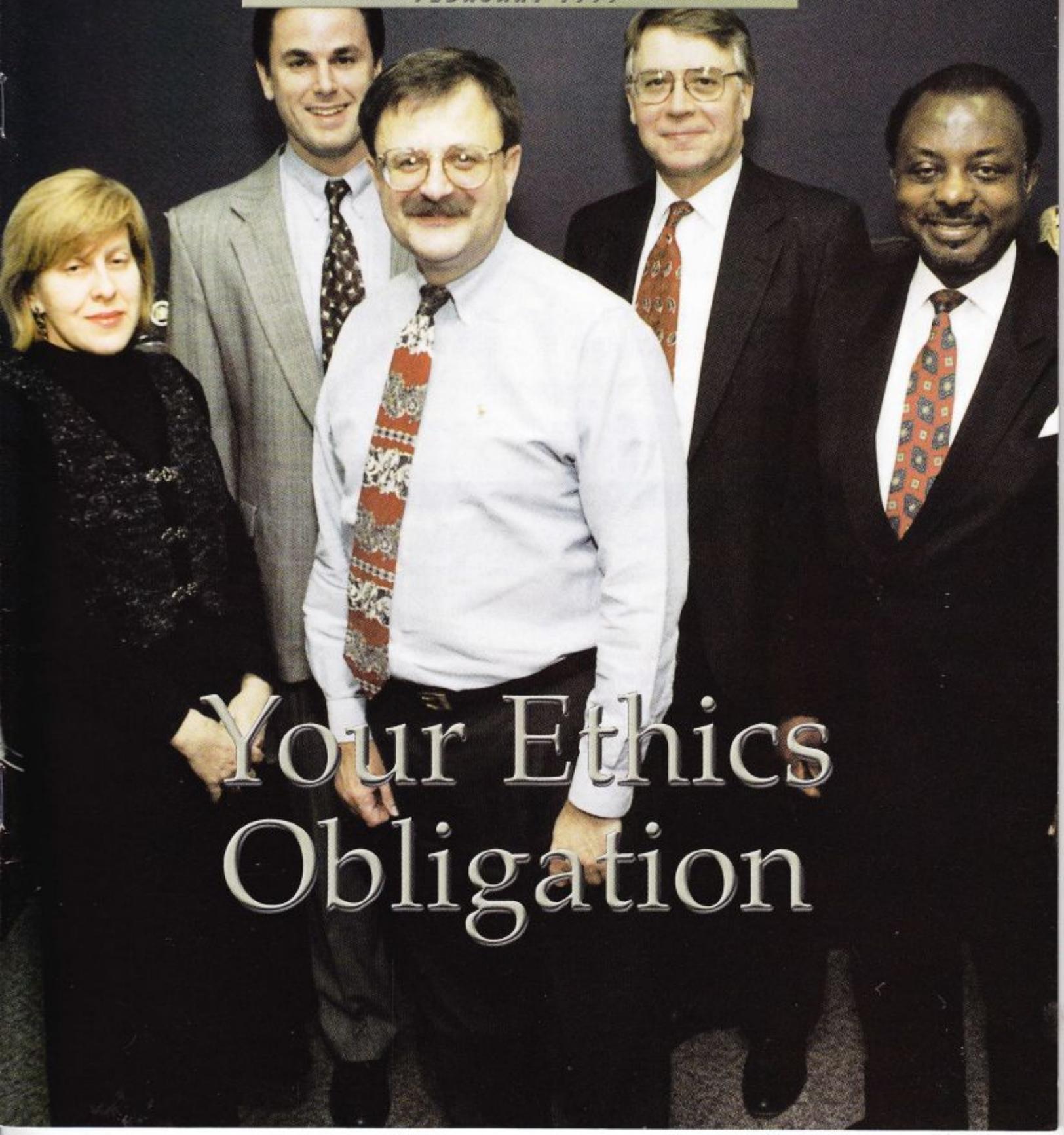


NATIONAL IMAGERY AND MAPPING AGENCY

EDGE

GUARANTEEING THE INFORMATION EDGE
FEBRUARY 1999



Your Ethics
Obligation

FEBRUARY 1999

EDGE

SPECIAL ETHICS ISSUE

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EDITOR'S NOTE:

This is our second in a series of issues with specific themes. We'd like to know what our readers think. If you have comments or suggestions for upcoming themes, please e-mail comments or suggestion to *The Edge*, or call the editorial staff at (301) 227-3089.

