employee should explain on the White House Staff Gift Report Form the special rationale for not returning the item and send the gift to the Gift Unit. If after analysis it is confirmed that return is not possible or advisable, the prohibited gift will be turned over to GSA for disposition.

(3) Disposing of Perishable/Consumable Gifts

In the event that you receive a consumable or perishable item (e.g., food or flowers) that you are prohibited from retaining, you may, as an alternative to returning it to the sender, turn it over to the White House Mess. The White House Mess is a unit of the U.S. Navy, an agency with the legal authority to accept gifts. Your letter to the donor (with a copy to the Gift Unit) should explain that you could not retain the item, but that you have turned it over to the Government. (In the event of security concerns about a gift, it should instead be destroyed.)

b. Gifts that May Be Accepted

Notwithstanding the general principles above, there are certain circumstances under which gifts may be accepted. Even when one of these exceptions applies, however, a gift may not be accepted if doing so would create an appearance of impropriety. Moreover, except for gifts from relatives, any gifts accepted are subject to the reporting and financial disclosure requirements described in part (d) below and, in most cases, should be sent to the Gift Unit for appraisal.

(1) Gifts from Friends and Relatives

Gifts from personal friends or family may be accepted if the circumstances make clear that the relationship is the motivating factor and there is not otherwise an appearance of a conflict of interest. Moreover, all gifts from official foreign sources, even if the source is a personal friend, are subject to special limitations, as described in part (c) below.

(2) Gifts between Co-Workers, but NOT from Subordinates

The customary exchange of gifts of nominal value between co-workers is permitted. However, because Federal law expressly prohibits gifts from a subordinate employee to his supervisor or others in the office with higher pay status, gifts to superiors are prohibited, except on unique occasions (such as a wedding, illness, or the birth of a child). There is no exception for holiday gifts.

(3) Promotional Items of Nominal Intrinsic Value

Unsolicited advertising and promotional materials of nominal value may be accepted even if they come from a prohibited source. This only extends to such customary promotional items as inexpensive desk calendars, pens, pocket diaries, and the like. By way of example, this rule would not permit acceptance of a case of champagne, a work of art, or other items of substantial value. The Office of Government Ethics also requires that gifts in this category have a "promotional" aspect, i.e., that they in some manner advertise the donor.

(4) Attendance at Receptions

White House staff members often get complimentary invitations to widely attended receptions. Attendance is permissible if it is determined by your superior (or by the Counsel's Office) that attendance is in the interest of the White House and that no appearance of impropriety would result. Except in unusual circumstances, however, these invitations may only be accepted from the host of the event in question, not from a different organization or other source.

(5) Working Meals

Employees may accept refreshments and entertainment of nominal value in the course of a large group luncheon or dinner meeting at which the staff member is the guest speaker, or a working meeting at which food is brought in to facilitate the continuance of the work and is not the focus of the meeting.

(6) Standard Loans

Employees may accept loans from financial institutions on customary terms.

(7) Awards

Employees may accept awards for meritorious service/achievement presented by a professional, civic, charitable, or educational organization. You should consult Counsel's Office, however, before accepting an award that entails a monetary grant or that may raise a question of conflict of interest.

c. Foreign Gifts

In addition to the above restrictions, the Constitution and Federal law (5 U.S.C. 7342) generally prohibit U.S. Government officials, their spouses, and dependents from accepting "foreign" gifts, with limited exceptions as described below.

(1) What are "Foreign" Gifts

A "foreign" gift is one received from an official foreign source: a foreign government, a foreign multilateral organization, or an agent of any such government or organization. Gifts from other, nonofficial foreign sources are treated like domestic gifts. If you are not certain whether a gift is from an "official" or "nonofficial" foreign source, consult the Counsel's Office.

(2) General Rules for Foreign Gifts

- A U.S. official may not solicit or encourage an offer of a foreign gift or decoration.
- Foreign gifts may be accepted only when "it appears that to refuse . . . would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States"
- Foreign gifts with a retail value of more than \$200 (as adjusted by the General Services Administration (GSA) from time to time for inflation) automatically become the property of the U.S. Government; i.e., these can only be accepted on behalf of the United States.
- **All** foreign gifts must be turned over to the White House Gift Unit as soon as possible for appraisal and for recording for purposes of the annual report on foreign gifts.
- Gifts valued at over \$200 (as periodically adjusted by GSA from time to time for inflation) will be turned over by the Gift Unit to GSA for disposition, or, with certain approvals, may be retained by an agency (not an individual) for official use.
- Foreign gifts valued at under \$200 (so-called gifts "of minimal value tendered and received as a souvenir or mark of courtesy") may be returned to you by the Gift Unit.
- U.S. officials may not accept foreign gifts of travel or reimbursement or transportation, food, or lodging expenses, except in the case of travel taking place entirely outside of the United States and when (i) such expenses are reasonable and (ii) acceptance is consistent with U.S. interests. Consult the Counsel's Office on reporting requirements.

(3) Security Inspection of Foreign Gifts

If, during travel, a gift comes into your possession from a foreign government, organization, or individual, it is imperative that it be turned over to security personnel for inspection *at the earliest opportunity*. Such a gift should never be taken aboard an airplane or other transportation without a security inspection.

(4) Gifts for the President and First Lady

No staff member should accept a foreign gift for the President or the First Lady except by prior arrangement with the host government or entity. Any such gift received during travel should be turned over to security personnel for inspection as soon as possible. Be especially wary of gifts which are suddenly and unexpectedly thrust upon you. After the security check, the gift should be deposited with the Gift Unit, along with full information concerning identity of the donor, time and place of acceptance, etc., so that the gift can be recorded and a decision made on its disposition.

d. White House Staff Reporting Requirements

To facilitate completion of accurate financial disclosure reports, members of the White House Office and Office of Policy Development staff who are required to file annual financial disclosure reports on Form SF-278 should complete a White House Staff Gift Report Form *for all gifts*, foreign and domestic (except those from family members), unless the gift is immediately returned to sender. These forms may be obtained from the Gift Unit, (Room 457, OEOP, x7133). In most cases, the gift itself should be submitted to the Gift Unit for appraisal, together with the completed form. In filling out the form, it is important to provide full details about the circumstances of the gift.

Such staff members are reminded that they must report on the SF-278 any gift over \$100 in value received from persons other than relatives - including gifts from personal friends and including any foreign gifts. In addition, foreign and domestic gifts of over \$75 in value must be reported if the aggregate of such gifts received from the same source within the year totals more than \$100. By routinely submitting the White House Staff Gift Report forms to the Gift Unit throughout the year, you will enable the Gift Unit to supply you with an accurate and complete list of reportable gifts at the year's end.

Please note that the reporting thresholds are not related to the issue of whether a gift may be accepted. The propriety of accepting any gift must be determined first, without regard to these thresholds. Sending a gift to the Gift Unit is also the mechanism for obtaining a ruling from the Counsel's Office on whether a gift may be retained.

e. Additional Questions

This Manual is necessarily general and does not deal with all questions that may arise. If you are in doubt about the propriety of accepting any gift or about any other topic covered above, please consult Counsel's Office (x2674).

6. Acceptance of Travel and Travel-Related Expenses

The following discussion is designed to provide general guidance regarding the circumstances under which you are permitted to accept travel-related expenses (transportation, lodging, food, entertainment) or reimbursement of travel-related expenses. Since such situations are often unique, guidelines must be general in scope. You are strongly urged to seek specific advice in regard to any proposed trip prior to accepting the invitation or request.

a. Official Travel

In each instance for which you will seek Government payment of expenses, approval shall be obtained through the Director of White House Operations prior to acceptance of the invitation or request. Whenever you are traveling on official business of the Government, including travel to attend a function or give a speech as the representative of the White House or the Administration, all travel-related expenses must be paid from appropriated funds, except as specified below. These funds may be from the White House Office appropriation, or the appropriation of a particular department or agency, depending on the circumstances of your travel.

There is one major exception to this general rule. If you are traveling to attend a training seminar, meeting, or conference sponsored by a non-profit organization granted tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, that organization may pay for your normal, reasonable travel expenses under most circumstances unless the acceptance of such expenses creates an actual or apparent conflict of interest with your official duties. Such payment should never be solicited by a staff member. Official travel may also be paid for with funds from a State or local

treasury, subject to Counsel's Office approval. In each instance where such an offer of payment or reimbursement is made, you should check with the Counsel's Office before acceptance of the invitation for a determination of (a) the tax-exempt status of the organization, and (b) the propriety of accepting the proffered expenses. Additional guidance will be forthcoming in 1990 once Government-wide regulations are issued that may make it easier to use outside sources of funding for official travel.

You may consume food or beverages available in the ordinary course at meetings, banquets, receptions, or similar events where you are otherwise properly in attendance. Likewise, it is acceptable to stay at the personal residence of your host if this would be appropriate under the circumstances of your visit.

Ordinarily, all official travel should be on commercial transportation. In a very unique circumstance, where private or chartered aircraft or other means of transportation is the only transportation available, the individual or corporation providing the transportation must be reimbursed. Please note that Federal Aviation Administration regulations prohibit reimbursement under certain circumstances. In this regard, you should bear in mind that this restriction generally prohibits accepting free transportation while on official business if someone offers you a ride on a private plane that is otherwise going to the same destination as yours.

b. Official Travel Abroad

Normally, the U.S. Government should pay the cost of official travel abroad. However, the Foreign Gifts and Decorations Act, 5 U.S.C. 7342, permits a Government official to accept transportation, food, and lodging *while abroad* from a foreign government or international governmental organization *if* acceptance is appropriate and consistent with the interest of the United States. This does not permit acceptance of travel expenses to or from the United States.

All foreign official travel expenses paid by a foreign government or international organization must be immediately reported pursuant to Section 7342(c)(3) of the Foreign Gifts and Decorations Act.

The rules applicable to officials also apply to an accompanying spouse or dependent except that Government funds may not be used to pay for a spouse's or dependent's travel to or from the United States unless on official travel. In general, a foreign government may not pay for a spouse or dependent's travel to or from the United States regardless of whether he or she is on official travel.

Staff members who are required to file public financial disclosure reports must report most gifts and reimbursements even for purely personal travel, consistent with the Ethics in Government Act and regulations thereunder.

c. Travel on Political Campaigns

Political travel may be appropriate for certain officials not covered by the Hatch Act. If an official travels for a political committee or on behalf of a particular candidate, Government funds may not be used to cover travel or lodging or other political expenses. These costs should be paid in advance by the appropriate committee or campaign fund.

The Federal Election Commission has rules on allocating costs when a trip combines both political and official activities. Staff should consult the Counsel's Office and the Office of Political Affairs and obtain approval of the White House Operations Office *before* undertaking any such trip. A Counsel's Office memorandum provides more detailed guidance on allocating travel expenses.

d. Personal Travel

It is sometimes difficult to determine whether travel to and attendance at a particular event should be deemed to be "official" travel or personal travel. Very often you may be invited to attend a conference or meeting or to make a presentation where the circumstances do not make clear whether the invitation is being issued to you in your private or official capacity. Likewise, there are some instances where you may wish to attend a meeting, but you would not normally be officially requested or directed to attend.

As a rule of thumb, if your travel is in furtherance of your official duties or the Administration's policies, it should be considered as "official" travel for purposes of determining whether you may accept expenses. If not, your travel may be deemed personal. Such travel, like other outside activities, cannot be undertaken if it is not consistent with the full and proper performance of your job duties.

When your travel is not official, but for personal business or pleasure, the law provides that you may not accept or be reimbursed for normal, ordinary travel expenses from non-Government sources if the individual or organization so providing it:

- (1) has, or is seeking to obtain, contractual or other business relations with your agency;
- (2) conducts business or activities that are controlled or regulated by your agency;
- (3) otherwise has interests that may be substantially affected by the performance or nonperformance of your official duty.

In the case of all White House personnel, these prohibitions must be scrupulously observed. If there is any doubt as to the appropriateness of accepting travel expenses or reimbursement, *it must be resolved in favor of not accepting*. These limitations do not apply when the gift of transportation or travel expenses is a result of an obvious friend of the family or close personal relationship, and it is clear that the relationship is the motivation for the gift. Again, any doubt must be resolved in favor of not accepting. Remember that the appearance of a conflict often creates far greater problems and embarrassment than a true conflict.

Some other rules of thumb in regard to personal travel:

- You may accept normal and reasonable expenses in connection with travel to receive a personal award or honor, if not otherwise proscribed by the business activity of the individual or organization.
- If you hold an official position in a professional organization, or serve on a board or committee, you may accept reimbursement for travel expenses while attending meetings if reimbursement of such expenses is customary for others in similar positions; and the position is personal to you rather than by virtue of your position in the White House. (Section 7 of this Tab describes other limitations on holding such outside positions.)
- Except under the most unusual or special circumstances, travel on corporate aircraft shall not be accepted. This is a constant and recurring source of embarrassment to Government officials.
- Staff members who are required to file public financial disclosure reports must report most gifts and reimbursements even for purely personal travel, consistent with the Ethics in Government Act and regulations thereunder.
- Questions of legality aside, you should not accept any gift of travel expenses that you are not willing to have discussed in the press.

e. Bonus Mileage and Frequent Flyer Plans

Bonus mileage or other forms of promotional credits earned while traveling on Government business cannot be used to earn free personal travel. Several General Accounting Office (GAO) opinions have concluded that any employee (which would include a volunteer or intern) who has obtained bonus mileage on Government travel and uses it for personal travel is obligated to repay to the Government the full value of the personal travel. Moreover, under GAO precedent, until any given account is cleared of any mileage based on Government travel, the individual is precluded from deriving free personal travel from the account. Questions may be directed to the Counsel's Office (x2674).

f. Public Reporting Requirements (not applicable to all Staff Members)

Subject to certain exclusions, individuals required to file an annual Financial Disclosure Report (SF-278) must disclose on that report the source, description, and approximate value of gifts of transportation, lodging, food, and entertainment aggregating \$250 or more in the preceding year from one source that were received by the individual, his/her spouse, or dependent children, or the reimbursement for such travel.

7. Outside Employment, Outside Activities, Positions in Outside Organizations, and Supplementation of Salary

a. Outside Earned Income

All full-time, non-career Presidential appointees paid at salaries equal to or greater than GS-9 are subject to a total ban on outside earned income imposed by Executive Order 12674, issued by President Bush in April 1989. This ban extends to all full-time White House Office and Office of Policy Development staff, except as described below.

(1) Definition of Outside Earned Income

The Office of Government Ethics has defined outside earned income to include: wages, salaries, commissions, professional fees, and other compensation received for personal services actually rendered

5 C.F.R. 734.501(b). The Office of Government Ethics does not consider as outside earned income any income received:

- (a) By an inactive partner, or
- (b) From investments with respect to which the personal services of the . . . individual are not a material factor. . .
- (id) The Executive order bars only income earned for any outside employment or activity performed during your service in a position covered by the bar. In addition, the Executive order includes an exception to the bar for earned income resulting from contractual obligations that were entered into before the order was issued.

(2) Persons Covered by the Ban

The outside earned-income ban applies only to those individuals appointed by the President to a *full-time non-career position*. Three points of clarification may be useful. First, all individuals on the White House Office and Office of Policy Development payroll are considered to be appointed by the President, whether or not they hold a formal commission of appointment.

