

## National Transportation Safety Board

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statement referred to in §804.6(d), the NTSB shall maintain a complete transcript of electronic recording adequate to record fully the proceedings of each meeting, or a portion thereof, closed to the public. The NTSB may maintain a set of minutes in lieu of such transcript or recording for meetings closed pursuant to §804.5 (h) or (j). Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote. All documents considered in connection with any actions shall be identified in such minutes.

### §804.10 Availability and retention of transcripts, recordings, and minutes, and applicable fees.

The NTSB shall make promptly available to the public the transcript, electronic recording, or minutes of the discussion of any item on the agenda or of any testimony received at the meeting, except for such item, or items, of discussion or testimony as determined by the NTSB to contain matters which may be withheld under the exemptive provisions of §804.5. Copies of the non-exempt portions of the transcript or minutes, or transcription of such recordings disclosing the identity of each speaker, shall be furnished to any person at the actual cost of transcription or duplication. The NTSB shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or a portion thereof, closed to the public for at least two years after such meeting, or until one year after the conclusion of any NTSB proceeding with respect to which the meeting, or a portion thereof, was held, whichever occurs later.

## PART 805—EMPLOYEE RESPONSIBILITIES AND CONDUCT

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APPENDIX I TO PART 805—MISCELLANEOUS STATUTORY PROVISIONS

APPENDIX II TO PART 805—EMPLOYEES REQUIRED TO SUBMIT STATEMENTS

AUTHORITY: E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1965 Supp.; 5 CFR 735.101 *et seq.*, and 5 CFR 735.404.

SOURCE: 40 FR 30239, July 17, 1975, unless otherwise noted.

### § 805.735-1 Purpose.

This part sets forth the standards of ethical and other conduct required of all Board Members and employees, in implementation of Executive Order 11222, May 8, 1965 (30 FR 6469), and part 735 of the Civil Service Commission Regulations adopted pursuant thereto (5 CFR part 735). It also contains references to the several applicable statutes governing employee conduct, particularly Pub. L. 87-849, 76 Stat. 119 (18 U.S.C. 201 *et seq.*), and the "Code of Ethics for Government Service," House Concurrent Resolution 175, 85th Congress, 2d Session (72 Stat. B12).

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**§ 805.735-2 Definitions.**

As used in this part.

*Executive order* means Executive Order 11222 of May 8, 1965 (30 FR 6469).

*Members and employees* means the Board Members and employees of the National Transportation Safety Board (Board) and active duty officers or enlisted members of the Armed Forces detailed to the Board, but does not include special Government employees.

*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.

*Special Government employee* means an employee of the Board who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for a period not to exceed 120 days during any period of 365 consecutive days, on either a full-time or intermittent basis.

[54 FR 10332, Mar. 13, 1989]

**§ 805.735-3 Policy.**

(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by its Members and employees and special Government employees is essential to assure the proper performance of the Board's business and the maintenance of confidence by citizens in their Government. Therefore, the Board requires that its Members and employees and special Government employees adhere strictly to the highest standard of ethical conduct in all of their social, business, political and other off-the-job activities, relationships, and interests, as well as in their official actions.

(b) All Members and employees and special Government employees shall avoid situations which might result in actual or apparent misconduct or conflicts of interest.

(c) Members and employees shall avoid any action, whether or not specifically prohibited by the regulations in this part 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.

**§ 805.735-4 Financial interests of Members and employees.**

(a) A Member or employee shall not:

(1) Have direct or indirect financial interests which conflict, or appear to conflict, with his assigned duties and responsibilities within the Board; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his employment by the Board.

(b) This section does not preclude a Member or an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government, so long as it is not prohibited by law, the Executive Order, 5 CFR part 735, or the regulations in this part.

