

Ethics Training for STC Members

Welcome!

Welcome to Ethics Training for the Farm Service Agency (FSA), State Committee Members (STCs).

This course was specifically created by the USDA, Office of Ethics for FSA STCs who serve as Special Government Employees (SGEs).

In this training course you will:

- Receive an overview of the ethics regulations as they pertain to SGEs, and
- Fulfill your mandatory ethics training requirement.

Who is an SGE (Special Government Employee...You Are!

A Special Government Employee is someone who:

Provides independent advice based on recognized expertise or expert knowledge relevant to the committee.

May or may not be compensated by the Federal Government.

Is considered an intermittent employee of the Government.

May represent Federal interests.

Works on a temporary basis: not to exceed 130 days of Federal service per year.

Is under supervision of a Federal employee.

Is subject to Federal employee ethics laws and regulations while serving as a SGE

Ethics Rules for SGEs

You are required to complete the U.S. Office of Government Ethics Confidential Financial Disclosure Report (OGE Form 450) every year.

The USDA Office of Ethics (OE) will send you an email with instructions for filing.

Please reach out to your FSA State Office or OE for questions with your OGE 450.

Ethics Rules for SGEs

You are prohibited from participating in particular matters that could affect the financial interests of:

Yourself, your spouse, or minor child;

Your employer or prospective employer;

Your General Partner; or

Any organization where you are an officer, trustee, or General Partner.

18 U.S.C. 208

Ethics Rules for SGEs

You are additionally prohibited from participating in particular matters involving specific parties that are likely to have a direct and predictable effect on the financial interests of a person in your household; or on particular matters involving specific parties with a person with whom you have a covered relationship. You have a covered relationship with:

A household member or close relative;

Someone with whom you have or seek a business or contractual relationship;

A person/company for whom your spouse, dependent child, or parent works or seeks to work;

A person/company for whom you worked in the last year; and

An organization where you serve as an active participant.

5 C.F.R. 2635.502

Example

You are an FSA State Committee Member. Your duties as an SGE includes voting on a particular matter regarding the Conservation Reserve Program (CRP). Your family farming operation currently participates in CRP. A decision made by you, regarding this matter, could increase payment rates for the county where you reside and where your family farm is located.

Can you participate in this matter? What steps should you take?

Because the outcome will have a direct and predictable effect on your financial interests, you should disqualify yourself from voting on this matter.

Talk to your USDA Ethics Specialist if you think you may have a conflict.

Ethics Rules for SGEs

As an SGE, you may not represent another party before ANY Federal agency concerning a matter you worked on while serving as a SGE.

In addition, once you have served as a SGE for more than 60 days, you may not represent a party regarding a covered matter pending before the USDA.

18 U.S.C. 203 and 205

Example

A landowner calls you and requests that you contact FSA on his behalf about a payment issue. Part of your STC duties involved making a determination about a payment rate affecting this landowner.

May you contact FSA on behalf of the landowner?

Because you worked on the payment issue, you may not represent (which means communicating with, or appearing before any Federal employee) the landowner back to the Federal government.

Ethics Rules for SGEs

As a SGE, you may not accept gifts given to you because of your official position (as an SGE) or from a prohibited source. A prohibited source is anyone:

- seeking official action from the Agency.
- doing or seeking to do business with the Agency.
- whose activities are regulated by the Agency.
- whose interests are affected by the performance of your official duties as a SGE.

Example

While serving as a STC, a former colleague, who now works for a farming advocacy group (a prohibited source), invites you to attend a sporting event, with him and his boss. Each ticket costs \$40.

Can you accept? What are your next steps?

There are many exceptions and exclusions to the gift rules: Ask OE and we'll get you the right answer!

Ethics Rules for SGEs

As an SGE you may not use your public office for private gain.

This includes endorsing or sanctioning business, services, enterprise or the activities of others. (5 CFR 2635.702)

You may not use non-public information that you gain from your SGE duties, for your own benefit or allow the use of non-public information for the benefit of others. (5 CFR 2635.703)

You may not use Government property (including equipment) for unauthorized purposes. (5 CFR 2635.704)

Ethics Rules for SGEs

SGEs are prohibited from receiving compensation for Teaching, Speaking and Writing, only if the subject deals in significant part with:

a particular matter involving specific parties in which you have or are participating.

5 C.F.R. 2635.807

Ethics Rules for SGEs

Additional Ethics Rules for FSA employees (including SGEs)

FSA employees, spouses, or minor children may not directly or indirectly purchase real estate held in the FSA inventory, for sale under forfeiture to FSA, or from an FSA program participant.

5 CFR 8301.103

Example

A FSA STC wants to purchase 20 acres of farmland from the heirs of an estate in their county. The original owner was a FSA borrower 20 years ago, but the heirs have never farmed. However, the current tenant has a cash lease agreement that will remain in effect through the 2015 crop year, as well as two farm ownership loans with FSA. The heirs offered to sell the property to the STC because the property is adjacent to his farm.

Can the STC purchase this property? What are the STCs next steps?

The STC cannot proceed with the purchase of the farmland because the current tenant leasing the land is a FSA program participant.

A waiver MAY be granted if a request is jointly submitted by both the STC and the heirs selling the property to the SED for a determination. The SED will work with OE on any potential waivers.

Ethics Rules for SGEs

Additional Ethics Rules for FSA employees (including SGEs)

No FSA employee, or spouse, or minor children may not directly or indirectly:

sell real property to;

lease real property to or from;

sell to, lease to or from, or purchase personal property from; or

employ for compensation a person whom the employee knows or should reasonably know is an FSA program participant directly affected by the decision of the FSA office where the employee works.

5 CFR 8301.103

Ethics Rules for SGEs

This prohibition does not apply to the sale, lease, or purchase of personal property involving:

- Goods available to the general public at posted prices that are customary and usual within the community; and
- Property obtained at public auction; or
- If the SED determines, in advance, that the transaction is consistent with the Standards of Ethical Conduct found in 5 CFR 2635 and otherwise is not prohibited by law.

5 CFR 8301.103

Ethics Rules for SGEs

Even after you are no longer serving as an STC member, you may not communicate with, or appearing before, Agency employees, with intent to influence (which includes almost everything), about matters involving specific parties, that you worked on while an SGE.

If you have concerns with a post-government assignment, ask the following two questions:

- Are you going to communicate with, or appear before, a Federal employee?
- If so, is the subject matter of your communication something that you worked on while you were an SGE?
- If so, contact the Office of Ethics.

Ethics Rules for SGEs

The Hatch Act provides guidance regarding Federal employee participation in political activities. SGEs are bound by the same rules as regular Federal employees; however, the following rules only apply to SGEs on while they are on duty as STC committee members.

Prohibited Activities

Engaging in political activity while:

- on duty;
- on government-paid travel;
- in any room or building occupied in the conduct of government business;
- wearing a uniform or official insignia identifying the office or position of the employee;
- using any vehicle owned or leased by the government; or

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Prohibited Activities

- Soliciting, accepting, or receiving political campaign contributions (i.e., political fundraising)
- Being a candidate in a partisan election
- Using official authority or influence to interfere with or affect the result of an election;
- Soliciting or discouraging the political activity of any person who: (1) has any application pending before the Department; or (2) is a subject or participant in an ongoing audit, investigation, or enforcement action being carried out by the Department.

Ethics Rules for SGEs

Contact USDA Office of Ethics for specific rules concerning political activity.

You may also go to the Office of Special Counsel website for additional information:

<https://osc.gov/Services/Pages/HatchAct.aspx>

Questions?

Contact the USDA Office of Ethics

Ethics-FPC@usda.gov