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TO: Designated Agency Ethics Officials

FROM: Don W. Fox
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SUBJECT: THE OGE SUPPLEMENTAL AGENCY REGULATION PROCESS

The Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Ethical Conduct) codified in 5 C.F.R. part 2635 applies to all executive branch employees. As authorized by Executive Order 12674 and implemented by 5 C.F.R. § 2635.105, an agency may modify or supplement the Standards of Ethical Conduct, with the concurrence of OGE, to meet particular needs of that agency. A supplemental agency regulation is issued jointly by the agency and OGE and is published in title 5, Code of Federal Regulations.

The U.S. Office of Government Ethics (OGE) has the exclusive authority to oversee the supplemental ethics regulation process.¹ Executive Order 12674, as modified by Executive Order 12731, requires OGE to “establish a single, comprehensive, and clear set of executive-branch Standards of Ethical Conduct that shall be objective, reasonable and enforceable.” Section 301 of Executive Order 12731 specifically states, “[a]ny supplementary agency regulations shall be prepared as addenda to the branch-wide regulations and promulgated jointly with the Office of Government Ethics, at the agency’s expense, for inclusion in Title 5 of the Code of Federal Regulations.” Given the mandate of Executive Order 12731 and its implementation under 5 C.F.R. § 2635.105, agency ethics regulations and policies promulgated outside of the OGE supplemental regulation process may lack legal effect. *See* Exec. Order No. 12731, § 301 55 Fed. Reg. 42,547 (Oct. 17, 1990); *see also*, Preamble to 5 C.F.R. § 2635.803, 57 Fed. Reg. 35,034; DAEOgram D0-95-008 (Agency supplementation of standards and revocation of superseded standards).

When determining whether an agency should have a supplemental ethics regulation, ethics officials should consider the following questions:

- What are the issues the agency is trying to address and what is the outcome the agency is trying to achieve?

¹ Exec. Order No. 12674, 54 Fed. Reg. 15,159 (April 12, 1989); *and* Exec. Order No. 12731, 55 Fed. Reg. 42,547 (Oct. 17, 1990). *See generally* 5 U.S.C. app. § 402(a)-(b) (requiring the Director of OGE to evaluate “the need for changes in rules and regulations issued by the Director and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws.” 5 U.S.C. app. § 402(b)(12)). OGE’s authority in this area is described in 5 C.F.R. § 2635.105, which permits agencies to act without supplemental regulations only in clearly defined instances.

- Does the agency need a supplemental ethics regulation to achieve this goal?
- What is the statutory authority under which a regulation would be issued?
- How have other agencies addressed similar issues?
- When and how should the agency consult with OGE?

This advisory is intended to help ethics officials answer these questions by providing tools to better navigate the supplemental agency ethics regulation process. Specifically, this legal advisory identifies the types of agency ethics policies that fall within the exclusive authority of OGE and, as a result, must be developed through the OGE supplemental agency regulation process. In addition, this advisory identifies agency policies that may derive from authorities outside the scope of OGE authority. Finally, this advisory contains a brief summary of the agency OGE consultation process.

There are three attachments to this advisory. The first attachment illustrates how an agency may determine it needs a supplemental regulation. The second attachment identifies which agencies have a supplemental regulation as well as which ethics issues are addressed by each agency. Finally, the third attachment specifies how the ethics issues are addressed by each agency.

When Agency Ethics Policies Belong in Supplemental Agency Regulations

Whether it is appropriate to create or modify a supplemental ethics regulation will depend on the issue the agency is trying to address and the underlying statutory authority for the proposed regulation.

Implementation by an agency of an agency policy requiring the expansion of restrictions on agency employees set by the Standards of Ethical Conduct is likely to implicate the supplemental regulation process. Common topic areas requiring the creation of a supplemental ethics regulation include, but are not limited to, outside activity restrictions, prior approval requirements for outside activities, prohibited financial holdings, and designation of separate agency components. In addition, if the proposed policy is only generally related to one of the fourteen General Principles of the Standards of Ethical Conduct contained in 5 C.F.R. §2635.101, then OGE can consult with the agency to determine whether the supplemental regulation process is implicated.

An important distinction exists between legally binding ethics regulations and ethics-related practice or advice. Agencies may advise employees to uphold a stricter standard of ethical conduct voluntarily as a best practice; however, an agency may not levy additional legally binding ethics-related requirements on its employees without submitting the proposed regulation or agency policy through the OGE supplemental agency regulation process. For example, an agency may not implement an agency policy requiring some or all of its employees receive prior approval before engaging in outside activities without issuing a supplemental ethics regulation. By consulting with OGE at an early stage of the policy formulation process, an agency can determine whether a supplemental regulation is required to implement a particular agency ethics related policy.

When Agency Policies May Not Belong in a Supplemental Agency Regulation

When there is specific and direct congressional authority to issue ethics related regulations independent from OGE, even if the regulations build upon the Standards of Ethical Conduct, agencies may promulgate these regulations separately from the title 5 supplementary process. Two primary categories of direct congressional authority meeting this standard include:

- When Congress has directed an agency to promulgate ethics regulations without requiring OGE concurrence or approval; or
- When the scope of the proposed regulation falls outside of OGE’s authority.