Second, because only full-time employees are covered by the ban, individuals who work part-time or on a when-actually-employed (WAE) basis are not covered.

Finally, the ban covers only those individuals in "non-career" positions. The President has made clear his intent that the ban does not extend to individuals in White House operating units whose positions are not normally subject to change as a result of Presidential transitions. Although some case-by-case determinations may need to be made, the kinds of positions that may be considered outside the scope of the ban are the non-policy-related positions within the White House operating (as opposed to policy) units: the Travel & Telegraph Office, Telephone Operators, Records Management, Executive Clerk, and Correspondence. Not all positions in these units will fit this description. In addition, individuals appointed pursuant to the general authority to employ contained in 5 U.S.C. 3101 (which covers certain positions in the Office of Administration) are not covered. If you have any question regarding whether a particular position in one of these units is covered by the ban, contact the White House Personnel Office (x2260).

(3) Approval of Outside Employment for Staff Not Covered by the Ban

It is extremely important to recognize that even persons not covered by the Executive order's ban on outside earned income remain subject to the pre-existing regulations establishing Standards of Conduct for the Executive Office of the President. The Standards of Conduct prohibit outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of one's Government employment. See generally 3 C.F.R. 100.735-15.

Under the Standards of Conduct, an individual wishing to engage in outside employment must obtain the approval, through his official supervisor, of the agency head. The President has delegated the authority to review and approve or disapprove outside employment requests to the Assistant to the President for Management and Administration. Accordingly, if you are not covered by the ban on outside earned income and wish to engage in outside employment, and if your supervisor approves, you should submit a written request, reflecting your supervisor's approval, to the Assistant to the President for Management and Administration. Such requests should describe the nature of the proposed outside employment, the hours during which that employment will be undertaken, and the nature of the employee's White House position and hours of duty. Any approval of outside employment will become a part of your official personnel folder.

In approving or disapproving outside employment, supervisors and the Assistant to the President for Management and Administration should observe the requirements of the Standards of Conduct, which specify the following activities as among those that are incompatible with the full and proper discharge of the duties and responsibilities of an employee's Government position:

(a) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(b) Outside employment that tends to impair the employee's mental or physical capacity to perform his or her other Government duties and responsibilities in an acceptable manner.

If you have any questions about this memorandum, please contact the White House Personnel Office (x2260) or the Counsel's Office (x2674), as appropriate.

As of January 1991, new statutory requirements impose limits on outside earned income for non-career employees in all branches paid at GS-16 or above. These statutory limits do not have a major effect on the White House because current policy is already more restrictive than the standards that will take effect in 1991. Further guidance will be issued as appropriate.

b. Positions in Outside Organizations

White House Office and Office of Policy Development employees are not permitted to hold positions as officer, director, board member, or trustee of any for-profit entity. Positions as officers, directors, board members, or trustees of nonprofit entities are permitted subject to applicable ethical standards set forth below and with the advance approval of the Counsel's Office.

- **Conflict of Interest**

Financial Conflicts – Individuals who are officers, directors, or trustees (as opposed to mere members) of private organizations (including nonprofit organizations) are deemed by the general criminal conflict of interest statute (18 U.S.C. 208) to share the financial interests of the outside organization. As applied by the Office of Government Ethics (OGE), this means that, absent a waiver, a public official who serves in such a position cannot, in the course of particular matters of government business, deal directly with the organization in which he or she serves. An official who has a position with an outside organization also must recuse himself or herself from personal and substantial participation in any particular matter - including a particular policy matter - that would have a direct and predictable effect on the organization - including any financial interests of the organization (such as investments) of which the official knows. As a result of these considerations, it is ordinarily not appropriate for an individual to hold an outside position with an organization that has more than incidental dealings with the individual or the individual's office or that has interests that would be significantly affected by the activities of that office.

Other Conflicts – An outside position may be inconsistent with the full and proper discharge of an employee's job even if it does not create a financial conflict of interest. For example, an outside position can present a conflict if its demands detract from the employee's ability to perform his or her Government duties and responsibilities. In addition, when a White House employee is affiliated as an officer, director, or trustee of an outside organization, there is a heightened potential for embarrassment and/or appearance of impropriety if the organization is likely to take positions inconsistent with Administration policy.

- **Official Title, Time, Resources and Non-Public Information**

An individual's affiliations with nonprofit organizations are generally private activities, rather than official acts as a representative of the U.S. Government. It is inappropriate for a Federal employee's Government title to be used as his or her title in connection with a private affiliation with an outside entity. Similarly, it is impermissible for an individual to use Government resources (including supplies, secretarial services, equipment, etc.) in connection with an outside position, to carry out an outside organization's business on official time, or to use, for the benefit of the private organization, any Government information not generally available to the public.

- **Contacts with the Federal Government**

As noted in the above discussion of conflict of interest considerations, a public official who serves on an outside organization's board cannot deal with that organization in the course of his or her Government job. Because of separate constraints, a public official also generally cannot step outside his or her Government position to act as the agent or representative of an outside organization in its dealings with the Federal Government.

- **Outside Earned Income**

As noted earlier, Executive Order 12674 precludes most White House Office and Office of Policy Development employees from receiving any outside earned income for services performed during their current Government positions. This would prevent receipt of compensation for service as an officer, director, or trustee of a nonprofit organization (although it would generally not prevent reimbursement of reasonable travel expenses associated with organization business).

- **Avoidance of Use of Public Office for Private Gain**

Ethics standards prohibit the use of public office for private gain, including the gain of a nonprofit organization. The Office of Government Ethics prohibits Federal employees from soliciting contributions from people or entities with which they do Government business and from using their official titles in connection with fundraising for organizations with which they have private affiliations. It is also long-standing White House policy that White House employees not act as honorary co-chairmen for private charitable fundraising efforts. In cases in which a White House employee is otherwise properly affiliated with a nonprofit organization, there may be instances in which the organization's fund-raising could involve use of the individual's name (but not Federal title) on the organization's letterhead. These instances should be discussed with Counsel's Office staff in advance for analysis on a case-by-case basis.

In serving on an outside board, Federal employees also continue to be governed by the remainder of the general ethical standards embodied in the Executive Office of the President Standards of Conduct regulations.

If you have any questions or wish to request approval to serve in a position with a particular organization, contact the Counsel's Office (x2674).

c. Honoraria

As a general matter, White House Office and Office of Policy Development employees are prohibited from receiving honoraria or other compensation for speeches, lectures, appearances, and articles. Most such employees are barred by Executive Order 12674 (discussed above) from receiving any kind of outside earned income, including honoraria. Even individuals not covered by the bar on outside earned income are precluded by current law from accepting an honorarium in excess of \$2000 and are precluded by current regulations from accepting any honorarium or other compensation for speeches, lectures, teaching, or writing on a subject that is in any way related to his or her official position or to the operations of the White House or the Executive Office of the President.

As a result of the Ethics Reform Act of 1989, it is illegal, after January 1, 1991, for any Federal employee to receive an honorarium.

These restrictions do not preclude the acceptance of an award for meritorious public service or achievement given by a charitable, professional, religious, nonprofit, educational, civic, or similar organization, but you should consult with the Counsel's Office before accepting any such award that entails a monetary grant or that may raise a question of conflict of interest.

d. Supplementation of Salary

Federal criminal law (18 U.S.C. 209) prohibits private supplementation of the salaries of executive branch employees. This statute does not apply to individuals who serve without compensation and does not apply to special Government employees (such as consultants and advisory committee members) who serve for less than a specified period of time.

Section 209 prohibits executive branch employees from receiving supplementary salary payments from a private organization. This includes a prohibition on compensation for activities that fall within the scope of their ordinary duties.

A prospective Federal employee covered by this statute also cannot accept any benefits or compensation from a company for which he or she has worked in the past if the benefit or compensation is being provided as compensation for the forthcoming Federal service. For example, it is not permissible for a former employer to provide a higher severance payment because the employee has entered Federal service than would otherwise be provided to an employee leaving the company. This prohibition does not prevent an individual from continuing to participate in a bona fide pension, retirement plan, health plan, or other employee welfare or benefit plan maintained by a former employer. There will be a problem, however, if a plan differentiates between individuals entering Federal service and others.

In most circumstances, White House staff will not be permitted to take a leave of absence from their outside position, but rather will be asked to sever their outside employment ties. (Exceptions have been permitted for individuals on leave from academic institutions and may be considered in very unusual circumstances where there is special justification, so long as the outside tie would not pose a conflict of interest issue, create a risk that the private organization will derive publicity or other gain from the Government official's service, or otherwise pose a problem.) Even where a leave of absence is otherwise permitted, however, section 209 prevents accepting leave to engage in Federal service if a leave involving the same benefits would not have been granted for another purpose.

8. Political Activities of Federal Officers and Employees

Several statutes regulate the extent to which Federal officials and employees may engage in political activities. The primary statutes are the "Hatch Act," 5 U.S.C. 7321-7327; the Federal Election Campaign Act, 18 U.S.C. 600-607; and the Civil Service Reform Act, 5 U.S.C. 2302. These statutes are implemented by regulations of the Office of Personnel Management, 5 C.F.R. Part 733, and administered by the Office of Special Counsel under 5 C.F.R. Part 1250. This manual merely summarizes highlights of certain of the relevant laws and regulations. Specific questions should be addressed to the Office of the Counsel to the President.

Generally, only those Executive Office of the President ("EOP") employees who are paid from the appropriations for the White House Office ("WHO") itself or the Office of the Vice President may engage in political activity. All others, except those appointed by the President by and with the advice and consent of the Senate, are subject to the provisions of the Hatch Act and should not engage in partisan political activities.

These exceptions have *not* been interpreted to extend to other EOP employees; such other employees, including Office of Management and Budget (OMB) staff, Office of Policy Development (OPD) staff, Office of Cabinet Affairs staff, and all schedule C's and detailees to the White House paid from agency appropriations, should abide by all Hatch Act prohibitions.

a. Permitted Activities

Employees covered by the Hatch Act may:

(1) register and vote;

(2) make financial contributions to a party or candidate, except that 18 U.S.C. 603 precludes Federal employees from contributing to their employer or "employing authority" (5 U.S.C. 7323 imposes other restrictions on employees in Executive agencies);

- (3) express their opinion on political subjects;
- (4) wear campaign buttons or display bumper stickers;
- (5) be a member (but not an officer or committee member) of a political party or organization, so long as they do not actively engage in campaign activities;
- (6) attend (but not as a delegate) a political convention, fund-raising function, or other political gathering, so long as they do not organize or participate in the program of such an activity;
- (7) sign a nominating petition.

The Hatch Act does not prohibit active participation in campaigns relating to nonpartisan issues, such as constitutional amendments or referenda items. Moreover, Federal employees may serve as neutral election judges even in partisan campaigns.

Because of the high concentration of Federal employees in the D.C. Metropolitan Area, specific regulations permit these employees to participate in campaigns for independent candidates for local office. The specific localities where such activity is permitted are listed in 5 C.F.R. 733.124.

b. Hatch Act Prohibitions

Employees fully covered by the Hatch Act may not:

- (1) take an active part in the management of a political campaign;
- (2) be a partisan candidate in an election for State or national office;
- (3) serve as an officer of a political party, as a member of a national, state, or local committee of a political party, or as an officer or member of a committee of a partisan political club;
- (4) organize a political organization or club;
- (5) solicit, receive, handle, otherwise account for, or disburse political contributions;
- (6) sell tickets to, organize, or actively participate in any political fund-raising activity;
- (7) solicit votes for or against a candidate;
- (8) serve as party or candidate challenger or pollwatcher;
- (9) drive voters to the polls for a candidate or party;
- (10) endorse or oppose a candidate in political advertisements, broadcasts, or campaign literature;
- (11) serve as a delegate or alternate to a political convention;
- (12) organize or actively participate in the activities of a political convention;
- (13) serve on a standing committee of a political convention;
- (14) circulate a candidate-nominating petition;
- (15) address a convention, rally, caucus, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office.

Because the limitations of the Hatch Act apply 24 hours a day, a "hatched" employee may not participate in political activity, either on the job or off. That means, for example, that a "hatched" employee may not draft a political speech. Although it is possible for a "hatched" employee

to draft a speech concerning Administration issues that may be presented in a political setting, the "hatched" employee may not prepare any material containing statements for political advocacy, nor any materials that will be used exclusively for a political purpose.

Again, any questions on these matters should be directed to the Office of the Counsel to the President. In addition, the White House Office of Political Affairs (OPA) serves as the official liaison to the political community, including party officials, candidates, and campaign officials and staff. White House staff members exempt from the Hatch Act who desire (as an entirely voluntary matter) to participate in political activities should coordinate their activities with OPA in addition to ascertaining the legality of such actions.

c. Restraints Applicable to All Staff

Even staff members who are exempt from the Hatch Act's prohibitions on partisan political activities are subject to certain restrictions. For example, the Hatch Act prohibits all Federal employees from using their official authority or influence for the purpose of interfering with, or affecting, the results of an election.

Certain other rules apply as a general matter. For example, non-"hatched" White House staff members must perform their official duties for a minimum of 40 hours per week or 80 hours per 2-week pay period in order to receive their full Federal salary. Any non-"hatched" White House staff members who complete a minimum of 40 hours of official duty during any full week (Monday-Sunday) may be absent from their official duty station for no more than one weekday (Monday-Friday) for the purpose of engaging in political activity without taking annual leave or leave without pay.

Further, White House vehicles in general may not be used for political purposes, and Government funds must not be used for the political travel of staff members. White House messengers should not be used to deliver or pick up political materials from the RNC or any other political committee.

In those very limited circumstances in which Government communication systems (telephone, telegraph, teletype, telecopy, or radio) are used for campaign-related purposes, appropriate reimbursement or payment at the "usual and normal charge," 15 C.F.R. 100.7(a)(1)(B), must be made by a proper political campaign committee. Because of the need for liaison between a limited number of White House staff members and a political committee, telephones may be used for local calls. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fund-raising.

Government buildings, including White House offices and meeting rooms, should not be used for meetings or events organized by a campaign or political committee. Informal meetings involving small numbers of campaign or political officials and White House staff members may occasionally be held in a White House staff member's office or, if it is a luncheon or breakfast meeting, in the White House Mess, provided that such meetings do not interfere with the conduct of Government business.

Campaign fund-raising activities of any kind are prohibited in or from Government buildings. Campaign-sponsored or other political activities (receptions, dinners, meetings, but not fund-raisers) may be held in the Executive Residence at the White House, provided that either the President, First Lady, or some other family member attends the event. Campaign or other political events (*other than fund-raisers*) may also be held at the Vice President's Residence so long as the Vice President or some other family member attends the event. The cost of campaign or political events at

either residence must be paid by the proper campaign or political committee in accordance with the guidelines that have been established for the use of these residences for non-official purposes. More detailed rules apply in such circumstances, and any questions should be raised with the Office of the Counsel to the President.

