PART 8301—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE

§ 8301.101 General.

In accordance with 5 CFR 2635.105, the regulations in this part apply to employees of the Department of Agriculture (Department or USDA) and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635.


Source: 65 FR 58638, Oct. 2, 2000, unless otherwise noted.

§ 8301.102 Prior approval for outside employment.

(a) Prior approval requirement. An employee, other than a special Government employee, who is required to file either a public or confidential financial disclosure report (SF 278 or OGE Form 450), or an alternative form of reporting approved by the Office of Government Ethics, shall, before engaging in outside employment, obtain written approval in accordance with the procedures set forth in paragraph (c) of this section.

(b) Definition of employment. For purposes of this section, “employment” means any form of non-Federal employment or business relationship or activity involving the provision of personal services by the employee for direct, indirect, or deferred compensation other than reimbursement of actual and necessary expenses. It also includes, irrespective of compensation, the following outside activities.

1. Providing personal services as a consultant or professional, including service as an expert witness or as an attorney; and

2. Providing personal services to a for-profit entity as an officer, director, employee, agent, attorney, consultant, contractor, general partner, or trustee, which involves decision making or policymaking for the non-Federal entity, or the provision of advice or counsel.

(c) Submission of requests for approval. An employee seeking to engage in employment for which advance approval is required shall submit a written request for approval to the employee’s supervisor a reasonable time before the employee proposes to begin the employment. Upon a significant change in the nature of the outside employment or in the employee’s official position, the employee shall submit a revised request for approval. The supervisor will forward written requests for approval to the agency designee, through normal supervisory channels. All requests for prior approval shall include the following information:

1. The employee’s name, organizational location, occupational title, grade, and salary;
§ 8301.103 Additional rules for employees of the Farm Service Agency.

(a) Application. This section applies only to Farm Service Agency (FSA) personnel who are Federal employees within the meaning of 5 U.S.C. 2105. This section does not apply to FSA community committee members, county committee members, and county office personnel, who are either elected to their positions or are employees of community or county committees established under 16 U.S.C. 590h. For rules applicable to FSA community committee members, county committee members, and county office personnel, see 7 CFR part 7.

(b) Definition of FSA program participant. For purposes of this section, the phrase “FSA program participant” includes any person who is, or is an applicant to become, an FSA borrower, FSA grantee, or recipient of any other form of FSA financial assistance available under any farm credit, payment or other program administered by FSA.

(c) Prohibited real estate purchases. (1) No FSA employee, or spouse or minor child of an FSA employee, may directly or indirectly purchase real estate held in the FSA inventory, for sale under forfeiture to FSA, or from an FSA program participant.
(2) Waiver. A request for an exception to the prohibition found in paragraph (c)(1) of this section may be submitted jointly by the FSA program participant and FSA employee (whether on his or her own behalf, or on behalf of the employee’s spouse or minor child), to the FSA State Executive Director. The FSA State Executive Director may grant a written waiver from this prohibition based on a determination made with the advice and clearance of the DAEO and the FSA headquarters ethics advisor that the waiver is not inconsistent with part 2635 of this title nor 7 U.S.C. 1986 nor otherwise prohibited by law and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality or otherwise to ensure confidence in the impartiality and objectivity with which agency programs are administered. A waiver under this paragraph may impose appropriate conditions, such as requiring execution of a written disqualification.

(d) Prohibited transactions with FSA program participants. (1) Except as provided in paragraph (d)(2) of this section, no FSA employee or spouse or minor child of an FSA employee may 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 FSA employee knows or reasonably should know is an FSA program participant directly affected by decisions of the particular FSA office in which the FSA employee serves.

2 Paragraph (d)(1) of this section does not apply to:
(i) A sale, lease or purchase of personal property, if it involves:
(A) Goods available to the general public at posted prices that are customary and usual within the community; or
(B) Property obtained pursuant to public auction; or
(ii) Transactions listed in (d)(1) of this section determined in advance by the appropriate FSA State Executive Director, after consulting with the FSA Headquarters ethics advisor, to be consistent with part 2635 of this title and otherwise not prohibited by law.

(e) Additional prior approval requirements for outside employment. Any FSA employee not otherwise required to obtain approval for outside employment under §8301.102 shall obtain written approval in accordance with the procedures and standards set forth in paragraphs (c) and (d) of §8301.102 before engaging in outside employment, as that term is defined by paragraph (b) of §8301.102, with or for a person:
(1) Whom the FSA employee knows, or reasonably should know, is an FSA program participant; and
(2) Who is directly affected by decisions made by the particular FSA office in which the FSA employee serves.


§ 8301.104 Additional rules for employees of the Food Safety and Inspection Service.

Any employee of the Food Safety and Inspection Service not otherwise required to obtain approval for outside employment under §8301.102, shall, before engaging in any form of outside employment, obtain written approval in accordance with the procedures and standards set forth in paragraphs (c) and (d) of §8301.102.


Any attorney serving within the Office of the General Counsel, not otherwise required to obtain approval for outside employment under §8301.102, shall, before engaging in the outside practice of law, whether compensated or not.


Any employee of the Office of Inspector General, not otherwise required to obtain approval for outside employment under §8301.102, shall obtain written approval, in accordance with the procedures and standards set forth in paragraphs (c) and (d) of §8301.102, before engaging in any form of outside employment.
§ 8301.106

employment that involves the following:
(a) Law enforcement, investigation, security, firearms training, defensive tactics training, and protective services;
(b) Auditing, accounting, bookkeeping, tax preparation, and other services involving the analysis, use, or interpretation of financial records;
(c) The practice of law, whether compensated or not; or
(d) Employment involving personnel, procurement, budget, computer, or equal employment opportunity services.