

**CHAPTER XI—INTERNATIONAL
BOUNDARY AND WATER
COMMISSION, UNITED STATES AND
MEXICO, UNITED STATES SECTION**

<i>Part</i>		<i>Page</i>
1100	Employee responsibilities and conduct	862
1101	Privacy Act of 1974	871
1102	Freedom of Information Act.....	882
1103	Enforcement of nondiscrimination on the basis of handicap in programs or activities conducted by International Boundary and Water Commission, United States and Mexico, United States Sec- tion.....	887

PART 1100—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General

Sec.

- 1100.1 Reference.
- 1100.2 Purpose.
- 1100.3 Definitions.
- 1100.4 Policy.
- 1100.5 Information to employees.

Subpart B—Conduct and Responsibilities

- 1100.6 Proscribed actions.
- 1100.7 Responsibilities.
- 1100.8 Rules of conduct.
- 1100.9 Conflict of interest.
- 1100.10 Outside employment.
- 1100.11 Indebtedness.
- 1100.12 Gifts, entertainment, and favors.
- 1100.13 Financial interests.
- 1100.14 Misuse of information.
- 1100.15 Support of Section programs.
- 1100.16 Disagreements between governmental officials.
- 1100.17 Use of government property.
- 1100.18 Gambling, betting, and lotteries.
- 1100.19 Coercion.
- 1100.20. General conduct prejudicial to the government.
- 1100.21 Miscellaneous statutory provisions.

Subpart C—Statements of Employment and Financial Interests

- 1100.22 Employees required to submit statements.
- 1100.23 Review of position descriptions.
- 1100.24 Manner of submission—statements of employment and financial interests.
- 1100.25 Excusable delay.
- 1100.26 Special government employees.
- 1100.27 Exceptions to specific appointees.
- 1100.28 Supplementary statement.
- 1100.29 Interests of employee's relatives.
- 1100.30 Information not required to be submitted.
- 1100.31 Information not known to employees.
- 1100.32 Confidentiality of employee's statements.
- 1100.33 Effect of employee's statements on other requirements.

Appendix A—Executive Order 11222¹

Appendix B—House Concurrent Resolution 175, 85th Congress 2d Session

Appendix C—Digest of Conflict of Interest Laws

Appendix D—Ethical Standards of Conduct

AUTHORITY: Federal Personnel Manual, Chapter 735 paragraph 1-5c.

¹Appendices A through D filed as part of the original document.

SOURCE: 40 FR 32116, July 31, 1975, unless otherwise noted.

Subpart A—General

§ 1100.1 Reference.

- (a) Executive Order 11222.²
- (b) Federal Personnel Manual, Chapter 735, Employee Responsibilities and Conduct.

§ 1100.2 Purpose.

The maintenance of unusually high standards of honesty, integrity, and conduct by employees and special Government employees is essential to assure the proper performance of the Section's business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of employees and special Government employees through informed judgement is indispensable to the maintenance of these standards. To accord with these concepts, the order sets forth the section's regulations prescribing standards of conduct and responsibilities and governing statements of employment and financial interests for employees and special Government employees.

§ 1100.3 Definitions.

In this order, the following terms mean:

(a) *Employee*. An officer and an employee of the United States Section of the International Boundary and Water Commission, United States and Mexico, but does not include a special Government employee.

(b) *Person*. An individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(c) *Section*. United States Section of the International Boundary and Water Commission, United States and Mexico.

(d) *Special government employee*. A special Government employee as defined by section 202 of Title 18 of the

²30 FR 6469, 3 CFR, 1964-65 Comp., p. 306.

United States Code who is employed by the Section.

(e) *Remedial action.* An action taken against an employee or special Government employee as a result of a violation of this Order. Remedial action may include, but is not limited to:

- (1) Changes in assigned duties;
- (2) Divestment by the employee or special Government employees of conflicting interests;
- (3) Disciplinary action which may be in addition to any penalty prescribed by law; or
- (4) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, executive orders, and governing regulations.

§ 1100.4 Policy.

(a) In Executive Order 11222 prescribing standards of ethical conduct for Government officers and employees, the President asserted the following policy: Where Government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or advisor of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

(b) This order sets forth the rules and regulations adopted by the Section in response to Executive Order 11222 and implements Chapter 735 of the Federal Personnel Manual. It is the obligation of every employee to be thoroughly familiar with the requirements herein and it is further the responsibility of each supervisor to assure complete understanding by employees in his organization.