Officials with authority over personnel decisions are forbidden to discriminate on the basis of political affiliation, coerce political activity, or take reprisals for the failure to engage in political activity with respect to personnel actions involving Federal employment. The statute, 5 U.S.C. 2302, excludes from this prohibition noncareer SES appointees, other employees in confidential policy-making positions in the excepted service, and positions excluded from coverage by the President. However, Supreme Court decisions suggest that political tests for appointment or retention in office often may be impermissible unless there is a clear nexus between the duties of the office and political affiliation.

There are other Federal laws dealing with political activity that apply without exception to all White House Office staff.

Among the principal activities prohibited by these criminal statutes are:

(1) Solicitation of political contributions by threatening to deny Government employment or benefits (18 U.S.C. 601).

(2) Solicitation of political contributions by one Federal employee from another (18 U.S.C. 602).

(3) Contributions by a Federal employee to the employee's employer or employing authority or related political committee (18 U.S.C. 603).

(4) Solicitation or receipt of political contributions in a Federal building by any person whether or not an employee of the Government (18 U.S.C. 607).

(5) Solicitation or receipt of anything of value, either for personal reward or as a political contribution, in return for the promise to use, or the use of, influence to secure an appointive office (18 U.S.C. 211).

(6) Promising employment, compensation or other benefits made possible by act of Congress as consideration or reward for political activity (18 U.S.C. 211).

(7) Discrimination by a Federal employee in favor of or against another officer or employee on account of political contributions (18 U.S.C. 606).

9. Contacts with Departments and Agencies

a. Contact with Independent Regulatory Agencies, Investigative and Intelligence Personnel and Procurement, and Grant Officers

It is important that you be familiar with the standards of conduct governing the activities of the White House and Office of Policy Development staff in their contacts with the independent agencies and executive branch departments and agencies with investigative, intelligence, and procurement responsibilities.

(1) Regulatory Agencies: The cases that come before these agencies are of two general types: rulemaking and adjudicative. Both are normally extremely complicated, extremely important to the parties concerned, and involve large amounts of money. While there may be exceptional occasions when White House staff contact with agency personnel is justified in rulemaking proceedings, there is no justification for involvement in particular adjudicative proceedings. As a general rule, no member of the staff should make an *ex parte* contact with a regulatory agency in regard to any particular matter pending before that agency, regardless of whether the proceedings are deemed to be rulemaking or adjudicative, when such a contact may imply preferential treatment or use of influence on the decision-making process.

Should you receive inquiries with regard to such matters, you should refer the inquiring party to the agency involved, and express no opinion on the issues raised. In short, White House staff members should avoid even the mere appearance of interest or influence – and the easiest way to do so is to avoid discussing matters pending before the independent regulatory agencies with interested parties and avoid making *ex parte* contacts with agency personnel. Should an occasion arise in the course of your duties where it appears necessary to discuss general policy matters with the staff of an independent regulatory agency, to avoid any appearance of impropriety, you should first consult with the Office of the Counsel to the President to determine whether such contact would be appropriate under the circumstances. Such clearance is not required before contacting executive agencies on administrative or purely executive matters when no adjudicative, regulatory, procurement action, or grant-making action is involved.

The following agencies, while not an exhaustive listing, are regarded by the Justice Department as independent and should not be contacted by White House staff (except for routine referrals of mail, and administrative matters) without prior clearance with the Counsel's office:

- Commodity Futures Trading Commission
- Consumer Product Safety Commission
- Federal Communications Commission
- Federal Election Commission
- Federal Maritime Commission
- Federal Trade Commission
- Interstate Commerce Commission
- National Credit Union Administration
- National Labor Relations Board
- National Transportation Safety Board
- Nuclear Regulatory Commission
- Occupational Safety and Health Review Commission
- Securities and Exchange Commission
- U.S. International Trade Commission

The following agencies, or components of executive departments or agencies, exercise certain regulatory or adjudicative functions that should be treated as independent. Accordingly, they should not be contacted with respect to the exercise of those functions without prior clearance with the Counsel's Office:

- Environmental Protection Agency
- Equal Employment Opportunity Commission
- Federal Aviation Administration (Transportation)
- Federal Energy Regulatory Commission (Energy)
- Federal Labor Relations Authority
- Foreign Claims Settlement Commission (Justice)

Merit Systems Protection Board
Overseas Private Investment Corporation
Pension Benefit Guaranty Corporation
U.S. Parole Commission (Justice)

This list is merely illustrative. Also many bureaus and divisions of agencies have authority to issue binding regulations or to decide specific claims, and White House staff should not attempt to influence these decisions on an *ex parte* basis.

(2) Investigative and Intelligence Functions: As set forth in Part b of this section, the ban on contacts extends to the litigating, investigative, and adjudicatory divisions of the Department of Justice. The same rules apply to the Internal Revenue Service, the Inspectors General, the Special Counsel of the Merit Systems Protection Board, and similar components of departments and agencies with authority to investigate charges of misconduct, conduct audits of specific programs, or bring complaints before courts or other adjudicative bodies.

White House staff should also confer with the Counsel's Office before making inquiries of agencies with respect to particular individuals. While the White House Office is not bound by the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, Federal agencies are restricted by that Act from disclosing information about individuals contained in their files. The White House staff should be sensitive to these constraints.

Agencies in the intelligence community, including CIA, NSA, DIA, the Intelligence Division of the FBI, and the intelligence components of the military services, report to the President through his Assistant for National Security Affairs. These agencies should not be contacted directly without coordinating first with the Assistant for National Security Affairs, and where issues of individual privacy may be concerned, the Counsel to the President.

(3) Procurement and Grant-Making Functions: In recent years, the public has become increasingly sensitive to the allegations of improper influence in the awarding of Government contracts and grants. Obviously, no member of the White House staff should contact any procurement or grant officer about a matter in which he has a personal financial interest or in which a relative, friend, or business associate has a financial interest. This is true not only as to calls or contacts in which influence is directly exerted, but also as to so-called "status" calls or other communications that might direct the attention of the procurement officer to the fact that the White House staff member has an interest.

There are likely to be occasions when the White House has a legitimate interest in information about procurement and grant matters; in such instances, the communication should be made by persons who have no direct interest themselves, and whose friends or associates have no such interest. It is advisable that the lack of such interest be made known to those receiving the communication so that unintended inferences do not arise. To the extent that it can be done, information should be obtained after the contracting procedure is completed, or from persons not involved in the decision-making process. To avoid the appearance of conflict and subsequent embarrassment, White House staff members who feel they must contact agencies with regard to a pending contract or grant should also first contact the Office of the Counsel to the President.

b. Communications with the Department of Justice

As we are all keenly aware, it is imperative that there be public confidence in the effective and impartial administration of the laws. To that end, the following procedures have been established in regard to communications between the White House staff and the Department of Justice:

(1) All inquiries that concern or may concern particular pending investigations or cases being handled by the Department of Justice shall be directed to the Counsel to the President. If appropriate and necessary, the inquiry will then be transmitted to the Office of the Attorney General or the Deputy Attorney General.

(2) All requests for formal legal opinions from the Department of Justice shall be directed to the Counsel to the President, who will direct such requests to the Office of the Attorney General or the Assistant Attorney General for Legal Counsel.

(3) All comments between the White House Office and the Department of Justice in regard to policy, legislation, and budgeting should be handled directly between those parties concerned.

Your cooperation in observing these guidelines is most strongly urged. If you have any questions regarding these procedures, please contact the Counsel's Office.

c. Communications with the Department of The Treasury

In light of the sensitive nature of some of the component agencies of the Department of the Treasury, such as the Office of Comptroller of the Currency, Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, and the Secret Service, the following procedures have been established in regard to communications between the White House staff and the Treasury Department:

(1) All inquiries that concern or may concern particular pending investigations or cases shall be directed to the Counsel to the President. If appropriate and necessary, the inquiry will then be transmitted to the Office of the Deputy Secretary or the Office of the General Counsel of the Treasury.

(2) All inquiries that concern or may concern rulings on pending applications, regulatory actions, or adjudications shall likewise be directed to the Counsel to the President for transmittal, if appropriate, to the Deputy Secretary or General Counsel.

(3) All requests involving tax return information shall be directed to the Counsel to the President. If permitted by the Internal Revenue Code, such requests will be forwarded to the Deputy Secretary of the Treasury, except for routine "tax checks," which will be processed under our existing procedures.

(4) Requests for information or statistical data of a routine nature and comments regarding policy, legislation, and budgeting should continue to be handled directly between White House staff and the appropriate Treasury official.

d. Procedures Governing Presidential Review of International Aviation Decisions

Executive Order 12547 (February 6, 1986) sets out procedures for Presidential review of international aviation decisions pursuant to Section 801 of the Federal Aviation Act, 49 U.S.C. 1461. Section 5 of the Executive order prohibits individuals within the Executive Office of the President from discussing Section 801 cases - those involving international aviation - with outside parties, and requires such individuals to refer written communications on Section 801 cases from outside parties to the appropriate office outside the Executive Office of the President. You should refuse to discuss cases subject to the President's approval under Section 801 with interested private parties, and you should refer any written communications you receive on such cases to the Counsel's Office for appropriate referral.

Purely domestic aviation decisions not subject to Presidential approval under Section 801 would typically implicate our general policy against White House interference in particular matters pending before agencies with adjudicative responsibilities. You should consult with the Counsel's Office before discussing such cases with interested private parties or government agencies.

10. Post-Employment Restrictions

Federal criminal law (18 U.S.C. 207) imposes legal restrictions on Government employees following their Government service. Although the law imposes stricter limitations on individuals who occupy higher level positions, certain prohibitions apply (with specified exemptions) to *all* officials and employees of the executive branch, the independent agencies, and the District of Columbia, including most special Government employees. Violating the specific limitations on post-employment activities can result in fines and imprisonment of up to 5 years. The law is designed to preclude former officials from unfairly exploiting their prior Government employment and affiliations.

The post-employment restrictions described in parts a and b of this section apply to individuals leaving Federal service prior to January 1, 1991. Changes applicable thereafter are discussed in part c.

a. Overview of Current Law

Section 207 of Title 18 of the United States Code, as amended ("the Act"), a copy of which is included within Attachment A, contains four basic prohibitions:

(1) *The Lifetime Bar*: A lifetime bar against a former Government employee acting as a representative in any particular matter involving specific parties in which he or she personally and substantially participated during Government service.

(2) *2-Year Official Responsibility Bar*: A 2-year restriction on former Government employees acting as a representative in any particular matter involving specific parties over which he or she had official responsibility during his or her last year of Government service (or in certain cases, earlier).

(3) *2-Year Bar on Assisting Representation by Personal Presence; Senior Employees Only*: A 2-year restriction on a former senior employee assisting, by personal presence, in a representation before the United States in any particular matter involving specific parties in which he or she participated personally and substantially during Government service.

(4) *1-Year Cooling-Off Period; Senior Employees Only*: A 1-year cooling-off period on a former senior employee, precluding any communications with the intent to influence his or her former department or agency on any particular matter, regardless of prior involvement.

Given the law's complexity, the above summaries are necessarily incomplete, and each restriction is described below in more detail. It is also recommended that you become familiar with the details of these restrictions, as set forth in Office of Personnel Management regulations at 5 C.F.R. Part 2637. Limited excerpts from these regulations are set out in Attachment D and referenced in the discussion that follows. Copies of the complete regulations are available on request from the Counsel's office.

b. The Four Current Restrictions

(1) The Lifetime Bar

The Act creates a lifetime prohibition against a former employee acting as a representative in particular matters involving specific parties in which (a) he or she personally and substantially participated as a Government employee, and in which (b) the Government has a direct and substantial interest. When this bar applies, the former employee may not, as to the specific matter covered, act as agent for, or otherwise represent, anyone in any appearance before a court, department, agency, or Government official or employee. In addition, he or she may not communicate in any way with the U.S. Government on such matters if the communication is made with the intent to influence the receiver. Communications to Congress are generally not limited. This restriction does not bar involvement or assistance in any matter; it simply limits the former employee's communications with the U.S. Government about the matter.

The lifetime bar only applies to *particular matters involving specific parties*. (The regulation defining this term is reprinted at Attachment D.) Such a matter is typically a specific proceeding affecting the legal rights of parties or an isolatable transaction or set of transactions between identifiable parties. A former employee's prior participation in Government rulemaking, legislation, policy formulation, or other matters of general applicability does not trigger this restriction.

The lifetime bar also applies only to matters in which the former employee was *personally and substantially involved*. (The regulatory definition of this term is reprinted at Attachment D.) Personal involvement may be direct or through the participation of a subordinate when directed by the employee. Substantial involvement requires involvement that is significant to the matter or appears so, and that is more than official responsibility and more than perfunctory. Note that brief involvement at a critical stage in a matter may be highly influential and hence substantial, while lengthy peripheral involvement may be insubstantial. Participation in mere ancillary matters would not be substantial, unless the ancillary matter proved to be the subject of the later proposed representation.

In short, if an employee participated personally and substantially in a particular matter involving specific parties, he or she is forever precluded from representing anyone in any proceeding concerning the matter in which the U.S. Government has a direct and substantial interest.

(2) The 2-Year Official Responsibility Bar

The Act also contains a 2-year restriction on a former employee's representative involvement in any particular matter involving specific parties that was under his or her official responsibility during the last year of Government service (or in some cases, earlier, as described below). During that 2-year period, the former employee may not act as attorney or other representative in the matter or otherwise communicate with the U.S. Government with the intent to influence the recipient. As is the case with the lifetime bar described above, this 2-year bar only applies to particular matters involving specific parties and does not prohibit behind-the-scenes advice or contacts with Congress.

Matters covered by this 2-year bar are those over which the former employee had *official responsibility*. (A definition of this term is reprinted at Attachment D.) In general, official responsibility encompasses matters for which an official had direct administrative or operating authority to approve, disapprove, or otherwise direct Government actions. Ordinarily, the scope of the former employee's responsibility will be determined by his or her job description, regulation, or a relevant statute.

It is irrelevant whether the former employee actually knows that a matter was under his or her official responsibility. If an employee suspects that a matter may have been under his or her official responsibility, he or she must make further inquiries.

The 2-year bar is measured from the end of an official's responsibility for a given area. That is, as to matters within his or her area of responsibility during the year immediately prior to leaving Federal service, an official is barred from representation, for 2 years after the end of his or her Federal service. *In addition*, if a former official's responsibilities changed some time before the end of his or her Federal service, he or she is also subject to the bar as to matters within the area of former responsibility, until 2 years after the former responsibility ended. (For example, if an individual switched jobs, spent 6 months in the new job, and then left the Government, the individual would have to wait a year and a half before the bar expired as to the first job and 6 more months before the bar expired as to the second job.)

(3) Two-year Bar on Assisting in Representation by Personal Presence; Senior Employees Only

A *Senior Employee* is also barred for 2 years after Government employment from assisting "by personal presence" in representation of any person in a particular matter involving specific parties in which the former Senior Employee participated personally and substantially. By statute, a *Senior Employee* includes: (1) any individual paid at the Executive Level; (2) certain high-level military officials; and (3) individuals in positions that are expressly designated as Senior Employees. (No positions in the White House Office or Office of Policy Development have been expressly designated.)