**§ 805.735-5 Receipt of gifts, entertainment, and favors by Members or employees.**

(a) Except as provided in paragraphs (b) and (g) of this section, a Member or 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 the Board;

(2) Conducts operations or activities that are subject to Board jurisdiction; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) The prohibitions of paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships such as those between the employee and his parents, children, or spouse, when the circumstances make it clear that those relationships rather

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than the business of the persons concerned are the motivating factors;

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting, other meetings, or inspection tours where a Member or employee may properly be in attendance;

(3) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value;

(4) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(5) Utilization by Members or employees of the services offered to the public by any of the persons specified in paragraph (a) of this section: *Provided*, That full value, as published in a carrier's tariffs, or as is customarily charged to the public, is paid therefor;

(6) Carriage without charge by a carrier, of Members or employees engaged in official duties, for safety purposes, as provided for in the Civil Aeronautics Board's regulations;

(7) Acceptance of invitations, when approved by the Chairman or the Managing Director, with respect to meals and accommodations when on official business outside the continental United States; where commercial accommodations are unavailable or inappropriate; or where refusal of the offer would be otherwise inappropriate in light of all circumstances involved; and

(8) Acceptance of an invitation addressed to the Board, when approved by the Chairman or the Managing Director, by an employee (including, where applicable, his wife or a member of his immediate family), to participate in an inaugural flight or similar ceremonial event related to transportation, and accept food, lodging, and entertainment incident thereto.

(c) Members and employees shall not solicit contributions from another Member or employee for a gift, or make a donation as a gift, to a Member or employee in a superior official position.

(d) A Member or an employee in a superior official position shall not accept a gift from an employee or employees

receiving less salary than himself. However, paragraph (c) of this section and this paragraph (d) do not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion, such as marriage, illness, retirement, or transfer.

(e) Members and employees shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(f) Members and employees may not be directly reimbursed by a person for travel on official business under agency orders. However, reimbursement in the form of a donation may be made to the Board. The Member or employee involved will be paid by the Board in accordance with applicable laws and regulations relating to reimbursement for official travel. If the Member or employee is furnished accommodations, goods, or services in kind they may be treated as a donation to the Board, and either no per diem and other travel expenses will be paid or an appropriate reduction will be made in the per diem or other travel expenses payable, depending upon the extent of the donation. No Member or employee may be reimbursed, or payment made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(g) Members and employees are not precluded from receiving bona fide reimbursement, unless prohibited by law, for expenses of nonofficial travel and such other necessary subsistence as is compatible with this part for private personal interests for which no Government payment or reimbursement is authorized.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

### **§ 805.735-6 Misuse of information by Members and employees.**

For the purpose of furthering private interest, Members and employees shall not, except as provided in § 805.735-7(c), directly or indirectly, use, or allow the use of, official information obtained through or in connection with his employment within the Board which has not been made available to the general public.

**§ 805.735-7 Outside activities of Members and employees.**

(a) A Member or employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of his duties and responsibilities as an officer or employee of the Board. Before an employee can engage in outside employment or activity for profit, he shall obtain the approval of the Board's Managing Director by requesting written authorization from the Managing Director prior to engaging in such activity. Board Members desiring to engage in outside employment or activity for profit may request prior written authorization from the Chairman. Should such authorization be granted, the Member or employee has a continuing responsibility to confine himself to the scope of the authorization. If the circumstances change so as to involve a possible incompatible activity, the Member or employee must seek further authorization in order to continue in his outside employment or activity for profit. Authorization granted in specific cases may be deemed subsequently to involve an incompatible activity, and in such cases the Member or employee concerned shall be notified in writing of the cancellation of the authorization with instructions to modify or terminate the outside activity at the earliest practicable time.

(b) Incompatible activities by Members or employees 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 or activity which tends to impair his mental or physical capacity to perform in an acceptable manner his duties and responsibilities within the Board.

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, 5 CFR part 735, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the pur-

pose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his employment by the Board, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) Board Members, as Presidential appointees covered by section 401(a) of the Executive order, are specifically precluded by 5 CFR 735.203(c) from receiving 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 their agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(e) If an activity covered by paragraphs (c) and (d) of this section is to be undertaken as official duty, expenses will be borne by the Board, and the Member or employee may not accept compensation or allow his expenses to be paid for by the person or group under whose auspices the activity is being performed. If it is determined that the activity is to be undertaken in a private capacity, the Member or employee may not use duty hours or Government facilities, but he may accept compensation, and he may use his official title if he makes it clear that he does not represent the Board.

(f) Members and employees shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Board (18 U.S.C. 209).