Congress can enact agency-specific statutes granting specific and direct authority to an agency to issue ethics related regulations independent from OGE, but it is unusual for Congress to do so.² A relatively recent example of Congress creating an agency-specific statute granting specific and direct authority to an agency to issue ethics related regulations is the Emergency Economic Stabilization Act of 2008. *See* 12 U.S.C. § 5218 (stating that the Secretary of the Treasury “shall issue regulations . . . to prohibit conflicts of interest that may arise in connection with the administration . . . [of] this Act . . .”). Because these agency-specific statutes come in several different variations and address different topics, an agency should consult with OGE concerning statutory authority it invokes when considering implementing ethics regulations outside of the OGE supplemental agency regulation process.

OGE must concur that an ethics related regulation is appropriately promulgated separately within the agency’s independent regulations. 5 C.F.R. §2635.105(c)(3). Examples of regulations relating to employee conduct that should not be placed in agency supplemental regulations include regulations addressing: cooperation with official inquires, use of government vehicles, the Hatch Act, care of documents and data, and the Privacy Act.³ Several of these topics deal with the improper use of nonpublic information; however, regulations implicating non-ethics statutes such as the Privacy Act should not be part of a supplemental agency ethics regulation.

The OGE supplemental agency regulation process is not required for materials, pamphlets, or website postings merely explaining the Standards of Ethical Conduct or a supplemental ethics regulation. 5 C.F.R. §2635.105(c)(1). In addition, policies “documenting or processing any determination, approval or other action required or permitted by [the Standards of Ethical Conduct] or by supplemental agency regulations” may be issued outside the OGE supplemental

² General enabling legislation is usually insufficient authority for an agency to issue ethics regulations outside of the OGE supplemental agency regulation process. An established canon of statutory construction holds that the specific governs the general. *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374 (1992). Executive Order 12674, as modified by Executive Order 12731, as well as the Ethics in Government Act of 1978 as implemented by 5 C.F.R. § 2635.105, states specifically that supplemental ethics regulations shall be issued jointly with OGE in Title V of the Code of Federal Regulations. *See* Exec. Order No. 12731, § 301 55 Fed. Reg. 42,547 (Oct. 17, 1990); 5 U.S.C. app. § 402(b)(12); 5 C.F.R. § 2635.105.

³ Post-employment restrictions also do not belong in an agency supplemental ethics regulation because supplemental agency regulations only apply to employees, not former employees. *See* 5 C.F.R. § 2635.105.

agency regulation process. 5 C.F.R. §2635.105(c)(2)(ii). Finally, agencies may also “delegate to an agency designee authority to make any determination, give any approval, or take any other action required or permitted by [the Standards of Ethical Conduct]” without codifying the delegation in its supplemental agency regulations. 5 C.F.R. §2635.105(c)(2)(i).

The Supplemental Agency Regulation Consultation Process

An agency’s OGE desk officer is the initial point of contact on supplemental regulations. Subsequently, an OGE attorney may provide advice for structuring the substantive ethics provisions of a supplemental regulation, and officials at the Federal Register can offer more complete assistance with the formatting of the proposed rule. In addition, OGE is available to review proposed regulations and offer substantive advice on the composition of the rule and the drafting of a preamble (i.e., justification or explanation) to the rule.

Once the proposed regulation is prepared, and has received initial OGE concurrence, an agency will likely be required to submit the rule to OMB for an informal review.⁴ A representative from the agency will need to contact the agency’s OMB desk officer facilitating this review process. Once OMB has given its informal approval to the supplemental agency regulation, the agency should submit the final signed version, in triplicate, to the Director of OGE for approval.

Upon receipt of the signed version of the supplemental regulation from OGE, the agency should submit the regulation directly to the Federal Register for publication.⁵ If the rule is a “final” rule, it is effective upon its publication completing the supplemental process. However, supplemental regulations are often first published as either interim rules or proposed rules. If the regulation is first published as an “interim” rule, the rule is effective upon publication; however, an agency must respond to comments to an interim rule. If the supplemental regulation is first published as a “proposed” rule, the rule is not effective upon publication. In the case of a proposed rule, the rule will only be effective once the agency publishes a final rule responding to the comments it received before the end of the notice and comment period. For both a proposed and interim rule, the agency will have to resubmit an updated final rule and preamble, incorporating stakeholder comments, to OGE for re-approval and signature by the Director of OGE. Depending on the extent of the comments and the changes made to the rule, an agency may also have to resubmit the rule to OMB for its informal clearance before publication of a final rule.

⁴ Most supplemental agency regulations are non-significant rules requiring only an informal review. *See generally* Exec. Order No. 12866, § 3(f) 58 Fed. Reg. 51,736 (Oct. 4, 1993). However, if the proposed regulation does not qualify as non-significant, OMB may require a formal 90-day review. *Id.* at § 6(b).