Like the lifetime bar described above, this restriction covers only *particular matters involving specific parties* and only those matters in which the former Senior Employee was *personally and substantially involved*. (See definitions of those terms above and in Attachment D.)

The 2-year bar on assisting by personal presence in representation does not prevent Senior Employees from providing assistance in particular matters in which they were previously personally and substantially involved. They cannot, however, make a *personal appearance* before the U.S. Government in such a matter.

(4) The 1-Year Cooling-Off Period: Senior Employees Only

Senior Employees (as defined above) are also covered by a 1-year "cooling-off" period following the termination of their Government employment. During that year, a Senior Employee may not represent anyone before, nor communicate with an intent to influence anyone at, his or her former department or agency concerning *any particular matter pending before that department or agency* or in which the agency has a direct and substantial interest. The entire Executive Office of the President is now considered to be a single agency for the purpose of this restriction. (Note that the scope of this cooling-off period is expanded as of 1991. See Part c of this section, below.)

This bar applies *regardless* whether the employee previously participated in or had responsibility for the matter, and *regardless* whether the matter was pending when he or she was employed at the agency. Unlike the three preceding bars, this cooling-off period includes communications involving policy matters such as legislation or rulemaking; it is *not* limited to particular matters involving specific parties. As in the other bars, however, behind-the-scenes advice to an outside party is not prohibited.

Although the bar covers almost all Senior Employees and their activities, there are certain exemptions. For example, it does not apply to former employees who are subsequently elected to State or local office, or become employees of State and local Government agencies or of certain institutions of higher education, hospitals, or medical research foundations, as to contacts on behalf of those new employers. The statute also does not prohibit communication with or representation before Congress, other agencies, the public, or the press. The law does not preclude a former Senior Employee from contact with his or her former agency if the contact is required by law. The law contains numerous miscellaneous provisions for obtaining special exemptions, making certain exempt communications, testifying in court, and barring partners of current employees from certain activities.

Because the Act covers such a broad range of conduct and carries such serious penalties for violation, it is imperative that a former employee carefully consult the law and the implementing regulations. The Office of the Counsel to the President can provide further information.

c. Key Changes Taking Effect January 1, 1991

Under the Ethics Reform Act of 1989, certain changes to the post-employment restrictions take effect as to individuals leaving Federal service on or after January 1, 1991. Key changes are:

(1) Repeal of the 2-Year Bar on Senior Employees Assisting in Representation by Personal Presence

(2) Redefinition and Expansion of the 1-Year Cooling-Off Period for Senior Employees

First, as of January 1, 1991, the pool of those subject to a 1-year cooling-off period will include: (a) anyone paid at the Executive Level or higher; (b) certain high-level military personnel; and the Vice President. This classification replaces the prior system in which certain positions had to be "designated" as senior. The Office of Government Ethics does, however, have limited powers to exempt certain positions (other than White House or Executive Level positions) from this classification.

Second, a group of "Very Senior" Employees will be subject to a broader bar during the one-year cooling-off period. Affected individuals are the Vice President, those in positions at Executive Level I throughout the Government (chiefly the Cabinet), individuals at Executive Level II or higher salaries in the Executive Office of the President and individuals in the White House Office or Office of the Vice President at salaries *above* Executive Level III. During the cooling-off period, a Very Senior Employee will not only be barred from lobbying anyone in his or her agency, he or she will also be barred from lobbying anyone in an Executive Level position throughout the entire executive branch. (The Executive Office of the President is considered a single agency for the purpose of this restriction.) For further information on the nature of the prohibited conduct, see the discussion of the current law regarding the cooling-off period, above.

(3) New 1-Year Bar on Aiding or Advising in an Ongoing Trade or Treaty Negotiation

Under the new law, a new restriction applies to individuals in the executive and legislative branches who have been personally and substantially involved in a trade or treaty negotiation within the 1-year period before leaving Federal service and who have had access to specially designated non-public information about the negotiation. Such individuals are prohibited for 1-year after their departure from aiding or advising a party other than the United States on the basis of the designated information.

ATTACHMENT A

Selected Criminal Conflict-of-Interest Statutes

Note: Except as otherwise noted, the statutes set forth in Attachment A reflect the amendments made by the DoD Authorization Act, Pub. L. No. 101-189 (November 29, 1989), the Ethics Reform Act of 1989, Pub. L. No. 101-194 (November 30, 1989), and the Act of May 4, 1990, Pub. L. 101-280 (making certain technical corrections to the Ethics Reform Act of 1989).

Financial Conflicts of Interest

(18 U.S.C. 208)

§ 208. Acts affecting a personal financial interest

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest--

Shall be subject to the penalties set forth in section 216 of this title.

(b) Subsection (a) shall not apply--

(1) if the officer or employee first advises the Government official responsible for appointment to his or her position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee;

(2) if, by regulation issued by the Director of the Office of Government Ethics, applicable to all or a portion of all officers and employees covered by this section, and published in the Federal Register, the financial interest has been exempted from the requirements of subsection (a) as being too remote or too inconsequential to affect the integrity of the services of the Government officers or employees to which such regulation applies;

(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or

(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights--

(A) in an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allotment or claims fund of the Indian tribe, band, nation, organized group or community, or Alaska Native village corporation as a specific party or parties.

(c) (1) For the purpose of paragraph (1) of subsection (b), in the case of class A and B directors of Federal Reserve Banks, the Board of Governors of the Federal Reserve System shall be deemed to be the Government official responsible for appointment.

(2) The potential availability of an exemption under any particular paragraph of subsection (b) does not preclude an exemption being granted pursuant to another paragraph of subsection (b).

(d) (1) Upon request, a copy of any determination granting an exemption under subsection (b)(1) or (b)(3) shall be made available to the public by the agency granting the exemption pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978. In making such determination available, the agency may withhold from disclosure any information contained in the determination that would be exempt from disclosure under section 552 of title 5. For

purposes of determinations under subsection (b)(3), the information describing each financial interest shall be no more extensive than that required of the individual in his or her financial disclosure report under the Ethics in Government Act of 1978.

(2) The Office of Government Ethics, after consultation with the Attorney General, shall issue uniform regulations for the issuance of waivers and exemptions under subsection (b) which shall--

(A) list and describe exemptions; and

(B) provide guidance with respect to the types of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from the employee.

Supplementing the Salary of a Federal Employee

(18 U.S.C. 209)

§ 209. Salary of Government officials and employees payable only by United States

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, or makes any contribution to, or in any way supplements the salary of, any such officer or employee under circumstances which would make its receipt a violation of this subsection--

Shall be subject to the penalties set forth in section 216 of this title.

(b) Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

(c) This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

(d) This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of the Government Employees Training Act (Public Law 85-507, 72 Stat. 327; 5 U.S.C. 2301-2319, July 7, 1958).

(e) This section does not prohibit the payment of actual relocation expenses incident to participation, or the acceptance of same by a participant in an executive exchange or fellowship program in an executive agency: Provided, That such program has been established by statute or Executive order of the President, offers appointments not to exceed three hundred and sixty-five days, and permits no extensions in excess of ninety additional days or, in the case of participants in overseas assignments, in excess of three hundred and sixty-five days.

(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code.

**Acting As Agent or Attorney In
Matters Before the United States**
(18 U.S.C. 205)

§ 205. Activities of officers and employees in claims against and other matters affecting the Government

(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties--

(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(b) [OMITTED; relates only to District of Columbia employees]

(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties--

(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except--

(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or

(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.

(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(h) For the purpose of this section, the term "covered matter" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.

Compensation for Representational Services
Before the U.S. Government
(18 U.S.C. 203)

§ 203. Compensation to Members of Congress, officers, and others in matters affecting the Government

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly--

(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any representational services, as agent or attorney or otherwise rendered or to be rendered either personally or by another--

(A) at a time when such person is a Member of Congress, Member of Congress Elect, Delegate, Delegate Elect, Resident Commissioner, or Resident Commissioner Elect; or

(B) at a time when such person is an officer or employee or Federal judge of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States,

in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court, court-martial, officer, or any civil, military, or naval commission; or

(2) knowingly gives, promises, or offers any compensation for any such representational services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Member Elect, Delegate, Delegate Elect, Commissioner, Commissioner Elect, Federal judge, officer, or employee;

shall be subject to the penalties set forth in section 216 of this title.

(b) [OMITTED; relates only to District of Columbia employees]

(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a particular matter involving a specific party or parties--

(1) in which such employee has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise; or

(2) which is pending in the department or agency of the Government in which such employee is serving except that paragraph (2) of this subsection shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d) Nothing in this section prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for or otherwise representing his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except--

(1) in those matters in which he has participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

(2) in those matters that are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

(e) Nothing in this section prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.

(f) Nothing in this section prevents an individual from giving testimony under oath or from making statements required to be made under penalty of perjury.

Post-Employment Restrictions

(18 U.S.C. 207)

Note: This version of 18 U.S.C. 207 does not reflect the amendments made by the Ethics Reform Act of 1989, Pub. L. No. 101-194 (November 30, 1989), which amended the law effective January 1, 1991. This version applies to employees leaving government service prior to January 1, 1991.

§ 207. Disqualification of former officers and employees; disqualification of partners of current officers and employees

(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to--

- (1) any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and
- (2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and
- (3) in which he participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, while so employed; or

(b) Whoever, (i) having been so employed, within two years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed and as specified in subsection (d) of this section, within two years after his employment has ceased, knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before--

- (1) any department, agency, court, court-martial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and
- (2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and
- (3) as to (i), which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility, or, as to (ii), in which he participated personally and substantially as an officer or employee; or

(c) Whoever, other than a special Government employee who serves for less than sixty days in a given calendar year, having been so employed as specified in subsection (d) of this section, within one year after such employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, anyone other than the United States in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of anyone other than the United States, to--

- (1) the department or agency in which he served as an officer or employee, or any officer or employee thereof, and
- (2) in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, and
- (3) which is pending before such department or agency or in which such department or agency has a direct and substantial interest--

shall be subject to the penalties set forth in section 216 of this title.

(d)(1) Subsection (c) of this section shall apply to a person employed--

- (A) at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code, or a comparable or greater rate of pay under other authority;
- (B) on active duty as a commissioned officer of a uniformed service assigned to pay grade of 0-9 or above as described in section 201 of title 37, United States Code; or
- (C) in a position which involves significant decision-making or supervisory responsibility, as designated under this subparagraph by the Director of the Office of Government Ethics, in consultation with the department or agency concerned. Only positions which are not covered by subparagraphs (A) and (B) above, and for which the basic rate of pay is equal to or greater than the basic rate of pay for GS-17 of the General Schedule prescribed by section 5332 of title 5, United States Code, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978, or positions of active duty commissioned officers of the uniformed services assigned to pay 0-7 or 0-8, as described in section 201 of title 37, United States Code, may be designated. As to persons in positions designated under this subparagraph, the Director may limit the restrictions of subsection (c) to permit a

former officer or employee, who served in a separate agency or bureau within a department or agency, to make appearances before or communications to persons in an unrelated agency or bureau, within the same department or agency, having separate and distinct subject matter jurisdiction, upon a determination by the Director that there exists no potential for use of undue influence or unfair advantage based on past government service. On an annual basis, the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his responsibilities under this paragraph.

(2) The prohibition of subsection (c) shall not apply to appearances, communications, or representation by a former officer or employee, who is--

(A) an elected official of a State or local government, or

(B) whose principal occupation or employment is with (i) an agency or instrumentality of a State or local government, (ii) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (iii) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization.

(c) For the purposes of subsection (c), whenever the Director of the Office of Government Ethics determines that a separate statutory agency or bureau within a department or agency exercises functions which are distinct and separate from the remaining functions of the department or agency, the Director shall by rule designate such agency or bureau as a separate department or agency; except that such designation shall not apply to former heads of designated bureaus or agencies, or former officers and employees of the department or agency whose official responsibilities included supervision of said agency or bureau.

(f) The prohibitions of subsections (a), (b), and (c) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information under procedures acceptable to the department or agency concerned, or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

(g) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States before any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which such officer or employee or special Government employee participates or has participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of his official responsibility, shall be fined not more than \$5,000, or imprisoned for not more than one year, or both.

(h) Nothing in this section shall prevent a former officer or employee from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(i) The prohibition contained in subsection (c) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibition of that subsection prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

(j) If the head of the department or agency in which the former officer or employee served finds, after notice and opportunity for a hearing, that such former officer or employee violated subsection (a), (b), or (c) of this section, such department or agency head may prohibit that person from making, on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, such department or agency on a pending matter of business for a period not to exceed five years, or may take other appropriate disciplinary action. Such disciplinary action shall be subject to review in an appropriate United States district court. No later than six months after the effective date of this Act, departments and agencies shall, in consultation with the Director of the Office of Government Ethics, establish procedures to carry out this subsection.

(k) [OMITTED; inapplicable to Executive Office of the President employees]

Post-Employment Restrictions

(18 U.S.C. 207)

Note: The following version of 18 U.S.C. § 207 applies to officers and employees departing the executive and legislative branches on or after January 1, 1991 (except that it takes effect at noon on January 3, 1991 for Members of Congress). It reflects the amendments made by the Ethics Reform Act of 1989 Pub. L. No. 101-194 (November 29, 1989) and the technical amendments made by Pub. L. No. 101-280 (May 4, 1990).

§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES. --

(1) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS. -- Any person who is an officer or employee (including any special Government employee) of the executive branch of the United States (including any independent agency of the United States), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States or the District of Columbia, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States or the District of Columbia) in connection with a particular matter --

(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest,

(B) in which the person participated personally and substantially as such officer or employee, and

(C) which involved a specific party or specific parties at the time of such participation,

shall be punished as provided in section 216 of this title.

(2) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY.-- Any person subject to the restrictions contained in paragraph (1) who, within 2 years after the termination of his or her service or employment with the United States or the District of Columbia, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States or the District of Columbia), in connection with a particular matter --

(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest,

(B) which such person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States or the District of Columbia, and

(C) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in section 216 of this title.

(3) CLARIFICATION OF RESTRICTIONS. -- The restrictions contained in paragraphs (1) and (2) shall apply --

(A) in the case of an officer or employee of the executive branch of the United States (including any independent agency), only with respect to communications to or appearances before any officer or employee of any department, agency, court, or court-martial of the United States on behalf of any other person (except the United States), and only with respect to a matter in which the United States is a party or has a direct and substantial interest; and

(B) in the case of an officer or employee of the District of Columbia, only with respect to communications to or appearances before any officer or employee of any department, agency, or court of the District of Columbia on behalf of any other person (except the District of Columbia), and only with respect to a matter in which the District of Columbia is a party or has a direct and substantial interest.

(b) ONE-YEAR RESTRICTIONS ON AIDING OR ADVISING. --

(1) IN GENERAL. -- Any person who is a former officer or employee of the executive branch of the United States (including any independent agency) and is subject to the restrictions contained in subsection (a)(1), or any person who is a former officer or employee of the legislative branch or a former Member of Congress, who personally and substantially participated in any ongoing trade or treaty negotiation on behalf of the United States within the 1-year period preceding the date on which his or her service or employment with the United States terminated, and who had access to information concerning such trade or treaty negotiation which is exempt from disclosure under section 552 of title 5, which is so designated by the appropriate department or agency, and which the person knew or should have known was so designated, shall not, on the basis of that information, knowingly represent, aid, or advise any other person (except the United States) concerning such ongoing trade or treaty negotiation for a period of 1 year after his or her service or employment with the United States terminates. Any person who violates this subsection shall be punished as provided in section 216 of this title.