(c) Any information which indicates that an employee may have violated the provisions of this Order should be forwarded through channels by the employee's supervisors. It should be sent to the supervisory official who, under current instructions, is authorized to take appropriate remedial or disciplinary action. Such action should be taken at the lowest practicable supervisory level in order that if necessary, reviews may be made at a higher

level of supervision. The official to whom information is addressed will make a thorough investigation of the matter and take appropriate action. The Personnel Director, or designated representative, will be consulted to insure that proposed actions are proper and in accordance with applicable laws, Civil Service Commission regulations, and Section requirements. When official information is involved, the official investigating the matter will insure that such information is protected in accordance with applicable regulations.

(d) Additionally, if the complaint or information alleges the acceptance of gifts or favors, or the use of official position for personal advantage, notice of the complaint or information shall be furnished immediately to the Commissioner. Cases arising in the field shall be routed through the Executive Officer.

(e) If the complaint or information originates within the Section, necessary investigation and/or remedial action shall be initiated concurrently with the submission of notice to the Commissioner. Letters or complaints from outside the Section will accompany the notice to the Commissioner, who will determine and direct the action to be taken on them.

§ 1100.5 Information to employees.

(a) *Initial information.* At the time they are published or revised, each employee will be furnished a copy of the Section's regulations governing employee responsibilities and conduct. Further, the Personnel Director shall establish procedures to insure that employees are periodically reminded of these rules and regulations, at least annually.

(b) *Counseling service.* A counseling service is available to provide advice and guidance to individual employees concerning their responsibilities under the Section's rules and regulations. The Personnel Director will provide guidance and advice to employees regarding the provisions of this order. For the purposes of conflict of interest laws, the Chief, Real Estate shall serve as counselor.

Subpart B—Conduct and Responsibilities

§ 1100.6 Proscribed actions.

Employees are forbidden by law to take certain actions. An employee shall avoid any action which might result in, or create the appearance of:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person;
- (c) Impeding Government efficiency or economy;
- (d) Losing complete independence or impartiality;
- (e) Making a Government decision outside official channels; or
- (f) Affecting adversely the confidence of the public in the integrity of the Government.

NOTE: A summary of laws pertinent to all Government employees is contained in Appendix C.

§ 1100.7 Responsibilities.

(a) Each employee is responsible for acquainting him/herself³ with the standards of conduct expected of him, and to conduct himself, both on and off the job, in a manner which will insure that his actions reflect credit to the Federal Government and the Section.

(b) Supervisors will keep subordinate employees informed regarding the proper standards of conduct required. Before any remedial action is initiated against an employee whose conduct appears to be in violation of established standards or statutes of conduct, the Personnel Director or his designated representative will be consulted.

(c) The Personnel Director, or his designated representative, will provide assistance and/or counseling to employees and all levels of management in observance of regulations pertinent to conduct and/or conflict of interest.

³For convenience of reading, the standard generic pronoun usage will be followed in the remainder of this Order. Where the pronoun 'he' is used it should be understood to include he or she; 'him' includes him or her; 'his', his or hers; 'himself', himself or herself.

(d) The Chief, Real Estate is the main point of contact on conflicts of interest problems. The Special Legal Assistant will assist on matters of legal interpretation.

(e) All employees engaged in procurement and related activities have a special responsibility for protecting the Government's interests as well as for maintaining the reputation of the Section for honesty, courtesy, and fair dealing. Accordingly, all such employees are required to become thoroughly familiar with the provisions of Federal Personnel Manual, Chapter 735, relating to procurement activities.

§ 1100.8 Rules of conduct.

(a) The primary purpose of establishing rules of conduct is to provide guidance. Although the rules set forth in this Order are considered reasonable, it is recognized there will be instances in which one or more of these rules will be disregarded or violated. Provisions have therefore been made for the imposition of remedial actions designed both to correct the disregard on the part of the offenders and to serve as a caution to others.

(b) *On-the-job conduct.* Each employee is expected to:

(1) Report promptly for work in a condition which will permit him to perform assigned duties (i.e., in appropriate clothing, with any required tools and/or equipment, and in a sober condition).

(2) Render full, efficient, and industrious service in the performance of assigned duties. If insufficient work is assigned to occupy an employee fully at any given time, he is expected to notify his supervisor so that additional work may be assigned.

(3) Give ready response and enthusiasm to directions and instructions received from his supervisor.

(4) Exercise courtesy and tact in dealings with fellow workers and the public.

(5) Maintain a clean and neat personal appearance to the maximum practicable extent during working hours.

(6) Conserve and protect Federal funds, property, equipment, and materials.

(7) Observe the various laws, rules, regulations, and other authoritative instructions, and consistently conduct himself in a manner which is beyond reproach.