(g) This section does not preclude a Member or employee from:

(1) Participating in the activities of national or State political parties not prohibited by law;

(2) Participating in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious,

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professional, social, fraternal, non-profit educational or recreational, public service, or civic organization.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

### § 805.735-8 Employment of family members in transportation and related enterprises.

(a) No individual will be employed or retained in employment by the Board if a member of his immediate family (blood relations who are residents of the employee's household) is employed by a carrier, a person or firm representing a carrier, or a transportation trade association.

(b) Members and employees may request a waiver, modification, or postponement of the implementation of this prohibition from the Chairman and Managing Director, respectively, on the grounds of undue hardship to himself or the family member involved. The request must contain an agreement to forego any privilege to which the Board Member or employee would be entitled as a relative of the family member.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

### § 805.735-9 Use of Government property.

Members and employees shall not, directly or indirectly, use, or allow the use of, Board property of any kind, including property leased to the Board, for other than officially approved activities. A Member or employee has a positive duty to protect and conserve Board property, including equipment, supplies, and other property entrusted to or issued to him.

### § 805.735-10 Member and employee indebtedness.

Members and employees 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 one reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Board determines does not, under the

circumstances, reflect adversely on the Board as his employer.

### § 805.735-11 Gambling, betting, and lotteries.

Members and employees shall not participate, while on Board-owned or leased property or while on duty for the Board, in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities regarding solicitations conducted by an employee recreation and welfare organization among its members, for organizational support, or for benefit or welfare funds for its members, these activities having been approved under section 3 of Executive Order 10927, dated March 18, 1961.

### § 805.735-12 Coercion.

Members and employees shall not use their employment by the Board to coerce, or give the appearance of coercing, a person to provide financial benefit to themselves or another person, particularly one with whom they have family, business, or financial ties.

### § 805.735-13 Conduct prejudicial to the Government.

Members and employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Board or to the Government.

### § 805.735-14 Specific regulations for special Government employees.

(a) *Use of Board affiliation.* A special Government employee of the Board 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) *Use of inside information.* (1) A special Government employee shall not use inside information obtained as a result of his employment by the Board for private gain for himself or another person, either by direct action on his part or by counsel, recommendation, or

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suggestion to another person, particularly one with whom he has family, business, or financial ties. For this purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) Special Government employees may teach, lecture, or write in a manner not inconsistent with §805.735-7(c) for employees.

(c) *Receipt of gifts, entertainment, and favors.* (1) A special Government employee, while employed by the Board or in connection with his employment, shall not receive or solicit from a person having business with the Board, anything of value such as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(2) The exception as set forth in §805.735-5(b) for employees will apply with equivalent force and effect to special Government employees with regard to the prohibitions of paragraph (a) of this section.

(d) *Applicability of other provisions.* The provisions of §805.735-9 (Use of Government property), §805.735-11 (Gambling, betting, and lotteries), §805.735-12 (Coercion), §805.735-13 (Conduct prejudicial to the Government) and §805.735-15 (Miscellaneous statutory provisions) apply to special Government employees in the same manner as to employees.

**§ 805.735-15 Miscellaneous statutory provisions.**

Each Member and employee shall acquaint himself with the statutory provisions in appendix I, attached hereto and made a part thereof, which relate to his ethical and other conduct as a Member and employee of the Board and the Government.

**§ 805.735-16 Statements of employment and financial interests.**

(a) All employees in the positions specified in appendix II, attached hereto and made a part thereof, shall submit a statement of employment and financial interests under the regulations in this part in triplicate to the Personnel Officer not later than:

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(1) Ninety days after the effective date of the regulations in this part if he is employed on or before that effective date; or

(2) Thirty days after he becomes subject to the reporting requirements by occupying a position covered under paragraph (a) of this section, if he occupies the position after that effective date.

(b) An employee required to submit a statement of employment and financial interests shall submit that statement in the format prescribed by the Managing Director.

(c) Board Members are subject to separate reporting requests under section 401 of the Executive order, and are not required to file statements pursuant to this section.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

**§ 805.735-17 Supplementary statements.**

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in supplementary statements, in the format prescribed by the Managing Director, as of June 30th of each year. If there are not changes or additions, a negative report is not required. Notwithstanding the filing of the annual report required by this section, 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 conflict-of-interest provisions, 18 U.S.C. 208, or the provisions of this part.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

**§ 805.735-18 Interests of employees' relatives.**

The interest of a spouse, minor child, or other members of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's household" means those blood relations who are residents of the employee's household.