(2) DEFINITION. -- For purposes of this paragraph --

(A) the term "trade negotiation" means negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made; and

(B) the term "treaty" means an international agreement made by the President that requires the advice and consent of the Senate.

(c) ONE-YEAR RESTRICTIONS ON CERTAIN SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES. --

(1) RESTRICTIONS. -- In addition to the restrictions set forth in subsections (a) and (b), any person who is an officer or employee (including any special Government employee) of the executive branch of the United States (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

(2) PERSONS TO WHOM RESTRICTIONS APPLY. -- (A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (d))--

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5,

(ii) employed in a position which is not referred to in clause (i) and for which the rate of basic pay is equal to or greater than the rate of basic pay payable for GS-17 of the General Schedule,

(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3 or by the Vice President to a position under section 106(a)(1)(B) of title 3, or

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade 0-7 or above.

(B) Paragraph (1) shall not apply to a special Government employee who serves less than 60 days in the 1-year period before his or her service or employment as such employee terminates.

(C) At the request of department or agency, the Director of the Office of Government Ethics may waive the restrictions contained in paragraph (1) with respect to any position, or category of positions, referred to in clause (ii) or (iv) of subparagraph (A), in such department or agency if the Director determines that --

(i) the imposition of the restrictions with respect to such position or positions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions, and

(ii) granting the waiver would not create the potential for use of undue influence or unfair advantage.

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.--

(1) RESTRICTIONS.-- In addition to the restrictions set forth in subsections (a) and (b), any person who --

(A) serves in the position of Vice President of the United States,

(B) is employed in a position in the executive branch of the United States (including any independent agency) at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, or

(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3,

and, who, within 1 year after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States, shall be punished as provided in section 216 of this title.

(2) PERSONS WHO MAY NOT BE CONTACTED. -- The persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), or (C) of paragraph (1) are--

(A) any officer or employee of any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States Government terminated, and

(B) any person appointed to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315,

or 5316 of title 5.

(e) RESTRICTIONS ON MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH. --

[OMITTED; inapplicable to Executive branch.]

(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES. --

(1) RESTRICTIONS. -- Any person who is subject to the restrictions contained in subsection (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in such subsection --

(A) represents a foreign entity before any officer or employee of any department or agency of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or

(B) aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.

(2) DEFINITION. -- For purposes of this subsection, the term "foreign entity" means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, or a foreign political party as defined in section 1(f) of that Act.

(g) SPECIAL RULES FOR DETAILEES. -- For purposes of this section, a person who is detailed from one department, agency, or other entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

(h) DESIGNATIONS OF SEPARATE STATUTORY AGENCIES AND BUREAUS. --

(1) DESIGNATIONS. -- For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate department or agency. On an annual basis the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his or her responsibilities under this paragraph.

(2) INAPPLICABILITY OF DESIGNATIONS. -- No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency. No designation under paragraph (1) shall apply to persons referred to in subsection (c)(2)(A)(i) or (iii).

(i) DEFINITIONS. -- For purposes of this section --

(1) the term "officer or employee", when used to describe the person to whom a communication is made or before whom an appearance is made, with the intent to influence, shall include --

(A) in subsections (a), (c), and (d), the President and the Vice President; and

(B) in subsection (f) the President, the Vice President and Members of Congress;

(2) the term "participated" means an action taken as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other such action; and

(3) the term "particular matter" includes any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding.

(j) EXCEPTIONS. --

(1) OFFICIAL GOVERNMENT DUTIES. -- The restrictions contained in this section shall not apply to acts done in carrying out official duties on behalf of the United States or the District of Columbia or as an elected official of a State or local government.

(2) STATE AND LOCAL GOVERNMENTS AND INSTITUTIONS, HOSPITALS, AND ORGANIZATIONS. -- The restrictions contained in subsections (c), (d), and (e) shall not apply to acts done in carrying out official duties as an employee of --

(A) an agency or instrumentality of a State or local government if the appearance, communication, or representation is on behalf of such government, or

(B) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, if the appearance, communication, or

representation is on behalf of such institution, hospital, or organization.

(3) INTERNATIONAL ORGANIZATIONS. -- The restrictions contained in this section shall not apply to an appearance or communication on behalf of, or advice or aid to, an international organization in which the United States participates, if the Secretary of State certifies in advance that such activity is in the interests of the United States.

(4) SPECIAL KNOWLEDGE. -- The restrictions contained in subsections (c), (d), and (e) shall not prevent an individual from making or providing a statement, which is based on the individual's own special knowledge in the particular area that is the subject of the statement, if no compensation is thereby received.

(5) EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION. -- The restrictions contained in subsection (a), (c), and (d) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee. For the purposes of this paragraph, the term "officer or employee" includes the Vice President.

(6) EXCEPTION FOR TESTIMONY. -- Nothing in this section shall prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence --

(A) a former officer or employee of the executive branch of the United States (including any independent agency) who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States) in that matter; and

(B) a former officer or employee of the District of Columbia who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the District of Columbia) in that matter.

The following will be codified in 18 U.S.C. § 207 as a note:

(a) IN GENERAL. --

(1) Subject to paragraph (2) and to subsection (b), the amendments made by section 101 take effect on January 1, 1991.

(2) Subject to subsection (b), the amendments made by section 101 take effect at noon on January 3, 1991, with respect to Members of Congress (within the meaning of section 207 of title 18, United States Code).

(b) EFFECT ON EMPLOYMENT. --

(1) The amendments made by section 101 apply only to persons whose service as a Member of Congress, the Vice President, or an officer or employee to which such amendments apply terminates on or after the effective date of such amendments.

(2) With respect to service as an officer or employee which terminates before the effective date set forth in subsection (a), section 207 of title 18, United States Code, as in effect at the time of the termination of such service, shall continue to apply, on and after such effective date, with respect to such service.

Definitions

(18 U.S.C. 202)

§ 202. Definitions

(a) For the purpose of sections 203, 205, 207, 208, and 209 of this title the term "special Government employee" shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, a part-time United States commissioner, a part-time United States magistrate, or, regardless of the number of days of appointment, an independent counsel appointed under chapter 40 of title 28 and any person appointed by that independent counsel under section 594(c) of title 28. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member's home district or State shall be classified as a special Government employee. Notwithstanding section 29(c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r(c) and (d)), a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms "officer or employee" and "special Government employee" as used in sections 203, 205, 207 through 209, and 218 shall not include enlisted members of the Armed Forces.

(b) For the purposes of sections 205 and 207 of this title, the term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

(c) Except as otherwise provided in such sections, the terms "officer" and "employee" in sections 203, 205, 207 through 209, and 218 of this title shall not include the President, the Vice President, a Member of Congress, or a Federal judge.

(d) [OMITTED; definition of "member of Congress"]

(e) [OMITTED; definitions of "executive branch," "judicial branch," and "legislative branch"]

Penalties

(18 U.S.C. 216)

§ 216. Penalties and injunctions.

(a) The punishment for an offense under section 203, 204, 205, 207, 208, or 209 of this title is the following:

(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

(b) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.

ATTACHMENT B

Executive Order 12674, as amended

Principles of Ethical Conduct
for Government Officers and Employees

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish fair and exacting standards of ethical conduct for all executive branch employees, it is hereby ordered as follows:

PART I - PRINCIPLES OF ETHICAL CONDUCT

Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

(b) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(c) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(d) An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(e) Employees shall put forth honest effort in the performance of their duties.

(f) Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.

(g) Employees shall not use public office for private gain.

(h) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(i) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

(j) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

(k) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(l) 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.

(m) 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.

(n) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

Section 102. Limitations on Outside Earned Income.

(a) No employee who is appointed by the President to a full-time noncareer position in the executive branch, including all full-time employees in the White House Office and the Office of Policy Development, shall receive any earned income for any outside employment or activity performed during that Presidential appointment.

(b) The prohibition set forth in subsection (a) shall not apply to any full-time noncareer employees employed pursuant to 3 U.S.C. 105 and 3 U.S.C. 107 (a) at salaries below the minimum rate of basic pay then paid for GS-9 of the General Schedule. Any outside employment must comply with relevant agency standards of conduct, including any requirements for approval of outside employment.

PART II - OFFICE OF GOVERNMENT ETHICS AUTHORITY

Section 201. The Office of Government Ethics. The Office of Government Ethics shall be responsible for administering this order by:

(a) Promulgating, in consultation with the Attorney General and the Office of Personnel Management, regulations that establish a single, comprehensive, and clear set of executive-branch standards of conduct that shall be objective, reasonable, and enforceable.

(b) Developing, disseminating, and periodically updating an ethics reference manual for employees of the executive branch describing the applicable statutes, rules, decisions, and policies.

(c) Promulgating, with the concurrence of the Attorney General, regulations interpreting the provisions of the general conflict-of-interest statute, section 208 of title 18, United States Code, and the statute prohibiting supplementation of salaries, section 209 of title 18, United States Code.

(d) Promulgating, in consultation with the Attorney General and the Office of Personnel Management, regulations establishing a system of nonpublic (confidential) financial disclosure by executive branch employees to complement the system of public disclosure under the Ethics in Government Act of 1978. Such regulations shall include criteria to guide agencies in determining which employees shall submit these reports.

(e) Ensuring that any implementing regulations issued by agencies under this order are consistent with and promulgated in accordance with this order.

Section 202. Executive Office of the President. In that the agencies within the Executive Office of the President (EOP) currently exercise functions that are not distinct and separate from each other within the meaning and for the purposes of Section 207(e) of title 18, United States Code, those agencies shall be treated as one agency under section 207(c) of title 18, United States Code.

PART III - AGENCY RESPONSIBILITIES

Section 301. Agency Responsibilities. Each agency head is directed to:

(a) Supplement, as necessary and appropriate, the comprehensive executive branch-wide regulations of the Office of Government Ethics, with regulations of special applicability to the particular functions and activities of the agency. Any supplementary regulations shall be prepared as addenda to the branch-wide regulations and promulgated with the concurrence of the Office of Government Ethics.

(b) Ensure the review by all employees of this order and regulations promulgated pursuant to the order.

(c) Coordinate with the Office of Government Ethics in developing annual agency ethics training plans. Such training shall include mandatory annual briefings on ethics and standards of conduct for all employees appointed by the President, all employees in the Executive Office of the President, all officials required to file public or nonpublic financial disclosure reports, all employees who are contracting officers and procurement officials, and any other employees designated by the agency head.

(d) Where practicable, consult formally or informally with the Office of Government Ethics prior to granting any exemption under section 208 of title 18, United States Code, and provide the Director of the Office of Government Ethics a copy of any exemption granted.

(e) Ensure that the rank, responsibilities, authority, staffing, and resources of the Designated Agency Ethics Official are sufficient to ensure the effectiveness of the agency ethics program. Support should include the provision of a separate budget line item for ethics activities, where practicable.

PART IV - DELEGATIONS OF AUTHORITY

Section 401. Delegations in Agency Heads. Except as provided in section 402 and except in the case of the head of an agency, the authority of the President under section 208(b) of title 18, United States Code, to grant exemptions to individuals is delegated to the head of the agency in which an individual requiring an exemption is employed or to which the individual is attached for purposes of administration.

Section 402. Delegations to the Counsel to the President.

(a) Except as provided in section 401, the authority of the President under section 203 (d), 205 (e), and 208 (b) of title 18, United States Code, to grant exemptions or approvals for Presidential appointees to committees, commissions, boards, or similar groups established by the President is delegated to the Counsel to the President.

(b) The authority of the President under sections 203 (d), 205 (e), and 208 (b) of title 18, United States Code, to grant exemptions or approvals for individuals appointed pursuant to 3 U.S.C. 105 and 3 U.S.C. 107 (a), is delegated to the Counsel to the President.

Section 403. Delegations Regarding Civil Services. The Office of Personnel Management and the Office of Government Ethics, as appropriate, are delegated the authority vested in the President by 5 U.S.C. 7301 to establish general regulations for the implementation of this Executive order.

PART V- GENERAL PROVISIONS

Section 501. Revocations. The following Executive Orders are hereby revoked:

- (a) Executive Order No. 11222 of May 8, 1965.
- (b) Executive Order No. 12565 of September 25, 1986.

Section 502. Savings Provision.

(a) All actions already taken by the President or by his delegates concerning matters affected by this order and in force when this order is issued, including any regulations issued under Executive Order 11222, Executive Order 12565 or statutory authority, shall, except as they are irreconcilable with the provisions of this order or terminate by operation of law or by Presidential action, remain in effect until properly amended, modified, or revoked pursuant to the authority conferred by this order or any regulations promulgated under this order. Notwithstanding anything in section 102 of this order, employees may carry out preexisting contractual obligations entered into before the date of this order.

(b) Financial reports filed in confidence (pursuant to the authority of Executive Order No. 11222, 5 C.F.R. Part 735, and individual agency regulations) shall continue to be held in confidence.

Section 503. Definitions. For purposes of this order, the term:

- (a) Contracting officers and procurement officials means all such officers and officials as defined in the Office of Federal Procurement Policy Act Amendments of 1988.
- (b) Employee means any officer or employee of an agency, including a special Government employee.

(c) Agency means any executive agency as defined in 5 U.S.C. 105, including any executive department as defined in 5 U.S.C. 101, Government corporation as defined in 5 U.S.C. 103, or an independent establishment in the executive branch as defined in 5 U.S.C. 104 (other than the General Accounting Office), and the United States Postal Service and Postal Rate Commission.

(d) Head of agency means, in the case of an agency headed by more than one person, the chair or comparable member of such agency.

(e) Special Government employee means a special Government employee as defined in 18 U.S.C. 202(a).

Section 504. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

GEORGE BUSH

The White House

ATTACHMENT C

Standards of Conduct for the Executive Office of the President Chapter I

Part	
100	Standards of conduct.
101	Public information provisions of the Administrative Procedures Act.
102	Enforcement of nondiscrimination on the basis of handicap in programs or activities conducted by the Executive Office of the President.

Part 100 - STANDARDS OF CONDUCT

Subpart A—General Standards

Sec.	
100.735-1	Purpose and scope.
100.735-2	Definitions.
100.735-3	Special Government employees.
100.735-4	General standards of conduct.
100.735-5	Responsibilities of employees.
100.735-6	Interpretation and advisory service; counseling.
100.735-7	Disciplinary action.
100.735-8	Conflicts of interest.
100.735-9	Disqualification because of private financial interests.
100.735-10	Additional prohibitions—regular employees.
100.735-11	Additional prohibitions—special Government employees.
100.735-12	Exemptions and exceptions from prohibitions of conflict of interest statutes.
100.735-13	Salary of employee payable only by United States.
100.735-14	Gifts, entertainment, and favors.
100.735-15	Outside employment and other activity
100.735-16	Financial interests.
100.735-17	Use Of Government property.
100.735-18	Misuse of information.
100.735-19	Indebtedness.
100.735-20	Gambling, betting, and lotteries.
100.735-21	General conduct prejudicial to the Government.
100.735-22	Miscellaneous statutory provisions.
100.735-23	Conduct and responsibilities of special Government employees.
100.735-24	Reporting of employment and financial interests—regular employees.
100.735-25	Reporting of employment and financial interests—special Government employees.
100.735-26	Reviewing statements of financial interest.
100.735-27	Supplemental regulations or instructions.