⁵ 5 C.F.R. § 2635.105(b) (“After concurrence and co-signature by the Office of Government Ethics, the agency shall submit its supplemental agency regulations to the FEDERAL REGISTER for publication and codification at the expense of the agency in title 5 of the Code of Federal Regulations.”)

Conclusion

Each agency in the Executive Branch has a unique mission. The OGE supplemental ethics regulatory process provides agencies a mechanism to tailor the Standards of Ethical Conduct to meet agency specific needs. After reviewing this legal advisory, agency ethics officials should be better able to appropriately address their agency specific ethics issues.

Attachment 1 – [Determining Whether an Agency Needs a Supplemental Ethics Regulation](#)

Attachment 2 – [Supplemental Regulations Quick Reference Chart](#)

(Citations are hyperlinked to the e-CFR)

Attachment 3 – [Supplemental Regulations Detailed Chart](#)

(Citations are hyperlinked to the e-CFR)

Determining Whether an Agency Needs a Supplemental Ethics Regulation

Does the Agency Want the Rule to be Legally Binding on its Employees?

If yes, then:

If no, then:

If unsure, then:

- Does the policy require modification or expansion of the Standards of Ethical Conduct?
- Does the policy regulate an area often reserved for supplemental agency regulations (e.g., outside activity limitations, prior approval requirements, prohibited holdings, designation of separate agency components)?

If no, then:

No Supplemental Agency Regulation is required.

If yes, then:

Does the agency have direct and specific authority to regulate ethics related policies internally?

If unsure, then:

- Does the policy fall under 5 C.F.R. § 2635.105(c)?
- Does the agency's enabling legislation provide authority to implement ethics regulations? (Unlikely)
- Did Congress specifically direct the agency to promulgate its own independent ethics regulations? (Unlikely)

If no, then:

Agency should initiate the Supplemental Agency Regulation Process.

OGE is always available for consultation regarding the supplemental agency regulation process.

Supplemental Regulations Quick Reference Chart**

5 CFR	Designation of Separate Agency Components/ Additional Rules	Prohibited Interests/ Holdings	Restricted Purchase or Use of Property/ Assets	Outside Employment/ Activities of Employee (restrictions and prior approval requirements)	Outside Employment/ Activities of Family Members	Procedure for Accomplishing Disqualification	Gifts & Awards	Independent Waiver Section/ Definition Section	Miscellaneous
Treasury, 3101.	102, 105-111		103*	104				101(c)^	
FDIC, 3201.			103*, 104	107	106			101(d)^	102-Extention of Credit; 105-former associates*; 108-cross-referencing; 109-n/a to corp. employees
DOE, 3301.				103		102		101(b)^	
FERC, 3401.		102*^		104^		103			
DOI, 3501.	102	103*, 104*^		105^				101(b)^	
DOD, 3601.	102			107		105	103, 104		106-solicited sales; 108-disclaimer for speeches/ writings
DOJ, 3801.	102, 103		104, 105	106					
FCC, 3901.				102					
FCC, 3902.									102-104-statements of employment and financial interests
FCIC, 4001.		103^	105	108^	106			102^, 109*	104-prohibited borrowing; 107-system institution elections
FCA, 4101.		103^	105	108^	106			102^, 109*	104-prohibited borrowing; 107-system institution elections
OPIC, 4301.				101					
SEC, 4401.		102*		103*					
OPM, 4501.				103					102-Examination Information
ICC, 5001.		102		104		103			
CFTC, 5101.		102		103					
DOL, 5201.	102^, 104^, 105*			103					
NSF, 5301.				103				101(b)^	102-Participation in proposals and awards; 104-NSF-supported conference; 105-restrictions

* section includes a waiver provision

^ section includes a definition section

** This chart is current as of January 1, 2011

Supplemental Regulations Quick Reference Chart**

5 CFR	Designation of Separate Agency Components/ Additional Rules	Prohibited Interests/ Holdings	Restricted Purchase or Use of Property/ Assets	Outside Employment/ Activities of Employee (restrictions and prior approval requirements)	Outside Employment/ Activities of Family Members	Procedure for Accomplishing Disqualification	Gifts & Awards	Independent Waiver Section/ Definition Section	Miscellaneous
HHS, 5501.	102^	104, 110^		106^*, 107, 109^		112	103, 111^	101(c)^	105, 108-exceptions for Indian tribes/Alaskan natives
HHS, 5502.									102-107-statements of employment and financial interests^
PRC, 5601.		102		104^				101(b)^	
FTC, 5701.				101, 102					
NRC, 5801.		102^*			103				
FLRA, 5901.				102^		103			
DOT, 6001.	102, 103	104							
Ex-Im Bank, 6201.				102^					
ED, 6301.					102				
EPA, 6401.		102		103^					
NEA, 6501.				102^					
NEH, 6601.					102				
GSA, 6701.			103, 104*, 105	106^					102-solicited sales; 107-reporting waste/fraud/ abuse/corruption
FRB, 6801.		103		109^	108	107		102^	105-preferential treatment; 106-seeking credit*
NASA, 6901.				103^					
USPS, 7001.		103		102^					
NLRB, 7101.				102^		103			
EEOC, 7201.				102, 103					
IAF, 7301.					102				