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COMMAND POST

Theodore Roosevelt once said, "Honesty is not so much a credit as an absolute prerequisite to efficient service to the public. Unless a person is honest, we have not right to keep him [her] in public life; it matters not how brilliant his [her] capacity."

In this issue of the Edge, we highlight the Standards of Conduct and the professional ethics required and expected of every employee of the U.S. Government.

We who are in government service are the government. As such, it is our sworn duty to serve our fellow citizens with nothing short of absolute integrity—paying the closest possible attention to the letter and spirit of the regulations, policies and laws governing our conduct.

They apply to all of us. No one is exempt. The Standards of Conduct govern us all equally, regardless of our rank, grade, or position. We are first and foremost public servants, and our motivation must always be the interests of the people of the United States, whom we serve. The Standards of Conduct set practical ground rules and demand not only that we avoid impropriety but the very appearance of impropriety. Ethics, integrity, trust, honesty—inherent in our core values—are key enablers for us to accomplish our mission for the nation.

To test your ethics awareness, I urge you to take the ethics quiz on page 25. I encourage you to examine your professional life by asking: "Am I doing the right thing? Does my behavior measure up against the Principles of Ethical Conduct presented in this issue of the Edge?"

It is your obligation to know what is expected of you. After you read this issue, keep it as a reference. If you have any questions or want more information, do not hesitate to ask your supervisor. To assist us all, NIMA attorneys are trained ethics counselors and can answer your questions and provide guidance.



James C. King
James C. King
Lieutenant General, USA

Certificates Honor Cold War Warriors

Lawrence, a U.S. Army Total Army Personnel Command spokesperson, said the addresses will be released around March 15.

"If we put the addresses out now, people will start sending in applications and we're not ready to accept them yet," she said. Applicants must use fax or mail to submit supporting documents.

(War Department Separation Document); or Oath of Office — Military Personnel or Letter of Appointment. Copies of these records can be obtained by writing to:

National Personnel Records Center
(Military Personnel Records)
9700 Page Ave.
St. Louis, MO 63132-5100

Qualifying civilian service can be proved with a Standard Form 50 (Notification of Personnel Action); Standard Form 2809 (Health Benefit Registration Form); an award certificate with employee's name, name of service or agency, and dates; or retirement forms with the employee's name, service or agency and dates. Federal civilian personnel may obtain employment verification or copy of their records by writing to:

U.S. Office of Personnel Management
Employee Service and Record Center
P.O. Box 45
Boyers, PA 16017-0045



by Jim Garamone
American Forces Press Service

WASHINGTON—Millions of former and current service members as well as some civilians are eligible to receive certificates honoring them for their parts in winning the Cold War.

The Army—the executive agent for the program—will start taking applications on April 5. The Army will accept applications for the certificate by Internet (at <http://sdcw.army.mil/coldwar>), e-mail, fax and mail. Shari

The Army has printed 1 million certificates. "We just don't know how many people will apply for the certificates," Lawrence said.

Persons are eligible for the recognition certificate if they have military or civilian service with the War, Navy or Defense departments between Sept. 2, 1945, and Dec. 26, 1991.

Applicants, when citing military service, can present the following records as proof: DD Form 214 (Certificate of Release/Discharge from Active Duty); WD AGO Form 53-55

When the Army provides the address information to apply for the certificate, officials said supporting documentation should not include originals for they will not be returned.

The Cold War was the super-power confrontation between the United States and the Soviet Union.

Ethics Obligation is Yours, Says GC

by Edward J. Obloy
General Counsel

The laws governing the ethical conduct of government employees are contained in a variety of statutes. The two major sources of ethics laws are Title 18 of the United States Code and the Ethics in Government Act of 1978 (the "Ethics Act").

The Ethics Act was signed into law on Oct. 26, 1978, for the purpose of preserving and promoting public confidence in the integrity of federal officials through financial disclosure, post-government employment restrictions, and independent investigation of alleged wrongdoing by government officials. The most significant revision to the Ethics Act occurred in the Ethics Reform Act of 1989 (Nov. 30, 1989), which modified post-employment restrictions and financial disclosure requirements, and included changes to the gift rules.

NIMA General Counsel Edward J. Obloy (center) with associate counsels (l-r): Mary Slattery, Don Cox, Kermit Sande and Langston Davis.

Executive Order 12674, issued by President Bush in 1989, and modified in 1990 by Executive Order 12731, states 14 general principles that broadly define the obligations of public service. Underlying these 14 principles are two core concepts: employees shall not use public office for private gain, and employees shall act impartially and not give preferential treatment to any private organization or individual.

In addition, employees must strive to avoid any action that would create the appearance that they are violating the law or ethical standards.