(8) Recognize his responsibility for taking an active part in the Section affairs.

(9) Uphold with integrity the public trust involved in the position to which assigned.

(c) *Off-the-job conduct.* While the Section does not desire to interfere unnecessarily in the private lives of its employees, it does expect them to conduct themselves at all times in a manner which will not reflect unfavorably upon the Federal Government as their employer.

§ 1100.9 Conflict of interest.

(a) All Section employees are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interests of the United States. Even though a technical conflict of interest may not exist, employees must avoid the appearance of such a conflict from a public confidence point of view. (Chapter 11 of Title 18 of the U.S. Code, enacted by Pub. L. 878-849, effective January 21, 1963, constitutes the basic conflict of interest statutes.)

§ 1100.10 Outside employment.

(a) Section employees will not engage in outside employment or other outside activities, with or without compensation, which—

(1) Interferes with the performance of their Government duties;

(2) May reasonably be expected to bring discredit upon the Section or the Government; or

(3) Appears to involve a conflict of interest.

(b) All employees are prohibited from using their titles or positions in connection with any commercial enterprise or in endorsing any commercial product or venture.

(c) Section employees engaged in activities related to procurement will not accept part-time off-duty employment with any person that is a contractor with the Government. This prohibi-

tion applies regardless of the nature of the services to be performed. (e.g., Professional employees of the Section such as attorneys, engineers, and accountants will not represent or advise a Government contractor concerning either the commercial or Government pursuits of such person; nor will such personnel render services in behalf of the officers of contractors with whom they transact business on behalf of the Government, even though such services might be performed in connection with the personal affairs of such officers of the contractors.)

§ 1100.11 Indebtedness.

(a) An employee 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 paragraph a 'just financial obligation' means one acknowledged by the employee, imposed by law, or reduced to judgment by a court.

(b) When an employee has a levy placed against his salary for failure to pay an indebtedness for Federal income taxes, he shall be issued a written reprimand stating that failure to make satisfactory arrangements regarding future tax liabilities will be grounds for removal.

(c) When an employee is the subject of a letter of complaint stating that he has not paid his State or local taxes and has failed to make satisfactory arrangements regarding the debt, he shall be interviewed by the Personnel Director, or his designated representative in field offices. In this interview he shall be instructed to make satisfactory arrangements for payment of his debt immediately and informed that failure to do so will be grounds for removal.

(d) When an employee is the subject of a letter of complaint regarding any other kind of indebtedness to a unit of government, Federal, State, or local, the procedure prescribed in paragraph (c) of this section, shall be observed.

(e) When a creditor who holds a legal judgment against an employee requests that the Section assist in collecting the debt, the employee shall be interviewed by the Personnel Director,

or his designated representative in field offices, as appropriate. In this interview he shall be instructed to pay the debt in full within 90 days, or such period of time as is acceptable to the creditor, and informed that failure to do so may be grounds for removal.

(f) When an employee is the subject of a letter of complaint from a creditor who does not hold a legal judgment against the employee, the Personnel Director shall forward a copy of the letter to the employee together with a memorandum calling the employee's attention to the provisions of this order. However, the Section will not assist the creditor in collecting the debt.

§ 1100.12 Gifts, entertainment, and favors.

(a) Except as provided below, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other things of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Section;

(2) Conducts operations or activities that are regulated by the Section; or

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

(b) The restrictions set forth above 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 than the business of the persons concerned are the motivating factors;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or an inspection tour where an employee may be properly in attendance;

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

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calen-

dars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee 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.

(e) This order does not preclude an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this Order for which no Government payment or reimbursement is made. However, this Order does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Section orders when reimbursement is proscribed by Decision B - 128527 of the Comptroller General dated March 7, 1967.

(f) A gift or gratuity, the receipt of which is prohibited by this Order shall be returned to the donor with a written explanation why the return is necessary. A copy of the written explanation shall be submitted to the Personnel Director for filing in the employee's Official Personnel Folder (left side). When the return of the gift is not possible, the gift or gratuity shall be submitted to the Personnel Director with a written explanation why the return is not feasible. The Personnel Director shall turn the gift or gratuity over to a public or private charity or charitable organization.

§ 1100.13 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

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

(b) The Order does not preclude 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, Executive Order 11222, Chapter 735 of the Federal Personnel Manual or this order.

§ 1100.14 Misuse of information.

An employee, for the purpose of furthering a private interest, shall not directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 1100.15 Support of Section programs.