* section includes a waiver provision

^ section includes a definition section

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MSPB, 7401.				102^					
HUD, 7501.	106	104		105				102^, 103*	
NARA, 7601.				102^					
IMLS, 7701.				102					
CCR, 7801.				102				101(b)^	
TVA, 7901.				102					
CPSC, 8101.	102			103^					
USDA, 8301.	103-107^*			102^					
FMSHRC, 8401.		102*		103^					
FRTIB, 8601.				102					
OMB, 8701.				102					
FHFA, 9001.		104	109	105^	106			102^, 103*	107-other limitations; 108-prohibited recommendations re: securities
SIGIR, 9201.				102^					

* section includes a waiver provision

^ section includes a definition section

** This chart is current as of January 1, 2011

5 CFR	General and Preliminary Sections	Designation of Separate Agency Components/Additional Rules	Prohibited Interests/Holdings	Restricted Purchase or Use of Property/ Assets	Outside Employment/Activities of Employee (restrictions and approval requirements)	Outside Employment/Activities of Family Members	Procedure for Accomplishing Disqualification	Miscellaneous
Treasury, 3101.	101-Includes purpose, bureau instructions, and definition of "agency designee."	102-Agency components are separate agencies for purposes of governing gifts from outside sources and teaching, speaking, or writing. 105-111-Additional rules for certain agency components; includes additional prohibitions on financial interests and outside employment.		103-Prohibits purchase of property/assets owned by the government and under the control of the employee's bureau. Includes exceptions and waiver.	104-Requires written approval prior to outside employment or business activities, unless excepted by manuals/instructions required from each bureau.			
FDIC, 3201.	101-Includes purpose, designations, and definitions of: "affiliate," "appropriate director," "covered employee," "employee," "ethics counselor," "security," "state nonmember bank," and "subsidiary."			103-Prohibits employees or family from acquiring, owning, or controlling a security insured or supervised by the FDIC; includes exceptions; waiver and disclosure/disqualification requirements. 104-Restricts purchase of property held by FDIC or RTC including disqualification requirements.	107-Prohibits employment with FDIC-insured institution; prohibits using certain professional licenses for income; and requirement to consult with an agency designee.	106-Prohibits employee from examining employer of family member, and has reporting requirement.		102-Extensions of credit and loans from FDIC-insured institution; 105-Prohibition on dealings with former employers, associates and clients; 108-Cross-referencing to related statutory and regulatory authorities; 109-Certain provisions of 5 CFR 2635 not applicable to corporation employees.
DOE, 3301.	101-Includes purpose and definitions of: "agency designee" and "counselor."				103-Requires written approval prior to employment from supervisor and DAEO; has approval granted unless otherwise prohibited. Defines "employment."		102-Written notice of disqualification requirement and method of withdrawal of notice.	
FERC, 3401.	101-General		102-Prohibits employee, spouse, or minor child of employee from holding securities in certain energy and electrical companies. Includes a waiver provision, and defines "securities" and "parent."		104-Requires written approval (other than for SGEs) prior to outside employment with a prohibited source. Has approval standards. Defines "employment."		103-Written notice of disqualification requirement and method of withdrawal of notice.	

5 CFR	General and Preliminary Sections	Designation of Separate Agency Components/Additional Rules	Prohibited Interests/Holdings	Restricted Purchase or Use of Property/ Assets	Outside Employment/Activities of Employee (restrictions and approval requirements)	Outside Employment/Activities of Family Members	Procedure for Accomplishing Disqualification	Miscellaneous
DOI, 3501.	<p>101-Includes definitions of "department," "bureau," "ethics counselor," and "deputy ethics counselor." Also includes bureau instructions.</p>	<p>102-Agency components are separate agencies for purposes of: gifts from outside sources; teaching, speaking, and writing. Requires prior approval of outside employment.</p>	<p>103-Cross-references to statutory prohibitions. Prohibits certain employees from acquiring or holding financial interests in federal lands/resources administered by the DOI. Includes exceptions and a waiver provision, and has a grandfather provision. 104-Cross-references to statutory prohibitions. Prohibits USGS employees or family from having a financial interest in mining activities. Defines "financial interest," and "private mining activities." Includes exceptions, a divestiture requirement, a waiver provision. Has a grandfather provision.</p>		<p>105-Prohibits USGS employees from surveying for private entities. Prohibits BLM employees from employment in real estate (but allows them to keep realty licenses). Prohibits BIA employees from holding a position on a tribal board. Requires written approval from other employees prior to outside employment with a prohibited source. Specifies form of request for approval and standard for approval. Defines "employment," and "prohibited source."</p>			
DOD, 3601.	<p>101-Purpose</p>	<p>102-Agency components are separate agencies for purposes of: gifts from outside sources; and teaching, speaking, and writing.</p>			<p>107-Requires written approval prior to a business activity or compensated outside employment with a prohibited source. Defines "business activity," "employment," and "prohibited source."</p>		<p>105-Written notice of disqualification requirement concerning financial interests, impartiality and prospective employment. Method of withdrawal of notice.</p>	<p>103-Exceptions allowing an employee to accept gifts, in addition to 5 CFR 2635.204. 104- limitations on gifts between DOD employees. 106-Limitation on solicited sales; 108-Disclaimer requirement for speeches and writings devote to agency matters.</p>
DOJ, 3801.	<p>101-General</p>	<p>102-FBI and DEA are subject to these supplemental regulations. 103-Agency components are separate agencies for purposes of: gifts from outside sources; and teaching speaking and writing.</p>		<p>104-Prohibits purchase from DOJ property forfeited to the US without prior approval. Greater restrictions for FBI and DEA. 105-Prohibits employees from using government property for unauthorized purposes. Cross-references to DOJ regulations.</p>	<p>106-Defines "outside employment," and prohibits employees from outside employment involving the practice of law (with exceptions), and has a waiver provision. Requires written approval prior to certain other types of employment, and has approval standard.</p>			