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### § 805.735-19 Information not known by employees.

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 require that other person to submit information in his behalf.

### § 805.735-20 Information not required of employees.

An employee is not required to submit on a statement of employment and financial interests or supplementary statement, any information relating to the employee's 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.

### § 805.735-21 Confidentiality of statements.

Subject to the provisions of § 805.735-24 concerning review of employee statements, each statement of employment and financial interests, and each supplementary statement, shall be held in confidence. The Personnel Officer is personally responsible for the retention of employee statements in confidence and may not disclose information from a statement or allow access to a statement, except to carry out the purpose of this part, or as the Civil Service Commission or the Chairman may determine for good cause shown.

### § 805.735-22 Effect of statements on other requirements.

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 or supplementary 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.

### § 805.735-23 Submission of statements by special Government employees.

(a) A special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which the Chairman determines are relevant in the light of the duties he is to perform.

(b) A special Government employee who is a consultant or expert shall submit a statement of employment and financial interests to the Personnel Officer, in the format prescribed by the Managing Director, at the time of his employment, and shall keep his statement current throughout his period of employment by submission of supplementary statements.

(c) The Chairman may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when it has been determined that the duties of the position held by the special Government employee are of a nature, and at such a level of responsibility, that the submission of the statement by the incumbent is not necessary to protect the integrity of the Board. For the purpose of paragraphs (b) and (c) of this section, the following are examples of special Government employees who are not consultants and experts;

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

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**§ 805.735-24 Review of financial statements.**

(a) The Personnel Officer shall review each statement of employment and financial interests submitted under the regulations in this part (other than his own, which is reviewed by the Managing Director) to determine whether conflicts of interest or apparent conflicts of interest exist. If the review, or other information from other sources, indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Board, the Personnel Officer shall forward the statement, together with a position description of the employee involved, to the General Counsel of the Board.

(b) The employee or special Government employee whose statement has been referred under the provisions of paragraph (a) of this section will receive, from the General Counsel, advice and guidance regarding the matters questioned by the Personnel Officer. He will be afforded an opportunity to explain the conflict or appearance of conflict. It is expected that most problems will be settled at this informal stage. However, if an agreement cannot be reached after consultation, the matter shall be reported by the General Counsel, after consulting with the Managing Director, to the Chairman for resolution.

(c) The Chairman may provide the employee or special Government employee concerned with an additional opportunity to explain the conflict or appearance of conflict. If the matter cannot be resolved, the Chairman may invoke the disciplinary provisions of § 805.735-27, or may decide that remedial steps shall be taken with regard to such employee or special Government employee. When the questions of conflict of interest are resolved at one of the stages of review, the reviewing official shall sign and date a copy of the employee's statement to evidence his clearance, and this statement shall thereafter be kept as provided in § 805.735-21.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

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**§ 805.735-25 Publication and interpretation.**

(a) The Personnel Officer of the Board shall be responsible for making the regulations in this part and all revisions thereof, and the formats for statements of employment and financial interests available to:

(1) Each Member, employee, and special Government employee at the time of issuance and at least annually thereafter;

(2) Each new Member, employee, and special Government employee of the Board at the time of his entrance on duty; and

(3) Each Member, employee, and special Government employee of the Board at such other times as circumstances warrant.

(b) The Personnel Officer shall have available for review by Members, employees, and special Government employees of the Board, copies of such laws, Executive orders, Civil Service Commission regulations and instructions, and Board regulations as may currently appertain to their standards of ethical and other conduct.

(c) The General Counsel of the Board is designated to provide counseling and assistance to interpret the regulations in this part and matters relating to ethical conduct, particularly matters subject to the provisions of the conflict-of-interest laws and other matters covered by the Executive order. These counseling services are available to all Members, employees, and special Government employees at the General Counsel's office, by appointment for consultation or by written communication.

**§ 805.735-26 Employee's complaint on filing requirements.**

An employee who believes that his position has been improperly included under the regulations in this part, as one requiring the submission of a statement of employment and financial interests, may request review through the Board's grievance procedure.

