

Federal Conflict of Interest Statutes

- 18 U.S.C. 201 – The Bribery Statute prohibits “public officials,” a term that includes IMLS employees in all grades and positions, from seeking, accepting, or receiving anything of value in return for being influenced in the performance of an official act or for being induced to take or omit to take any action in violation of his public duty.
- 18 U.S.C. 203 and 205 – These statutes generally prohibit an employee from acting as an agent, attorney, or other representative for a party other than the U.S. in connection with a contract, grant, application, judicial or other proceeding, or other “covered matter” where the U.S. is one of the other parties or has a substantial interest. Section 203 applies when the employee is paid by the non-U.S. party and section 205 applies to all such activity, whether paid or unpaid. Section 205 limits the ability of IMLS employees to represent advocacy groups, professional organizations, charities, and grant applicants when the representation is before a federal agency, court, or administrative tribunal and a “covered matter” is involved.
- 18 U.S.C. 207 – This statute contains most of the post-employment restrictions that potentially apply to IMLS employees (some additional restrictions can be found in the Procurement Integrity Act, 41 U.S.C. 423(d)). OGC has standard written guidance it provides to financial disclosure filers who are leaving Government employment, as well as other interested IMLS employees. OGC also provides verbal and written counseling on specific questions, as needed or desired.
- 18 U.S.C. 208 – This statute defines what the Government means by a “financial conflict of interest.” Section 208 basically states that an employee may not take action or participate directly or substantially in a “particular matter” involving specific parties when one of the parties is the United States AND the employee has a “financial interest” in one of the other parties. The term “particular matter” covers matters that involve deliberation, decision, or action that is focused upon the interests of specific persons or parties. Most of the particular matters we encounter at IMLS involve contracts, grants, lawsuits, or an application for IMLS to grant or deny a request for something. The term “financial interest” includes such things as stocks, retirement accounts, and other investments of you, your spouse, and your minor children; other jobs you may have; your spouse’s job; a business that you own in whole or in part, or for which you serve as an officer, director, partner, or employee; officer/director positions on other boards, including professional associations, whether paid or unpaid; and a person or organization with whom you are negotiating for employment.
- 18 U.S.C. 209 – This statute prohibits employees from receiving salary, benefits, or any other contribution to or supplementation of salary from anybody but the U.S. Government for doing their IMLS job. It is known as the Dual Compensation Statute. The exceptions to the no-gift rule in the Standards of Conduct can be viewed as exceptions to the prohibitions in this statute.