5 CFR	General and Preliminary Sections	Designation of Separate Agency Components/Additional Rules	Prohibited Interests/Holdings	Restricted Purchase or Use of Property/ Assets	Outside Employment/Activities of Employee (restrictions and approval requirements)	Outside Employment/Activities of Family Members	Procedure for Accomplishing Disqualification	Miscellaneous
FCC, 3901.	101-General				102-Requires written approval prior to engaging in the same profession as the employee's official position, whether or not compensated, and has approval procedure and standard.			
FCC, 3902.	101-General							102-Employees required to submit FCC Form A54A "Confidential Supplemental Statement of Employment and Financial Interests." 103-Submission and review process of employees' statements. 104-Confidentiality of employees' statements.
FCIC, 4001.	101-General 102-Definitions of: "covered employees," "related entity," and "system institution." 109-General waiver provision, for all provisions of this regulation.		103-Prohibits "covered employees," spouse, or minor child from owning securities issued by a system institution or related entity. Defines "securities." Includes exceptions.	105-Prohibits employees, spouse or minor child from purchasing an asset from a system institution or related entity. Includes a disqualification provision.	108-Prohibits employees from paid or unpaid service for any system institution or related entity. Requires prior written approval before any outside employment or business activity, with or without compensation. Defines "employment."	106-Requires filing a report when a dependent or spouse is employed in a position the employee is prohibited from occupying.		104-Prohibits certain employee, spouse, or minor child borrowing, and includes exceptions; 107-Restricts involvement in system institution board member elections.
FCA, 4101.	101-General 102-Definitions of: "covered employees," "related entity," and "system institution." 109-General waiver provision, for all provisions of this regulation.		103-Prohibits "covered employees," spouse, or minor child from owning securities issued by a system institution or related entity. Defines "securities." Includes exceptions.	105-Prohibits employees, spouse or minor child from purchasing an asset from a system institution or related entity. Includes a disqualification provision.	108-Prohibits employees from paid or unpaid service for any system institute or related entity. Requires prior written approval before any outside employment or business activity, with or without compensation. Defines "employment."	106-Requires filing a report when a dependent or spouse is employed in a position the employee is prohibited from occupying.		104-Prohibits certain employee, spouse, or minor child borrowing, and includes exceptions; 107-Restricts involvement in system institution board member elections.
OPIC, 4301.					101-Requires approval prior to outside employment. Defines employment by 2635.603(a).			

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SEC, 4401.	101-General		<p>102-A member or employee, his spouse or listed dependents are prohibited from purchasing, selling, or recommending any security in certain delineated situations. Prohibited from certain financial relationships or transactions with entities directly regulated by the SEC. Requires prior clearance of delineated transactions. Includes reporting requirements, exceptions, and waiver provisions for members and employees.</p>		<p>103-Defines "employee," "employment," "professional services," and "DAEO." Prohibits employment or activities that conflict with employment of the SEC (different for members and employees). Requires written prior approval for employees, and describes the procedure, and has approval standard. Includes appeal process. Requires submission of proposed publications or speeches related to the SEC.</p>			
OPM, 4501.	101-General				<p>103-Requires written approval (except for SGEs) prior to engaging, with or without compensation, in certain delineated activities. Includes definitions of "active participants," "nonpublic information," "professional services," "prohibited sources," and "relates to the employees' official duties."</p>			<p>102-Notification requirement if employee, spouse, minor child, or business general partner taking examinations after employee takes part in constructing examinations.</p>
ICC, 5001.	101-General		<p>102-Prohibits employees from "directly or indirectly" being employed by or owning securities in a for-hire transportation company. Defines "indirectly." Includes exceptions.</p>		<p>104-Requires (other than for a commissioner) written approval prior to outside employment, with or without compensation, and includes approval standard.</p>		<p>103-Impartiality determination for members of the ICC.</p>	
CFTC, 5101.	101-General		<p>102-Prohibits members or employees from certain financial holdings or transactions. Cross-references Commodities Exchange Act.</p>		<p>103-Encourages some outside activities, prohibits employment involving activities the CFTC may be significantly interested in or is otherwise prohibited. Requires written approval (except for SGEs) prior to other outside employment, with or without compensation, and includes procedures, including written request. Defines "employment."</p>			