(a) When a Section program is based on law or executive order, every employee has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. An employee may, therefore, properly make an address explaining and interpreting such a program, citing its achievements, defending it against uninformed or unjust criticism, pointing out the need for possible improvements, or soliciting views for improving it.

(b) An employee shall not, either directly or indirectly, use appropriated funds to influence a Member of Congress to favor or oppose legislation in violation of 18 U.S.C. 1913. However, an employee is not prohibited from:

(1) Testifying as a representative of the Section on pending legislation proposals before Congressional committees on request; or

(2) Assisting Congressional committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical

expert under the direction of committee leadership.

(c) Nothing in this order shall be construed as depriving an employee of his rights as a private citizen from petitioning or contacting elected representatives pertinent to expressing opinions regarding Governmental operations or pending legislation.

§ 1100.16 Disagreements between governmental officials.

An employee shall not make public any disagreements with, or criticism of, officials, policies, or practices of the Section or of other Federal agencies in areas relating to the Section's functions. Such matters may be brought to the attention of the Commissioner for appropriate action.

§ 1100.17 Use of government property.

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

§ 1100.18 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device; in conducting a lottery or pool; in a game for money or property; or in selling or purchasing a numbers slip or ticket.

§ 1100.19 Coercion.

An employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business "mutual association", or financial ties.

§ 1100.20 General conduct prejudicial to the government.

An employee shall not engage in criminal, infamous, dishonest, immoral

al, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 1100.21 Miscellaneous statutory provisions.

The attention of each employee is directed to the following statutory provisions:

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

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

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

(d) The prohibitions against disloyalty and striking (Executive Order 10450, 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 prohibitions against:

(1) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783);

(2) The disclosure of confidential information (18 U.S.C. 1905).

(g) The provisions relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

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

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

(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) [Reserved]

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

(n) The prohibitions 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, 604, 607, and 608.

(q) The provision relating to the denial of the right to petition Congress (5 U.S.C. 7102).

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

(s) The prohibition against the employment of an individual convicted of felonious rioting or related offenses (5 U.S.C. 7313).

(t) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(u) The tax imposed on certain employees who knowingly engage in self-dealing with a private foundation (26 U.S.C. 4941, 4946). (Self-dealing is defined in the statute to include certain transactions involving an employee's receipt of pay, a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from a private foundation.)

Subpart C—Statements of Employment and Financial Interests

§ 1100.22 Employees required to submit statements.

The following Section personnel are required to submit statements of employment and financial interests.

(a) Those paid at a level of the Executive Schedule in Subchapter II of Chapter 53 of Title 5, United States Code.

(b) Those classified at GG-13 or above, whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to administering or monitoring grants or subsidies.

¹18 FR 2489, 3 CFR, 1949-53 Comp., p. 936.

(c) Those classified at GG-13 or above, whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to—

(1) *Contracting or procurement.* For the purpose of this Order, "contracting or procurement" is defined as executing or approving the award of contracts.

(2) *Auditing.* Auditing private or non-Federal enterprise including the supervision of auditors engaged in audit activities or participating in the development of policies and procedures for performing such audits, including the authorization and monitoring of grants to institutions or other non-Federal enterprise.

(3) *Other.* Those in activities in which the final decision or action has a significant impact on the interest of any non-Federal enterprise.

(d) Those at any grade level whose activities have a significant economic impact on the interest of any non-Federal enterprise.

§ 1100.23 Review of position descriptions.

(a) Because of the nature of the Section's mission, establishment of a standing list of employees subject to the provisions of this subpart is considered impractical inasmuch as assignments are subject to frequent change, organizational elements change with the changing work needs, supervisors or heads of organizations are subject to change with changing conditions. It is therefore necessary that all position descriptions in § 1100.22 (b) through (d) will be reviewed and a statement as to whether the incumbent of the position must file a statement of employment and financial interests, as required by this order, will be included in each position description. This determination will be reviewed at least annually, at the time of performance ratings, or incident to other prescribed annual reviews.

(b) Incumbents of positions identified as involving any of the functions described in § 1100.22 (b) through (d) will be required to comply with the filing requirements of this order. Any employee who believes that his position has been improperly included in

the functions described in § 1100.22 (b) through (d), may request a review of the decision requiring him to file a statement through the established grievance procedures.

(c) Positions in the above categories may be excluded when it is determined by the Commissioner that the duties are at such a level or responsibility that the submission of a statement is not necessary because of the degree of supervision and review of the incumbent and the remote and inconsequential effect on the integrity of the Section.

§ 1100.24 Manner of submission—statements of employment and financial interests.

(a) Section personnel included in § 1100.22 (b) through (d) will submit statements of employment and financial interests in the format prescribed by the Personnel Director.