Subpart B Special Procedures; Counsel to the President

100.735-31	Members of part-time committees boards and commissions.
100.735-32	Special delegation of authority to the Counsel to the President.

Authority: The provisions of this Part 100 issued under Executive Order 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Source: The provisions of this Part 100 appear at 33 FR 3608, Feb. 29, 1968, unless otherwise noted.

Subpart A – General Standards

§ 100.735-1 Purpose and scope.

(a) The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by regular employees and special Government employees is essential to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of regular employees and special Government employees through informed judgment is indispensable to the maintenance of these standards.

(b) This part is intended to foster the foregoing concepts. It is issued in compliance with the requirements of Executive Order No. 11222 of May 8, 1965, and is based upon the provisions of that order, the regulations of the Civil Service Commission issued thereunder (Part 735 of 5 CFR Ch. 1), and the statutes cited elsewhere in this part.

(c) This part, among other things reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes contained in this part are designed for informational purposes only and in no way constitute an interpretation or construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive Orders, regulations or otherwise upon Federal employees and former Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement, as the case may be, continues to be applicable to employees and former employees in accordance with its own terms. Furthermore, attorneys employed by an agency are subject to the canons of professional ethics of the American Bar Association.

§ 100.736-2 Definitions.

In this subpart:

(a) "Agency" means the following agencies in the Executive Office of the President: The White House Office, the Council of Economic Advisers, the National Security Council, the National Aeronautics and Space Council, the Office of Science and Technology, and the Office of the Special Representative for Trade Negotiations, and any committee, board, commission, or similar group established in the Executive Office of the President.

(b) "Agency head" means the President for the White House Office, the Chairman of the Council of Economic Advisers for the Council of Economic Advisers, the Executive Secretary of the National Security Council for the National Security Council, the Executive Secretary of the National Aeronautics and Space Council for the National Aeronautics and Space Council, the Director of the Office of Science and Technology for the Office of Science and Technology, and the Special Representative for Trade Negotiations for the Office of the Special Representative for Trade Negotiations, and the Chairman or comparable member of any committee, board, commission, or similar group established by the President.

(c) "Employee" or "regular employee" means an officer or employee of an agency but does not include a special Government employee.

(d) "Special Government employee" means an officer or employee of an agency 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, either on a full-time or intermittent basis.

(e) The term "person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 100.735-3 Special Government employees.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees, all provisions of this subpart relating to employees are applicable also to special Government employees.

§ 100.735-4 General standards of conduct.

(a) All employees shall conduct themselves on the job in such a manner that the work of their agency is efficiently accomplished and courtesy, consideration, and promptness are observed in dealings with the Congress, the public, and other governmental agencies.

(b) All employees shall conduct themselves off the job in such a manner as not to reflect adversely upon their agency or the Federal service.

(c) In all circumstances employees shall conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;
- (3) Impeding Government efficiency or economy;
- (4) Losing complete independence or impartiality;
- (5) Making a Government decision outside official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 100.735-5 Responsibilities of employee.

(a) The Executive Clerk for the White House Office and the Counselor for each other agency shall distribute copies of this subpart to each employee and special Government employee within 30 days after the effective date thereof. In the case of a new employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of his entrance on duty. All employees and special Government employees shall familiarize themselves with the contents of this subpart.

(b) Copies of Executive Order 11222, regulations, and statutes referred to in § 100.735-1, together with various explanatory materials are available for inspection in the Office of the Executive Clerk for the White House Office and the Counselor for each other agency at any time during regular business hours. Employees are encouraged to consult these basic materials in any case of doubt as to the proper application or interpretation of the provisions of this subpart.

(c) Attention of all employees is directed to House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service", which is attached to this subpart as Appendix A.

§ 100.735-6 Interpretation and advisory service; counseling.

(a) The agency head shall appoint a Counselor for the agency who shall serve also as the agency's designee to the Civil Service Commission on matters covered by this part. Communications between the Counselor and employee shall be confidential, except as otherwise determined by the agency head.

(b) The Counselor for the agency shall notify all employees and special Government employees of the availability of counseling services, and of how and where such services are available. Such notification shall be made within 90 days after the effective date of this subpart and periodically thereafter. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of his entrance on duty.

§ 100.735-7 Disciplinary action.

(a) A violation of any provision of this subpart by an employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to remedial action in cases where an employee's financial interests result in a conflict or apparent conflict of interest, see § 100.732-26.)

(b) Any disciplinary or remedial action taken pursuant to this subpart shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 100.735-8 Conflicts of interest.

(a) A conflict of interest may exist whenever an employee has a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee. The maintenance of public confidence in Government clearly demands that an employee take no action which would constitute the use of his official position to advance his personal or private interest. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that his official position might be used to his private advantage.

(b) Neither the pertinent statutes nor the standards of conduct prescribed in this subpart are to be regarded as entirely comprehensive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his duties and responsibilities as an employee, make certain that his actions do not have the effect or the appearance of the use of his official position for the furtherance of his own interests or those of his family or his business associates.

(c) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in Chapter 11 of the Criminal Code, 18 U.S.C. 201-224. Severe penalties are provided for violations, including variously fine, imprisonment, dismissal from office, and disqualification from holding any office of honor, trust, or profit under the United States.

§ 100.735-9 Disqualification because of private financial interests.

(a) Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which to his knowledge he has a financial interest (18 U.S.C. 208).

(1) For the purposes of this section—

(i) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;

(ii) A particular matter is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter; and

(iii) A financial interest is the interest of the employee himself or his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

(b) An employee who has a financial interest (other than a financial interest exempted under paragraph (c) of this section) in a particular matter which is within the scope of his official duties shall make a full disclosure of that interest to the Counselor for the agency in writing. He shall not participate in such matter unless and until he receives a written determination by the agency head pursuant to section 208 of Title 18, United States Code, that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him. If the agency head does not make such a determination he shall direct such remedial action as may be appropriate under the provisions of § 100.735-26.

(c) The financial interests described in this paragraph are hereby exempted pursuant to the provisions of section 208 of Title 18, United States Code, from the restrictions of paragraph (a) of this section and of section 208 of Title 18 as being too remote or inconsequential to affect the integrity of an employee's services in a matter.

(1) Stocks, bonds, policies, properties, or interests in a mutual fund, investment company, trust, bank, or insurance company, as to which the employee has no managerial control or directorship. In the case of a mutual fund or investment company, this exemption applies only where the assets of the fund or company are diversified; it does not apply where the fund or company advertises that it specializes in a particular industry or commodity.

(2) Interest in an investment club: *Provided*, That the fair value of the interest involved does not exceed \$5,000, and that the interest does not exceed one-fourth of the total assets of the investment club.

§ 100.735-10 Additional prohibitions – regular employees.

(a) In addition to the disqualification described in § 100.735-9, a regular employee is subject to the following major prohibitions.

(1) He may 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 (18 U.S.C. 203 and 205).

(2) He may not, 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 (18 U.S.C. 207 (a)).

(3) He may 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 during the last year of his Government service (18 U.S.C. 207 (b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(4) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209). (See §100.735-13.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see paragraph (d) of § 100.735-12.

§ 100.735-11 Additional prohibition – special Government employees.

(a) In addition to the disqualification described in § 100.735-9, a special Government employee is subject to the following major prohibitions.

(1) He may not, except in the discharge of his official duties—

(i) Represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before his agency unless he served there no more than 60 days during the previous 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(2) He may not, 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 (18 U.S.C. 207(a)).

(3) He may 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 during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances; for the method of obtaining such exemptions or exceptions, see paragraph (d) of § 100.735-12.

§ 100.735-12 Exemptions and exceptions - from prohibitions of conflict of interest statutes.

(a) Nothing in this subpart shall be deemed to prohibit an employee, if it is not otherwise inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in this subpart shall be deemed to prohibit an employee from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee or other personal fiduciary, except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, as defined in section 202(b) of Title 18 of the United States Code, provided that the agency head approves.

(c) Nothing in this subpart shall be deemed to prohibit an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in § 100.735-9, the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval or certification of his activities as provided for by section 205 of Title 18, United States Code, shall make application therefor in writing to the Counselor for the agency.

(2) A former employee, including a former special Government employee, who desires certification with regard to his activities under section 207 of Title 18, United States Code, shall make application therefor in writing to the Counselor for the agency.

(3) The Counselor for the agency shall report promptly to the agency head all matters reported to him under this subpart which require consideration of approvals, certifications, or determinations provided for in sections 205, 207, or 208 of Title 13, United States Code.

§ 100.735-13 Salary of employee payable only by United States

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his services as an employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality (18 U.S.C. 209).

(b) Nothing in this subpart shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer nor from accepting contributions, awards, or other expenses under Chapter 41 of Title 5, United States Code (the former Government Employees Training Act).

§ 100.735-14 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who:

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

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

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

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, loan or other thing of monetary value from a friend, parent, spouse, child, or other close relative when the circumstances make it clear that the family or personal relationships involved are the motivating factors;

(2) Accept food or 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 whom an employee may properly be in attendance;

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

(4) Accept unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(c) An employee shall not solicit contributions from another employee for 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. An employee shall not make a donation as a gift to an employee in a superior official position (5 U.S.C. 7351). 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.

(d) the Constitution (Art. 1, sec. 9, par. 8) prohibits acceptance from foreign governments, except with the consent of Congress, of any emolument, office, or title. The Congress has provided for the receipt and disposition of foreign gifts and decorations in 5 U.S.C. 7342. See also Executive Order 11320, 31 FR 15789, and the regulations pursuant thereto in 22 CFR Part 3 (as added, 32 FR 6569). Any such gift or thing which cannot appropriately be refused shall be submitted to the Counselor for transmittal to the State Department.

§ 100.735-15 Outside employment and other activity.

(a) 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. 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 circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent 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 the use of non-public information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by

section 401(a) of Executive Order No. 11222 of May 8, 1965, 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 become part of the body of public information.

(c) An employee shall not engage in outside employment under a State or local government, except in accordance with applicable regulations of the Civil Service Commission (Part 734 of 5 CFR Ch. I).

(d) Neither this section nor § 100.735-14 precludes an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this subpart and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

(2) Participation in the activities of national or State political parties not proscribed by law. (See paragraph (o) of § 100.735-22 regarding proscribed political activities.)

(3) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

(e) An employee who intends to engage in outside employment shall obtain the approval, through his official superior, of his agency head. A record of each approval under this paragraph shall be filed in the employee's official personnel folder.

(f) This section does not apply to special Government employees, who are subject to the provisions of § 100.735-23.

§ 100.735-16 Financial interests.

(a) An employee may not have financial interests which—

(1) Establish a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee (an employee may not have financial interests, except as permitted by § 100.735-9(c) or authorized pursuant to § 100.735-12(d); or

(2) Are entered into in reliance upon, or as a result of, information obtained through his employment; or

(3) Result from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his duties.

(b) Aside from the restrictions prescribed or cited in this subpart, employees are free to engage in lawful financial transactions to the same extent as private citizens. Employees should be aware that the financial interests of their wives of minor children and blood relatives who are full-time residents of their households may be regarded, for the purposes of this section, as financial interests of the employees themselves.

(c) This section does not apply to special Government employees, who are subject to the provisions of § 100.735-23.

§ 100.735-17 Use of Government property.

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.

§ 100.735-18 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (b) of § 100.735-15, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 100.735-19 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which his agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

§ 100.735-20 Gambling, betting, and lotteries.

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.

§ 100.735-21 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 100.735-22 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of his agency and of the Government. In particular, attention of employees is directed to the following statutory provisions:

(a) Chapter II of Title 18, United States Code, relating to bribery, graft, and conflicts of interests, as appropriate to the employees concerned (see §§ 100.735-9, 100.735-10, and 100.735-11).

(b) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913)

(c) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(d) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(e) The prohibition against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) and (2) the disclosure of confidential information (18 U.S.C. 1905).

(f) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 1917).

(j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(m) The prohibition against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the

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

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(p) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

§ 100.735-23 Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person whether by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purposes of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of 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 the use of nonpublic information on the basis that such use is in the public interest.

(d) A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency 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.

(f) Notwithstanding paragraph (e) of this section a special Government employee shall be allowed the same latitude as is authorized for regular Government employees by paragraph (b) of § 100.735-14.

(g) Attention of special Government employees is directed to the provisions of § 100.735-3, making the provisions of this subpart generally applicable to their activities.

§ 100.735-24 Reporting of employment and financial interests — regular employees.

(a) Not later than 90 days after the effective date of this subpart, an employee designated in paragraph (d) of this section shall submit to his agency head a statement, on a form made available in the office of the Executive Clerk for the White House Office and the Counselor for each other agency, setting forth the following information:

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with or in which he, his spouse, minor child or other member of his immediate household has—

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser or consultant; or

(ii) Any continuing financial interest, 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;

(iii) Any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

However, an employee need not report any financial interest exempted under § 100.735- 9(c) as too remote or inconsequential to affect the integrity of an employee's services in a matter.

(2) A list of the names of his creditors and the creditors of his spouse, minor child or other member of his immediate household, other than those creditors to whom they may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom they may be indebted for current and ordinary household and living expenses such as those incurred for household furnishings, an automobile, education, vacations, or the like.

(3) A list of his interests and those of his spouse, minor child or other member of his immediate household in real property or rights in lands, other than property which he occupies as a personal residence.

(b) For the purpose of this section "member of his immediate household" means a full-time resident of the employee's household who is related to him by blood.

(c) Each employee designated in paragraph (d) of this section who enters on duty after the effective date of this subpart shall submit such statement not later than 30 days after the date of his entrance on duty, but not earlier than 90 days after the effective date of this subpart.

(d) Statements of employment and financial interests are required of the following:

(1) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code, except a Presidential appointee required to file a statement of financial interests under section 401 of Executive Order No. 11222 of May 8, 1965.

(2) Employees in classified positions of grade GS-13, or above, or the equivalent thereof.

(e) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this paragraph, 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 18 U.S.C. 208 or this subpart.

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

(g) Paragraph (a) of this section does not require an employee to submit any information relating 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. For the purpose of this section, 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 in an employee's statement of employment and financial interests.

(h) Each agency shall hold each statement of employment and financial interests in confidence. Each person designated to review a statement of employment and financial interests under section 100.735-26 is responsible for maintaining the statement in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this subpart. An agency may not disclose information from a statement except as the Civil Service Commission or the agency head may determine for good cause shown.

(i) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a 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.

(j) An employee who believes that his position has been improperly included as one requiring the submission of a statement of employment and financial interests is entitled to obtain a review of his complaint under his agency's grievance procedure.

(k) This section does not apply to special Government employees, who are subject to the provisions of § 100.735-25.