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DOL, 5201.	101-General	<p>102-Agency components are designated separate agencies concerning gifts from outside sources; teaching, speaking, or writing; or fundraising in a personal capacity . Includes definitions of "remainder of the department," "remainder of ESA," and includes separate section on "applicability of separate agency designations."</p> <p>104-105-Additional Rules for Office of Inspector General and for Mine Safety and Health Administration employees. Section 105 has waiver provision.</p>			103-Permits certain fundraising activities in a personal capacity.			
NSF, 5301.	101-Includes purpose, and definitions: "award," "employee," "institution," and "proposal."				103-Prohibits NSF employees from "directly or indirectly" receiving compensation or reimbursement of expenses from an NSF award or from any event supported by NSF funds. Requires written approval prior to compensated employment with entity expected to do business with NSF, and includes procedure.			<p>102-Participation in proposals and awards; creates additional, narrowly defined covered relationships and has reporting requirements; has an automatic disqualification standard.</p> <p>104-Personal or official participation in NSF-supported conferences.</p> <p>105-Restrictions applicable to Members of the National Science Board for purposes of determining disqualification from participation in proposals, awards and outside employment and activities.</p>

5 CFR	General and Preliminary Sections	Designation of Separate Agency Components/Additional Rules	Prohibited Interests/Holdings	Restricted Purchase or Use of Property/ Assets	Outside Employment/Activities of Employee (restrictions and approval requirements)	Outside Employment/Activities of Family Members	Procedure for Accomplishing Disqualification	Miscellaneous
HHS, 5501.	101-Includes purpose, applicability, and definitions in accordance with 5 CFR 2635 and 2640 except: "federally recognized Indian tribe or Alaska Native village or regional or village corporation," and "significantly regulated organization."	102-Agency components are designated separate agencies for purposes of gifts from outside sources; requiring approval for outside activities; receipt of awards from NIH; and teaching, speaking, or writing. Includes definitions of "employee of a component," "remainder of HHS" and "applicability of separate agency designations."	104-Prohibits an FDA employee, spouse or minor child from having a financial interest in a significantly regulated organization. Includes exceptions, 110-Defines "senior employee," and "substantially affected organization." Prohibits senior employees of the NIH, spouse, or minor children from having a financial interest in a substantially affected organization. Includes exceptions.		106-Defines "compensation," "consultative services," and "professional services." Prohibits employees from certain compensated consultative or professional services. Prohibits employees from certain other compensated employment, with exceptions. Requires prior written approval, and includes standard for approval. Includes waiver provision. 107- Applies to SGEs; allows compensation for teaching, speaking or writing in certain circumstances. 109-Provides 13 definitions. Prohibits employees from certain employment and other compensated activities, with exceptions.		112- Disqualifies an award recipient for one year from participating in a matter involving the donor.	103-An employee may accept certain gifts from Indian tribes/Alaskan Natives. 105-Exemption for otherwise disqualifying financial interests derived from Indian or Alaska Native birthrights. 108-Exceptions to prohibition against assisting in acting as an agent/attorney before the government, applicable only to certain employees. 111-Defines "official responsibility" according to 18 USC 202(b). Limits employees for matters affecting an award donor, and awards require prior written approval. Includes exceptions, and what to do if an unapproved award is accepted.
HHS, 5502.	101-General	106, 107-Supplemental disclosure of financial interests applicable to FDA employees and NIH employees.						102-105-Supplemental financial disclosure requirements for certain employees (other than SGEs).
PRC, 5601.	101-Includes purpose and definition of "affected persons."		102-Prohibts employees from having financial interests in a person whose interests are significantly affected by the postal service.		104-Prohibits employment, paid or unpaid, with an entity whose interests are significantly affected by the operations of the postal service. Requires written approval prior to any outside employment. Defines "employment" and "profession."		103-Written notice of disqualification requirement when seeking employment.	
FTC, 5701.					101-Requires written approval prior to outside employment, defines "employment," and includes approval standard. 102-Prohibits employees from soliciting funds from certain prohibited source			

