

U.S. Department of Energy

Washington, D.C.

NOTICE

DOE N 510.2

5-17-96

EXPIRES: 5-17-97

SUBJECT: ABOLISHMENT OF THE HONORARIA BAN

The Ethics Reform Act of 1989 (Public Law No. 101-194) prohibited all Executive Branch employees, except special Government employees, from receiving payment of money or any thing of value for an appearance, speech or article. The United States Supreme Court issued an opinion in National Treasury Employees Union v. United States, 115 S. Ct. 1003 (1995), finding that the honoraria ban violated the First Amendment rights of the persons on whose behalf the case was brought. Recently, the Department of Justice Office of Legal Counsel determined that the honoraria prohibition cannot be enforced against any Government employee.

Consequently, restrictions on honoraria for non-government related activities no longer apply. This means that employees who placed honoraria in escrow accounts pending a ruling on the constitutionality of this provision may now receive the honoraria. In addition, employees who deferred accepting honoraria awaiting the outcome of the constitutionality of the provision may now receive honoraria. Note, however, that all honoraria exceeding \$200 from any one source must be reported on your financial disclosure report (SF 278/SF 450) as income, with the date received.

Moreover, there are still other regulations, as well as criminal statutes, that place restrictions on the outside activities of Department employees, including the receipt of payment. In particular, all executive branch officers and employees continue to be prohibited from receiving compensation, including travel expenses, for teaching, speaking or writing that relates to the employee's official duties. (5 C.F.R. § 2635.807(a)) Please seek advice from your ethics counsellor if you intend to engage in an outside activity, including the receipt of honoraria.

Headquarters personnel may direct questions about the acceptance of honoraria or any other outside activity to the Office of the Assistant General Counsel for General Law (202-586-1522). Field personnel may address such questions to their respective field counsel.

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

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All Departmental Employees

INITIATED BY:

Office of General Counsel