§100.735-25 Reporting of employment and financial interest—special Government employees.

(a) A special Government employee shall submit to the agency head a statement of employment and financial interests which reports (1) all current Federal Government employment, (2) the names of all corporations, companies, firms, State of local governmental organizations, research organizations, and educational or other institutions in or for which he is an employee, officer, member, owner, trustee, director, adviser, or consultant, with or without compensation, (3) those financial interests which the agency determines are relevant in the light of the duties he is to perform, and (4) the names of all partnerships in which he is engaged.

(b) A statement required under this section shall be submitted at the time of employment and shall be kept current throughout the term of a special Government employee's service with an agency. A supplementary statement shall be submitted at the time of any reappointment; a negative report will suffice if no changes have occurred since the submission of the last statement.

§ 100.735-26 Reviewing statements of financial interests.

(a) A designee of the agency head shall review the statements required by §§ 100.735-24 and §§ 100.735-25 to determine whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his service for the Government. If the designee determines that such a conflict or appearance of conflict exists, he shall provide the employee with an opportunity to explain the conflict or appearance of conflict. If he concludes that remedial action should be taken, he shall refer the statement to the agency head through the Counselor for the agency designated pursuant to § 100.735-6, with his recommendation for such action. The agency head, after consideration of the employee's explanation and such investigation as he deems appropriate shall direct appropriate remedial action if he deems it necessary.

(b) Remedial action pursuant to paragraph (a) of this section may include, but is not limited to:

- (1) Changes in assigned duties.
- (2) Divestment by the employee of his conflicting interest.
- (3) Disqualification for a particular action.
- (4) Exemption pursuant to paragraph (b) of § 100.735-9 or paragraph (d) of § 100.735-12.
- (5) Disciplinary action.

§ 100.735-27 Supplemental regulations or instructions.

An agency head may issue supplemental and implementing regulations or instructions not inconsistent with this subpart as necessary to carry out the full purpose and intent of Executive Order 11222 and this subpart as may be required by the particular circumstances of his agency. Such regulations or instructions may include but are not limited to, delegations of any authority allowed by law pertaining to the functions placed upon the agency head by this subpart. Such

regulations or instructions must be made available to employees and special Government employees in the same manner as this subpart (see § 100.735-5).

Subpart B Special Procedure; Counsel to the President

§ 100.735-31 Members of part-time committees, boards, and commissions.

(a) This section applies to each part-time member of a committee, board, or commission appointed by the President (referred to in this section as a Member).

(b) When the Counsel to the President determines that the functions and responsibilities of a committee, board, or commission are such that consistent with the policy and purpose of Executive Order 11222 the Members thereof should submit statements of employment and financial interests, he shall request each Member thereof to submit such a statement to the Chairman of the Civil Service Commission.

(c) A statement of employment and financial interests required under this section shall be submitted not later than 30 days after the Member's receipt of the request therefor from the Counsel to the President, and shall be kept up to date by submission of amended statements of any changes in, or additions to, the information required to be included in the original statement, on a quarterly basis. The statement shall be submitted in the format prescribed by the Chairman of the Civil Service Commission.

(d) The Chairman of the Civil Service Commission shall review each statement of employment and financial interests and any amendment thereto submitted under this section and shall report to the Counsel to the President any information contained in a statement which may indicate a conflict between the financial interests of the Member concerned and the performance of his services for the Government.

§ 100.735-32 Special delegation of authority to the Counsel to the President.

The authority of the President under sections 205 and 208(b) of Title 18, United States Code, to permit certain actions by an officer or employee of the Government, including a special Government employee, for appointment to whose position the President is responsible, reserved to the President by section 505(c) of Executive Order 11222, is delegated to the Counsel to the President.

ATTACHMENT D

Excerpts from Regulations on Post-Employment Restrictions

Particular Matter Involving a Specific Party or Parties

Section 2637.201

(c) *“Particular matter involving a specific party or parties” – (1) Specific matters vs. policy matters.* The prohibitions of subsections (a) and (b) of 18 U.S.C. 207 are based on the former Government employee’s prior participation in or responsibility for a “judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties” in which the United States is a party or has a direct and substantial interest. Such a matter typically involves a specific proceeding affecting the legal rights of the parties or an isolatable transaction or related set of transactions between identifiable parties. Rulemaking, legislation, the formulation of general policy, standards, or objectives, or other action of general application is not such a matter. Therefore, a former Government employee may represent another person in connection with a particular matter involving a specific party even if rules or policies which he or she had a role in establishing are involved in the proceeding.

Example 1: A Government employee formulated the policy objectives of an energy conservation program. He is not restricted from later representing a university that seeks a grant or contract for work emerging from such a program.

Example 2: A Government employee reviews and approves a specific city’s application for Federal assistance for a renewal project. After leaving Government service, she may not represent the city in relation to that project.

Example 3: An employee is regularly involved in the formulation of policy, procedures, and regulations governing departmental procurement and acquisition functions. Participation in such activities does not restrict the employee after leaving the Government as to particular cases involving the application of such policies, procedures, or regulations.

Example 4: An employee of the Office of Management and Budget participates substantially on the merits of a decision to reduce the funding level of a program that has the effect of reducing the amount of money that certain cities receive to conduct youth work programs. After leaving the Government she may represent any of the cities in securing funds for its youth program, since her participation was in connection with a program, not a particular matter involving specific parties.

Example 5: An agency attorney participates in drafting a standard form contract and certain “standard terms and clauses” for use in future contracts. He is not thereafter barred from representing a person in a dispute involving the application of such a “standard term or clause” in a particular contract in which he did not participate as a Government employee.

Personal and Substantial Participation

Section 2637.201

(d) *“Participate personally and substantially”* – (1) Basic requirements. The restrictions of section 207(a) apply only to those matters in which a former Government employee had “personal and substantial participation,” exercised “through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise.” To participate “personally” means directly, and includes the participation of a subordinate when actually directed by the former Government employee in the matter. “Substantially” means that the employee’s involvement must be of significance to the matter, or form a basis for a reasonable appearance of such significance. It requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. A finding of substantiality should be based not only on the effort devoted to a matter, but on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participation in a critical step may be substantial. It is essential that the participation be related to a “particular matter involving a specific party”

Example 1: If an officer personally approves the departmental budget, he does not participate substantially in the approval of all items contained in the budget. His participation is substantial only in those cases where a budget item is actually put in issue. Even then, the former Government employee is not disqualified with respect to an item if it is a general program rather than a particular matter involving a specific party. The former Government employee may, however, have official responsibility for such matters.

Example 2: A Government lawyer is not in charge of, nor has official responsibility for a particular case, but is frequently consulted as to filings, discovery, and strategy. Such an individual has personally and substantially participated in the matter.

Official Responsibility

Section 2637.202

(b) *“Official responsibility”* – (1) Definition. *“Official responsibility”* is defined in 18 U.S.C. 202 as, “the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government actions.”

(2) *Determining official responsibility.* Ordinarily, the scope of an employee’s “official responsibility” is determined by those areas assigned by statute, regulation, executive Order, job description, or delegation of authority. All particular matters under consideration in an agency are under the “official responsibility” of the agency head, and each is under that of any intermediate supervisor having responsibility for an employee who actually participates in the matter within the scope of his or her duties.

(3) *Ancillary matters and official responsibility.* “Administrative” authority as used in the foregoing definition means authority for planning, organizing and controlling matters rather than authority to review or make decisions on ancillary aspects of a matter such as the regularity of budgeting procedures, public or community relations aspects, or equal employment opportunity considerations. Responsibility for such an ancillary consideration does not constitute responsibility for the particular matter, except when such a consideration is also the subject of the employee’s proposed representation.

Example 1: An agency’s comptroller would not have official responsibility for all programs in the agency, even though she must review the budget, and all such programs are contained in the budget.

Example 2: Within two years after terminating employment, an agency’s former comptroller is asked to represent Q Company in a dispute arising under a contract that was in effect during the comptroller’s tenure. The dispute concerns an accounting formula under the contract, a matter as to which a subordinate division of the comptroller’s office was consulted. She may not represent Q Company on this matter.

REQUEST FOR APPOINTMENTS

To: Officer-in-charge
Workers and Visitor Entrance System
Room 065, OEOB

Please admit the following appointments on February 28, 19 91

for John Foster of National Service :
(name of person to be visited) (agency)

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>SOCIAL SECURITY NUMBER</u>
David Smith	3-12-46	123-45-6789
Linda Smith	4-8-50	234-56-7891
Robert Brown	12-13-38	789-56-4321
James Johnson	6-30-43	321-54-9876
Barbara Jones	11-17-50	567-12-3456
Mary Stewart	4-2-49	978-46-4321

MEETING LOCATION

Building OEOB Requested by _____
Room No. 100 Room No. _____ Telephone 6266
Time of Meeting 2:30 pm Date of request February 21, 1991

Additions and/or changes made by telephone should be limited to five (5) names or less.

WAVES Center: SIG/OEOB — 395-6046 or WHITE HOUSE — 456-6742

Today's Date: February 28, 1991

Date of Event: March 23, 1991

STAFF REQUEST FOR PRESIDENTIAL ACKNOWLEDGEMENT LETTERS

REQUEST TO: Ellen Strichartz/Susan Griffith
Room 93
ext. 2276

FROM: (Name) John Foster
(Room) 100 OEOB
(Ext.) 6266

PROVIDE A MINIMUM OF 2 WEEKS FOR PROCESSING

ALL REQUESTS SUBJECT TO FINAL APPROVAL BY SHIRLEY M. GREEN

Mark in appropriate box and include any additional comments pertinent to request in information space below.

TYPE OF EVENT:

- | | | |
|--|---|---|
| <input type="checkbox"/> RETIREMENT
(No. of yrs.; Name of Co./Org.
or gov't agency.) | <input type="checkbox"/> CONDOLENCES
(Sent to next-of-kin only) | <input type="checkbox"/> WEDDING ANNIVERSARY
(No. of yrs.) |
| <input type="checkbox"/> CHURCH ANNIVERSARY
(No. of yrs.) | <input type="checkbox"/> ILLNESS
(Type: surgery, accident, cancer, etc.) | <input type="checkbox"/> WEDDINGS
(Indicate first names)
(Refer to guidelines & procedures
available thru admin. contact in your
office.) |
| <input checked="" type="checkbox"/> BIRTHDAY
(No. of yrs.) | <input type="checkbox"/> BIRTH OF BABY
(Child's name & DOB) | <input type="checkbox"/> GRADUATION
(List name of school, type of school:
high, college, advanced degree, other;
specify) |
| <input type="checkbox"/> FAMILY REUNION | <input type="checkbox"/> CLASS REUNION
(Include school name &
year of graduation) | <input type="checkbox"/> OTHER
(Please specify) |
| <input type="checkbox"/> BAR OR BAT MITZVAH | <input type="checkbox"/> ADOPTION
(List parents & child's name) | |
| <input type="checkbox"/> RELIGIOUS ANNIVERSARY
(No. of yrs.) | | |

INFORMATION:

100th - April 10, 1891

MAILING ADDRESS FOR LABEL (Include complete address & zip code to appear on envelope):

Mr. _____
Miss. _____
Mrs. Mr. John Foster
Mr. & Mrs. 1234 Western Ave., N.W.
Dr. Washington, D.C. 20010
Ms. _____

INSIDE ADDRESS FOR LETTER (Complete address to appear on lower lefthand corner of letter):

Mr. _____
Miss. _____
Mrs. Mrs. Emily Foster
Mr. & Mrs. 6789 Rio del Sol
Dr. Sun City, Arizona 67009
Ms. _____

Revised April 1990

REQUEST FOR PHOTO/MAILING

(PLEASE TYPE)

February 28, 1991

(Date)

TO: MARY INGALS
CORRESPONDENCE OFFICE, Room 94, OEOB, Ext. 7610
FROM: John Foster Room 100 Ext. 6226
Description of photograph or photo number Official White House
Photograph 20 JAN 89 P000011-28

ATTACH PHOTO IF OTHER THAN OFFICIAL PORTRAIT

TO: CORRESPONDENCE REVIEW SECTION, Room 76, Ext. 2916

PHOTO TO BE SIGNED BY: The President

Return to originating office. Type name & address of recipient below

Photograph is to be mailed.

Attach mailing label, any correspondence and include typed address here:

NAME: Ms. Linda Smith
ORGANIZATION: U.S. Chamber of Commerce
STREET: 1600 H St., N.W.
CITY/STATE: Washington, D.C. 20006

INSCRIBE TO: Barbara Jones

MESSAGE SHOULD READ:

With best wishes

Congratulations and best wishes

DO NOT PACKAGE PHOTO. DO NOT SEND IT TO THE MAIL ROOM.

Executive Office of the President
CONFERENCE ROOM RESERVATION REQUEST

NAME OF INDIVIDUAL HOSTING/ATTENDING EVENT: John Foster		EXTENSION: 2500	
OFFICE/AGENCY: Office of National Service		DATE OF MEETING: 2/28/91	
STAFF PERSON RESPONSIBLE FOR CLEARANCE: Mary Smith		HOURS: From: 9:30 am To: 10:30 am	
TYPE OF EVENT: <input checked="" type="checkbox"/> Meeting <input type="checkbox"/> Reception Other _____		Official: X	Private:
PURPOSE OF MEETING: White House briefing for group of Historical Scholars from Texas, California, and Utah			
NUMBER OF ATTENDEES: 27	IN ATTENDANCE: <input type="checkbox"/> President <input type="checkbox"/> First Lady <input type="checkbox"/> Vice President		
ROOM(S) REQUESTED: <input type="checkbox"/> 22 OEOB <input type="checkbox"/> 274 OEOB <input type="checkbox"/> 450 OEOB <input type="checkbox"/> 474 OEOB <input checked="" type="checkbox"/> 476 OEOB <input type="checkbox"/> Roosevelt Room West Wing Other _____			
GSA REQUIREMENTS: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (fill out TYPE OF SERVICE below)			
TYPE OF SERVICE: <input type="checkbox"/> Elevator Service <input type="checkbox"/> #4 <input type="checkbox"/> #6 <input type="checkbox"/> #7 Time Reserved _____ Floors Reserved _____		SPECIAL ROOM ARRANGEMENTS (See reverse side for options) <input type="checkbox"/> Theatre: Number of Chairs _____ <input type="checkbox"/> Reception: Number of Table(s) _____ 6ft _____ 8ft _____ 10ft <input type="checkbox"/> Conference: Number of Table(s) _____ 6ft _____ 8ft _____ 10ft Number of Chairs 27 <input type="checkbox"/> Other _____	
WHITE HOUSE STAFF MESS REQUIRED: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Estimated Cost \$ _____ Funding to be Provided by: _____ Counsel's Approval: _____			
REMARKS: Place 12 chairs around conference table with 15 remaining chairs placed around the room			
OFFICIAL USE ONLY			
DATE OF REQUEST:	APPROVED BY:		

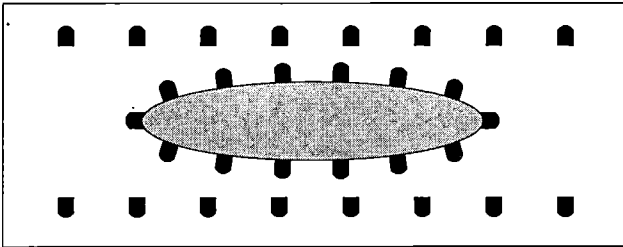
RETURN TO: White House Administrative Office
 Room 1, OEOB; 48 hours prior to event.