5 CFR	General and Preliminary Sections	Designation of Separate Agency Components/Additional Rules	Prohibited Interests/Holdings	Restricted Purchase or Use of Property/ Assets	Outside Employment/Activities of Employee (restrictions and approval requirements)	Outside Employment/Activities of Family Members	Procedure for Accomplishing Disqualification	Miscellaneous
NRC, 5801.	101-General		102-Prohibits covered employees, spouses, and minor children from owning securities by an entity on a prohibited securities list (produced each year). Defines "covered employee," and "securities." includes divestiture, disqualification, and waiver provisions.		103-Requires written authorization from employee (except for SGEs) prior to certain delineated outside employment. Includes approval procedure and standard. Defines "outside employment."			
FLRA, 5901.	101-Has sections concerning to whom this regulation applies, cross-references, and defines "agency designees."				102-Requires written approval (except for SGEs) prior to any compensated and certain uncompensated outside employment, with exceptions, defines "employment," and includes procedures for approval. Prohibits certain delineated outside employment, with exceptions. Includes approval procedure and standard.		103-Written notice of disqualification requirement for financial interests and prospective employment. Has withdrawal of notification procedure.	
DOT, 6001.	101-General	102-Defines Agency Designees. 103-Agency components are designated separate agencies for purposes of governing gifts from outside sources and teaching, speaking, or writing.	104-Prohibits employees of FRA and FAA, spouse, or minor child from financial interests with related industries, including exceptions, waiver provisions, and period to divest.					
Ex-Im Bank, 6201.	101-General				102-Requires written approval prior to any outside employment, compensated or not. Has procedures for approval and definition of "employment." Includes standard for approval.			
ED, 6301.	101-General				102-Requires prior written approval (except for SGEs) for certain delineated outside activities. Includes exceptions and approval standard. Defines "active participant," "prohibited source," and "relates to the employee's official duties."			
EPA, 6401.	101-General		102-Prohibits employees of certain offices from holding certain financial interests. Defines "direct financial interest," and "indirect financial interest." Cross-references surface mining regulations. Has a waiver provision.		103-Requires written approval prior to outside employment involving specified services. Includes approval procedure and standard. Defines "employment."			

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NEA, 6501.	101-General				102-Requires written approval (except for SGEs) prior to compensated or uncompensated outside employment with a prohibited source, including the approval procedure and standard, and definition of "outside employment."			
NEH, 6601.	101-General				102-Requires written approval (except for SGEs) prior to outside employment, compensated or uncompensated, with a prohibited source, including the procedures and standard for approval, and definition of "outside employment."			
GSA, 6701.	101-General			103-Prohibits employees, spouses, and minor children from purchasing real or personal property from the GSA, with exceptions and a waiver provision. 104-Prohibits purchases of real estate by certain GSA employees involved in the acquisition or disposal of real estate, with exceptions and a waiver provision. 105-Prohibits employee from taking/disposing government property unless authorized.	106-Requires written approval (except from SGEs) prior to outside employment with a prohibited source. Includes approval procedure and standard and defines: "employment," and "prohibited source."			102-Prohibition on solicited sales to subordinates, with exceptions. 107-Reporting waste/fraud/abuse/corruption.
FRB, 6801.	101-Purpose 102-Defines: "affiliate," "debt or equity interest," "dependent child," "depository institution," "employee," "primary government securities dealer," and "supervisory employee."		103-Prohibits employee, spouse, or minor child from owning/controlling certain debt or equity interests, with exceptions for "nonbanking holding companies," "mutual funds," and "pension plans." Includes waiver and disqualification provisions.		109-Requires written approval prior to outside compensated employment, and defines "employment." Includes approval standard.	108-Prohibits supervisory employee from participating in particular matters involving employer of spouse, child, parent or sibling, unless authorized.	107-Disqualification requirement for supervisory employees from matters involving lenders. Includes waiver provision.	105-Prohibition on preferential terms from regulated institutions. 106-Prohibition on supervisory employees seeking credit from institutions involved in work assignments. Includes waiver provision and exemptions.
NASA, 6901.	101-General				103-Prohibits employees (except SGEs) from certain outside employment and requires written approval before certain other outside activities. Includes approval procedure, standard, scope of approval and notification provision. Defines "key official," "outside employment," "profession," and "prohibited source."			

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USPS, 7001.	101-General, including cross-reference to Postal Service rules.		103-References 18 USC 440, which prohibits against interests in contracts to carry mail and acting as agent for contractors.		102-Prohibits specified outside employment/business activities. Requires approval prior to certain outside employment/business activities, and includes approval procedures and standard. Defines "outside employment or business activity" and contains two definitions specific to USPS.			
NLRB, 7101.	101-Includes purpose, and ethics program responsibilities for the DAEO and ADAEO.				102-Requires written approval prior to compensated or uncompensated outside employment, including approval procedure, standard and definition of "employment."		103-Written notice of disqualification requirement for disqualifying financial interests.	
EEOC, 7201.	101-General				102-Prohibits certain outside employment for all employees and other outside employment for some employees (does not apply to SGEs). 103-Requires written approval prior to compensated or uncompensated outside employment for all employees. Defines "employment" and includes standard for denying approval.			
IAF, 7301.	101-Includes purpose and designation of agency ethics official (DAEO and ADAEO).				102-Requires most employees to receive written approval prior to outside teaching, speaking or writing for compensation and standard for approval.			
MSPB, 7401.	101-Includes purpose and cross-references.				102-Requires written approval (except for SGEs) prior to any outside employment, with or without compensation. Defines "employment," which includes "consultative services" and "professional services." Includes approval procedure and standard and responsibilities of the DAEO and ADAEO to issue instructions on categories of employment for approval.			
HUD, 7501.	101-Purpose 102-Defines: "affiliate," "agency designee," "agency ethics official," "assistance," "Designated Agency Ethics Official," "employment," and "security." 103-General waiver provision, for all provisions of this regulation.	106-Additional rules for certain department employees involved in the regulation or oversight of government sponsored enterprises. Includes definition of "covered employees," and "mortgage institution." Includes provisions on prohibited financial interests, prohibited outside employment, and other prohibitions.	104-All HUD employees (except SGEs), who are not "covered employees," and their spouses or minor children are prohibited from "directly or indirectly" receiving, acquiring or owning certain financial interests. Includes exceptions, reporting and divestiture provision, and references the general waiver provision.		105-Prohibits (except SGEs) employment involving real estate activities or with an entity involved in certain lobbying activities. Includes exceptions. Requires, (except for SGEs) prior written approval before accepting certain employment. Includes approval standard. Encourages employees to volunteer personal time to nonprofit organizations (subject to 5 CFR 2635).			