(b) Each employee required by this Order to file a statement will do so within 30 days following entry on duty of assignment to the position and periodically thereafter as prescribed in § 1100.28.

(c) Statement will be submitted to the Personnel Director in a double sealed envelope marked "For Attention of the Personnel Director Only".

§ 1100.25 Excusable delay.

If, by reason of his duty assignment, it is impracticable for an employee to submit a statement within the period required by the Order, his immediate supervisor may grant a 15-day extension of time therefor, and the supervisor will notify the Personnel Director, in writing, of the extension. Any extension in excess of 30 days requires the concurrence of the Commissioner. Statements submitted pursuant to an extension of time granted will include appropriate notation to that effect.

§ 1100.26 Special government employees.

Each special Government employee who is an adviser or consultant shall, prior to appointment, file with the Personnel Director, a statement setting forth his Government employment, his private employment, and his financial interests. An appointee must

list all of his investments and other financial interests such as pensions; retirement; group life, health, or accident insurance; and profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. He is not required to list precise amounts of investments.

§ 1100.27 Exceptions to specific appointees.

The Commissioner may grant an exception to a specific appointee from completing that part of the statement of employment and financial interests relating to his investments or other financial interests referred to in § 1100.26, upon making of a determination that this information is not relevant in light of the duties the appointee is to perform.

§ 1100.28 Supplementary statement.

Changes in or additions to the information contained in an employee's statement of employment and financial interests shall be reported as of June 30 of each year. Even though no changes or additions occur, a negative report is required. The supplementary statement, negative or otherwise, will be submitted by July 31 of each year. Notwithstanding the filing of the annual report, Section personnel shall at all times avoid acquiring a financial interest that could result, or taking action that would result, in a violation of the conflict-of-interest provisions of 18 U.S.C. 208 or this order.

§ 1100.29 Interests of employee's relatives.

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

§ 1100.30 Information not required to be submitted.

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 interests 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 order, 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.

§ 1100.31 Information not known to 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 known to another person, the employee shall request that other person to submit the information on his behalf.

§ 1100.32 Confidentiality of employee's statements.

Each statement of employment and financial interests, and each supplementary statement, will be held in confidence. The Section may not disclose information from a statement except as the Commissioner or the Civil Service Commission may determine for good cause. Persons designated to review the statements are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from the statement except to carry out the purpose of this order, or Federal laws or regulations.

§ 1100.33 Effect of employee's 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 per-

son's participation is prohibited by law, order, or regulation.

to him for the purpose of review, amendment or correction.

PART 1101—PRIVACY ACT OF 1974

§ 1101.2 Definitions.

Sec.

For the purpose of these rules:

- 1101.1 Purpose and scope.
- 1101.2 Definitions.
- 1101.3 Procedures for requests pertaining to individual's records in a record system.
- 1101.4 Disclosure of requested information to individuals.
- 1101.5 Special procedures: Medical records.
- 1101.6 Request for correction of or amendment to a record.
- 1101.7 Agency review of request for correction or amendment of record.
- 1101.8 Appeal of initial adverse agency determination on correction or amendment.
- 1101.9 Disclosure of record to person other than the individual to whom it pertains
- 1101.10 Fees.
- 1101.11 Penalties.
- 1101.12 General exemptions.
- 1101.13 Specific exemptions.
- 1101.14 Employee: rules of conduct.
- 1101.15 Security, confidentiality and protection of records.
- 1101.16 Accounting for disclosures.

(a) "The Act" means the Privacy Act of 1974.

(b) "The Section" means the United States Section, International Boundary and Water Commission, United States and Mexico.

(c) "The Commission" means the International Boundary and Water Commission, United States and Mexico.

(d) "Agency" is defined to include any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President, or any independent regulatory agency) (5 U.S.C. 552(e)).

(e) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(f) "Maintain" includes maintain, collect, use, or disseminate.

(g) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying means assigned to the individual, such as a finger or voice print or a photograph.

(h) "System of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying means assigned to the individual.

(i) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8 (Census data).

(j) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which

AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a).

SOURCE: 41 FR 19625, May 13, 1976, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes affecting Part 1101 appear at 43 FR 47182, Oct. 13, 1978.

§ 1101.1 Purpose and scope.

The purpose of these rules is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). The main objectives are defining the responsibilities of United States Section employees which will assure that personal information about individuals collected by the United States Section is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy. Further, these rules establish procedures by which an individual can: (a) Determine if the United States Section maintains records or a system of records which include a record pertaining to the individual and (b) gain access to a record pertaining