CONFERENCE ROOMS

Call WHAO, x2500

OEOb 22

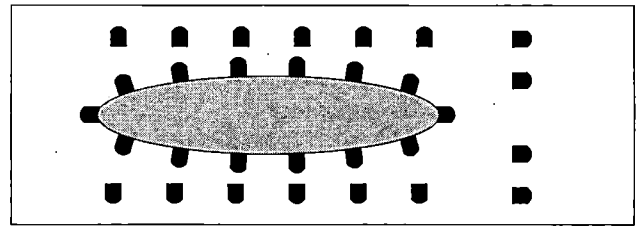
Option 1



Conference Style

Seating Capacity - 30

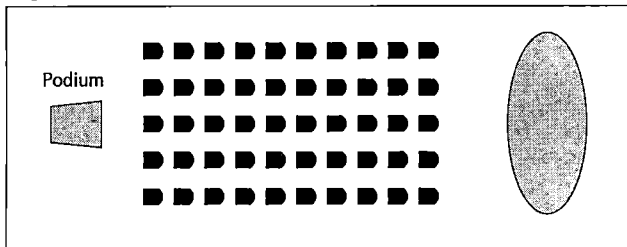
OEOb 476



Conference Style

Seating Capacity - 30

Option 2

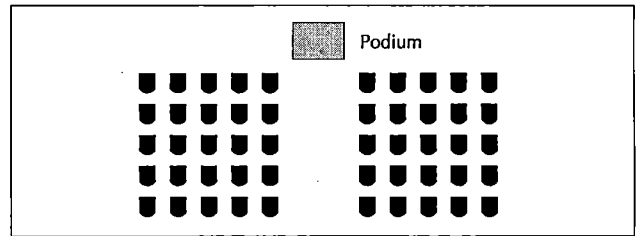


Theater Style

Seating Capacity - 50

OEOb 474 (Indian Treaty Room)

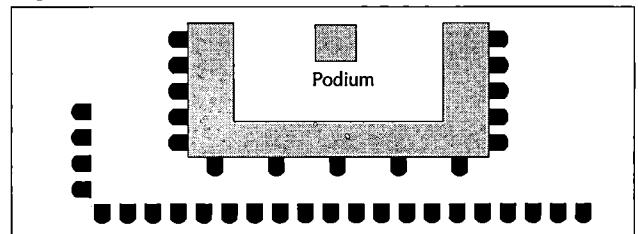
Option 1



Theater Style

Seating Capacity - 125

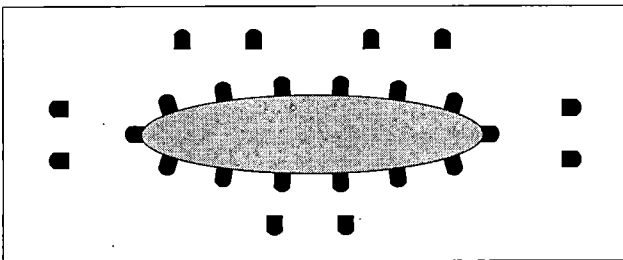
Option 2



U-Shaped Conference Style

Seating Capacity - 70

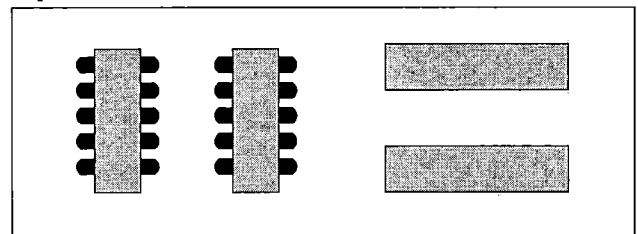
OEOb 180



Conference Style

Seating Capacity - 24

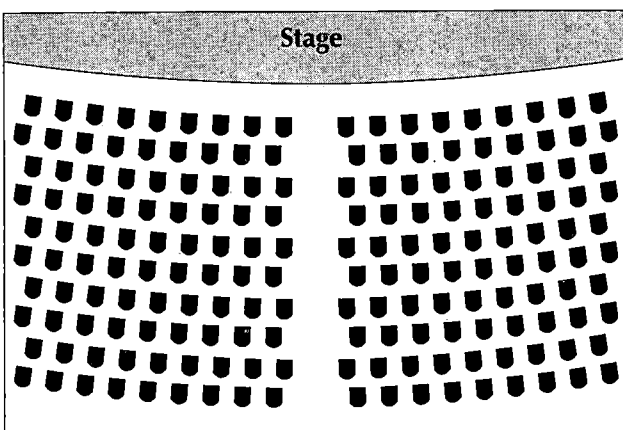
Option 3



Luncheon Style

Seating Capacity - 50
(only 20 at tables)

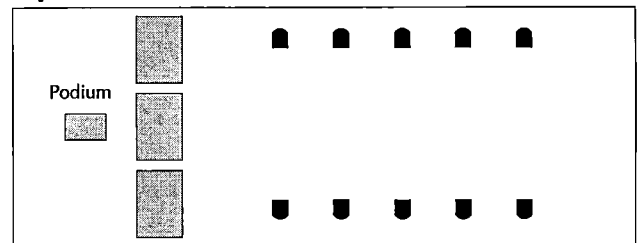
OEOb 450



Theater Style

Seating Capacity - 220

Option 4



Reception Style

Seating Capacity - 220

EXECUTIVE OFFICE OF THE PRESIDENT Office of Administration FACILITY REQUEST READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM		NO: 34852		1. Org. Code
2. Charged To: (GSA Use Only)				
I. ADMINISTRATIVE COORDINATOR				
3. Name Mary Smith	4. Office/Acct. WH/National Service	5. Room(s) No. 100	6. Phone 6266	
II. WORK TO BE PERFORMED FOR				
7. Name John Foster	8. Office/Acct. WH/National Service	9. Room(s) No. 100	10. Phone 6266	
III. WORK ORDERS				
11. CONSTRUCTION/CARPENTRY <input type="checkbox"/> Shelves <input type="checkbox"/> Chair Slide <input type="checkbox"/> Desk/Chair Repair <input type="checkbox"/> Locksmith Services <input type="checkbox"/> Door Signs <input type="checkbox"/> Other <i>(Plans must accompany request)</i>				
12. DECORATOR SERVICES <input type="checkbox"/> Select Furniture <input type="checkbox"/> Touch-up Furniture <input type="checkbox"/> Reupholster Furniture <input type="checkbox"/> Painting <input type="checkbox"/> Carpet				
13. MOVING <input checked="" type="checkbox"/> Furniture <input type="checkbox"/> Safes <input type="checkbox"/> Data Processing Equip. <input type="checkbox"/> Other <i>(Configurations/Drawings including required telephone changes must accompany request on a separate piece of paper)</i> Move desk chair to outer office in Room 100.				
14. ELECTRICAL <input type="checkbox"/> Outlet <input type="checkbox"/> Coax cable <input type="checkbox"/> Heating/Air Conditioning <input type="checkbox"/> Other				
15. TELEPHONE SERVICES				
16. CLEANING				
17. AGENCY AUTHORIZATION Mary Smith		18. DATE 3-25-91	19. FACILITIES AUTHORIZATION	
				20. DATE

OA FORM 36
(Rev. Sept. 86)

★ U.S. GPO 1990:255-546

GSA COPY

REQUEST FOR MULTIPLE MAILING

February 27, 1991

(DATE)

I. TO: White House Administrative Office, Room 1, OEOB

FROM: Mary Smith / Office of National Service Ext. 6266

Description of Request: (Attach text of letter, copy of mailing list, sample of enclosure(s) etc.)

Please prepare the following for mailing to listed media groups:

1. Cover letter to media.
2. Photo enclosure
3. Listing of "Daily Point of Light" recognition winners.

Quantity:

KT33 - 227

KT38 - 160

Total = 387

Approved: _____ Disapproved: _____

(Cost Estimate: _____)

II. TO: Terry Good, Room 80, OEOB

FROM: White House Administrative Office

Attached mailing has been approved and is to be entered into Name/List Service if appropriate

III. TO: Maureen Hudson, Room 60, OEOB

FROM: Records Management

- List _____ is being transmitted for attached request
- Attached does not qualify for Name/List Service

THE WHITE HOUSE
REQUEST FOR BUSINESS CARDS

Note: Eligibility for business cards is limited to Commissioned Officers. Staff members must be responsible for the expenses connected with obtaining the cards.

Name John Foster

Title Special Assistant to the President
(use official title only)

Office National Service

Telephone Extension 6266

No. of Copies to be Ordered 250
(orders of 100, 250, 500, 1,000 only)

Type of Print D 31

Indicate style to be used for Business Cards A _____ B XX C _____

A

Seal

NAME
TITLE

The White House Phone No.

B

Seal

NAME
TITLE

The White House Phone No.

C

NAME
TITLE

The White House

Return to: White House
Administrative Office
Room 1, OEOB

Approval: _____
Head of Office White House Administrative Office

PARKING CHANGES

ADD **CHANGE** DELETE

Date of Transaction February 28, 1991 (All Transactions)

Permit Number 1635 (Change and Delete only)

Last Name Foster (All Transactions)

(If a change, complete only items to be changed)

First Name Mary Last Name Smith

Room and Building Room 100 - OEOB

Office National Service Office Code _____

Parking Area (circle one)

B-NEOB

C-Seventeenth Street

E-Ellipse

I-South Court

J-Jackson Place

S-State Place

W-West Executive Drive (Space Number _____)

H-Hamilton Place

N-North Court (Space Number _____)

F-First Lady (Space Number _____)

Approved by: _____

Date _____

PLEASE PRINT ALL INFORMATION - THANK YOU

THE WHITE HOUSE OFFICE
TRAVEL AUTHORIZATION

NO. _____

Date of Request February 28, 1991

1. TRAVELER:

Name: Mary Smith White House Staff
Extension: 6266 Room: 100 Other: _____

2. PURPOSE(s) and DATE(s): To accompany the President of the United States to
Kennebunkport, ME on official business

3. ITINERARY: Washington, DC - Kennebunkport, ME - Washington, DC
(List all cities where stopovers occur.)

DEPARTURE			RETURN		
Date:	Time:	Mode:	Date:	Time:	Mode:
<u>3/5/91</u>	<u>9:00 a.m.</u>	<u>Govt. Trans.</u>	<u>3/10/91</u>	<u>8:30 p.m.</u>	<u>Govt. Transp.</u>

5. FUNDING SOURCE:
 OFFICIAL POLITICAL 501 (c)(3) OTHER _____

SPECIAL EXPENSES	TRAVEL ADVANCE REQUESTED
<input type="checkbox"/> Commercial Car Rental <input type="checkbox"/> Taxi	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Amount \$ _____
<input type="checkbox"/> Hotel Name: _____	Recipient's Signature: _____
<input type="checkbox"/> Other: _____	Date: _____

Please See Reverse Side for Further Instructions Regarding Travel Expenses

7. TRAVELER'S SIGNATURE: Mary Smith
(I have read and agree to the terms set forth on the reverse side.)

8. APPROVING SIGNATURES:
Office Head: John Foster
Approving Official
(Political or Foreign Travel): _____
Special Assistant to the President and
Director of White House Operations: _____

9. FOR TRANSPORTATION OFFICE USE ONLY:
Control No.: _____ Account: _____

ORIGINAL (Return With Voucher)

(REV. 6/21/89)

INDEX

	Page
Access List	A-1
Administrative Contacts	A-1
Administrative Office	A-1
Appointments	A-1
Arrival Ceremonies (See Ceremonies)	A-3
Athletic Facilities	A-2
Audio Visual Equipment.....	A-2
Briefing Papers (Presidential).....	A-2
Business Cards	A-2
Cabinet Room.....	A-2
Central Files (See Records Management, Office of)	A-21
Ceremonies.....	A-3
Classified Information	A-3
Commissions and Certificates	A-4
Computer Services and Support	A-4
Conference Rooms.....	A-4
Conflict of Interest.....	A-5
Crank Calls	A-6
Credit Union.....	A-6
Drug Testing.....	A-6
Duplicating Equipment	A-6
Employee Assistance Program.....	A-6
Entertainment.....	A-7
Entertainment Fund.....	A-7
Escort System	A-7
Equipment	A-7
Executive Clerk, Office of the White House	A-7
Executive Orders.....	A-8
Executive Residence	A-8
Facsimile (Fax) Machines	A-8
Federal Register	A-8
Files (See Records Management, Office of)	A-21
Financial Disclosure	A-9
Freedom of Information	A-9
Furniture and Furnishings.....	A-9
General Services Administration (GSA)	A-9
Gifts.....	A-9
Graphics and Document Preparation	A-10
Hatch Act (See Political Activities)	A-17
Hiring	A-10
Holidays	A-11
Internship Program.....	A-11
Invitations To Official Events	A-11

Leave	A-11
Libraries.....	A-11
Lobbies.....	A-12
Lobbying.....	A-12
Mail and Messenger Services	A-12
Mail Window.....	A-13
Mass Mailings.....	A-13
Materials for the President.....	A-13
Medical Unit.....	A-14
Military Office (East Wing)	A-14
News Summary.....	A-14
Notary Public.....	A-14
Office of Administration (OA)	A-14
Office Space	A-15
Office Supplies	A-15
Outside Earned Income.....	A-15
Outside Positions	A-15
Oval Office.....	A-15
Paging.....	A-15
Parking	A-16
Passes	A-16
Payroll	A-16
Personnel.....	A-16
Policy Staff.....	A-17
Operating Staff.....	A-17
Personnel, Office of White House.....	A-17
Photographs.....	A-17
Political Activities	A-17
President's Signature	A-18
Presidential Appointments	A-18
Presidential or White House Commissions.....	A-18
Presidential Messages and Correspondence, Office of.....	A-18
Presidential Greeting Cards.....	A-19
Presidential Scheduling.....	A-20
Presidential Seal.....	A-20
Press Coverage of Presidential Events.....	A-20
Press Inquiries.....	A-20
Press Releases	A-20
Printing.....	A-20
Proclamations	A-21
Publications	A-21
Purchasing	A-21
Records Management, Office of (ORM)	A-21
Roosevelt Room.....	A-22
Seal, The Great	A-22

Secretarial Assistance (See Presidential Correspondence, Secretarial & Typing Unit)	A-19
Smoking Policy	A-22
Staff Mess.....	A-23
Stationery.....	A-23
Telegrams and Mailgrams.....	A-23
Telephones.....	A-23
Telephone Switchboards	A-24
Time and Attendance Records.....	A-24
Tours.....	A-24
Travel.....	A-26
Travel and Transportation Office	A-27
U.S. Secret Service.....	A-27
Usher's Office	A-27
Visitors.....	A-27
Visitors Office	A-27
Weekly Comp.....	A-28
White House Transportation.....	A-28
White House Communications Agency (WHCA).....	A-28
White House Fellows.....	A-28