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NARA, 7601.	101-General				102-Requires written approval (except for SGEs) prior to any outside employment, whether or not for compensation. Has approval standard and defines "employment." Includes scope of approval.			
IMLS, 7701.	101-Purpose				102-Requires written approval (except for SGEs) prior to outside employment, whether or not for compensation, with a prohibited source. Includes request requirements. Defines "outside employment."			
CCR, 7801.	101-Includes Purpose and definition of "Designated Agency Ethics Official."				102-Requires written approval (except for SGEs) prior to outside employment. Includes approval standard. Defines "outside employment." Commission may designate activities as generally approved.			
TVA, 7901.	101-General				102-Requires written approval (except for SGEs) prior to outside employment. Includes approval procedure and standard and defines "employment." Classes of employees can be exempted from requirements.			
CPSC, 8101.	101-General	102-Commissioners subject to Section 4(c) of 15 USC 2053(c), prohibiting any other business, vocation, or employment.			103-Requires written approval (except for SGEs) prior to outside employment. Includes approval procedure and standard and defines "employment." Has scope of approval (not to exceed 2 years).			
USDA, 8301.	101-General	103-107-Additional Rules for employees of the Farm Service Agency, the Food Safety and Inspection Service, the Office of the General Counsel, the Office of Inspector General, and for RD employees. Includes, among other things, prohibited financial holdings, prior approval requirement for outside employment and waiver provisions.			102-Requires written approval from employees required to file certain financial disclosure reports (except for SGEs) prior to outside employment. Includes approval procedure and standard and defines "employment." Lists responsibilities of component agencies.			
FMSHRC, 8401.	101-General		102-Prohibits employees (except SGEs), spouses or minor children from having specified financial interests, with exceptions and divestiture and waiver provisions. Defines "securities."		103-Requires employees G-13 or above or any commission attorney (except SGEs) to obtain written approval prior to any outside employment. Includes approval procedure and standard and defines "employment," and "professional services."			

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FRTIB, 8601.	101-General				102-Requires written approval (except for SGEs) prior to outside employment. Includes approval procedure and standard and defines "employment." Includes additional requirements for approval of teaching, speaking or writing relating to official duties.			
OMB, 8701.	101-General				102-Requires written approval (except for SGEs) prior to outside employment. Includes approval procedure and standard and defines "employment."			
FHFA, 9001.	101-Includes Purpose and Scope; cross-references; statutory restrictions; and notice to employees. 102-Defines: "Affiliate," "Designated Agency Ethics Official," "Director," "Employee," "Enterprise," "Federal Home Loan Bank or Bank," "Regulated Entity," "Safety and Soundness Act," and "Security." 103-General waiver provision for all provisions of this regulation. Additional waiver provision for ownership or control of securities.		104-Employees (except SGEs), spouses, and minor children are prohibited from "directly or indirectly" owning or controlling securities from regulated entities. Includes exceptions and reporting and divestiture provisions. Includes restrictions arising from third party relationships.	109-Prohibits employee, spouse, or minor child from purchasing "directly or indirectly" property from a regulated entity unless sold at fair market value.	105-Prohibits employees (except SGEs) from certain employment and requires written approval (except for SGEs) prior to outside employment from a non-prohibited source. Defines "outside employment," including "consultative services" and "professional services." Also contains approval procedure and standard. DAEO may issue instruction exempting categories of employment.	106-Disqualifies employees from participating in a particular matter where the relevant regulated entity employs a spouse, child, parent, sibling, or member of household, unless authorized. Includes reporting requirement.		107-Other Limitations for the Director and Deputy Director; and caution for an employee who owns or whose spouse or minor child owns "directly or indirectly" certain financial interests. 108-Prohibits making recommendations about certain securities.
SIGIR, 9201.	101-Includes cross-references.				102-Requires written approval (except for SGEs) prior to outside employment, whether or not for compensation. Defines "employment," including "consultative services" and "professional services." Has approval procedure and standard. DAEO may issue instruction exempting categories of employment.			