**§ 805.735-27 Disciplinary or remedial action.**

(a) A violation of the regulations in this part by an employee or special Government employee may be cause



for disciplinary action in addition to any penalty prescribed by Federal statute or regulation, except for active duty officers or enlisted members of the Armed Forces detailed to the Board in which cases disciplinary actions may be effected against such military personnel by the parent military service. Disciplinary action may take the form of a warning, suspension, demotion, or removal, depending upon the gravity of the offense.

(b) Any employee or special Government employee who is charged with a violation of the regulations in this part shall be provided an opportunity to explain the violation, or appearance of violation, to the charging authority. The charging authority shall be the Managing Director of the Board.

(c) When, after consideration of the explanation, the charging authority decides that disciplinary action is not required, he may take appropriate remedial action. Remedial action may include, but is not limited to:

- (1) Changes in assigned duties;
- (2) Divestment by the employee or special Government employee of any financial interest that conflicts, or appears to conflict, with the performance of his official duties; or
- (3) Disqualification for a particular assignment.

(d) Remedial or disciplinary action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

#### APPENDIX I TO PART 805— MISCELLANEOUS STATUTORY PROVISIONS

Each Member and employee and each special Government employee has a positive duty to acquaint himself with each statute which relates to his ethical and other conduct as an officer or employee of the National Transportation Safety Board and of the Government. Therefore, each Member and employee and each special Government employee shall acquaint himself with the following statutory and nonstatutory provisions which relate to his ethical and other conduct:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session (72 Stat. B12), the "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest (18 U.S.C. 201 through 209).

(c) The prohibition against lobbying with appropriate funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) 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, 49 U.S.C. 1472(f)).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 8352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) 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).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of title 5, U.S.C., and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee's acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

#### APPENDIX II TO PART 805—EMPLOYEES REQUIRED TO SUBMIT STATEMENTS

Statements of employment and financial interests are required of the following:

(a) Employees in grades GS-16 or above, or in positions not subject to the Classification Act paid at a rate at or above the entrance rate for GS-16.

(b) Special assistants to the members.

(c) Office of the managing director:

(1) Legislative affairs officer.

(2) Program analysis officer.

(d) Attorneys in grade GS-15.

(e) Office of public affairs:

(1) Director.

(2) Deputy director.

- (f) Bureau of administration:
- (1) Director.
  - (2) Deputy director—personnel officer.
  - (3) Chief, operations and facilities division.
  - (4) Contracting specialist.
  - (5) Comptroller.
  - (6) Budget officer.
  - (7) Accounting officer.
- (g) Division and branch chiefs within the bureaus of accident investigation, technology, and plans and programs.
- (h) Chief or senior investigators, field offices.

[41 FR 39753, Sept. 16, 1976]

NOTE: The above regulation and its appendices were approved by the Civil Service Commission (OPM) on July 16, 1968, and September 13, 1972, respectively, prior to submission to the Office of the Federal Register.

## PART 806—NATIONAL SECURITY INFORMATION POLICY AND GUIDELINES, IMPLEMENTING REGULATIONS

Sec.

- 806.1 General policy.  
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 806.4 Mandatory review for declassification.

AUTHORITY: Sec. 304, Independent Safety Board Act of 1974, 88 Stat. 2168 (49 U.S.C. 1903), E.O. 12065, 43 FR 28949, July 3, 1978.

SOURCE: 45 FR 20104, Mar. 27, 1980, unless otherwise noted.

### § 806.1 General policy.

(a) The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

(b) Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

### § 806.2 Applicability.

This rule supplements Executive Order 12065 within the Board with regard to national security information. It establishes general policies and certain procedures for the classification and declassification of information which is generated, processed, and/or stored by the Board. In this connection, the Board does not have any original classification authority but infrequently does receive classified information from other agencies.

### § 806.3 Definitions.

(a) Classified information. Information or material, herein collectively termed information, that is owned by, produced for or by, or under the control of, the United States Government and that has been determined pursuant to Executive Order 12065, or prior orders, to require protection against unauthorized disclosure and that is so designated. One of the following classifications will be shown:

(1) *Top secret* means information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) *Secret* means information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to national security.

(3) *Confidential* means information, the unauthorized disclosure of which reasonably could be expected to cause identifiable damage to the national security.

(b) *Foreign government information* means either: (1) Information provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or (2) information produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangements or both, be kept in confidence.

(c) *National security* means the national defense and foreign relations of the United States.