By observing these general principles, employees help to ensure that citizens have

complete confidence in the integrity of government operations and programs.

The Office of Government Ethics (OGE), an Executive branch agency, was established by the Ethics in Government Act of 1978. Originally part of the Office of Personnel Management, OGE became a separate agency on Oct. 1, 1989, as part of the Office of Government Ethics Reauthorization Act of 1988. E.O. 12674 directed OGE to "establish a single, comprehensive, and clear set of executive-branch standards of conduct that shall be objective, reasonable, and enforceable." These regula-

Continued on page 26



(Photo by J. Iber)

Many rules and regulations govern the way federal employees do their jobs, but few are as well known as the Standards of Conduct

"Employees should be aware the rules cover areas that affect many of their day-to-day activities," said NIMA General Counsel Edward J. Obloy. The list below, provided by his office, doesn't list every ethics rule, but gives an overview of the standards. If you have any questions, contact the Office of the General Counsel (GC). Phone: Bethesda, (301) 227-2268, DSN 287-2268; or in St. Louis, (314) 263-4501, DSN 693-4501.

Conflicts of Interest



- If you, your spouse, minor child, or other members of your household, as general partners, have any financial interests that may be affected by your participation in official business,

check with GC before working on the assignment. Financial interests include investment interests as well as your relationships with outside business associates, outside employers, or prospective employers.

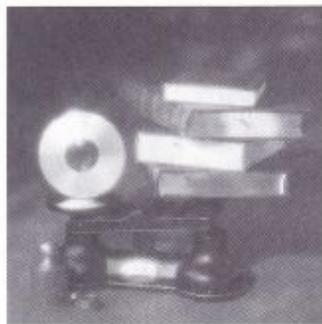
- Government employees cannot represent the interests of any person back to the government. If you have a part-time job, for example, you cannot represent your employer's interests back to NIMA or any other government agency. There are some exceptions to this rule, such as representing the estate of a family member, and giving testimony under oath; however, certain approvals may be required prior to undertaking these activities.

Financial Disclosure



- Senior Officials (DISES, DISL, SIS, 0-7 and above) will receive their financial disclosure materials by March 30. Public Financial Disclosure reports (SF-278) are due on May 15. Employees who file SF-278 reports must file a "termination report" when they leave their positions, separate or retire. Employees who transfer to other government agencies can request GC to forward their current SF-278s to their new employing agencies.
- Confidential Financial Disclosure Reports (OGE 450) will be sent to employees, GS-15 and below, who perform certain covered duties, on Sept. 30. The reports are due on Oct. 31. Employees who are assigned covered duties during the year must file an OGE 450 within 30 days of entering the new position or duties. Contact GC for a report form and instructions. Unlike the SF-278, termination reports are not required.
- Contracting officers and contracting officers representatives: new appointments to these positions must file an OGE 450 prior to commencing these duties. If the employee already has a current OGE 450 on file, it must be updated and reviewed prior to commencing these duties.
- Credit card holders are exempt from the financial disclosure filing requirements if: (1) no individual purchase exceeds \$2,500 during the

year; and (2) the total amount of purchases do not exceed \$20,000 during the year. If either of these dollar thresholds is exceeded, the employee must file an OGE 450 within 30 days.



Ethics Training

- All employees are encouraged to review the ethics training materials. Ethics training is posted on the GC Home Page at <http://osis.nima.mil/gc> or employees may contact GC for hard copies of the training materials. Employees who file financial disclosure reports are required to receive ethics training. In 1999, employees who file OGE 450 reports will receive written training with their OGE 450 materials. Employees who file SF-278 reports are required by regulation to receive in-person training.

- All new employees (except employees who transferred from other DoD components) must attend ethics training. If you entered on duty during the past year and did not attend ethics training, please contact GC.

Activities with Non-Federal Entities



- Speaking engagements at non-federal entity events must be approved by the Director or a Deputy Director. Free attendance for the days you are not speaking is a gift. Free attendance may be accepted with approval from your supervisor and in consultation with an ethics counselor.
- Liaisons to non-federal organizations may be appointed by the Director or a Deputy Director. Employees may not participate in the management of a non-federal entity without the approval of the DoD general counsel.

- Cosponsorships of events with non-federal entities must be approved by the Director or Deputy Director and must be undertaken pursuant to a written agreement between NIMA and the cosponsoring organization.

Travel

- Employees who are offered travel benefits for official travel, such as reimbursement for transportation, lodging, and meals, from a non-federal source, including a foreign government, should contact GC in advance of travel. These benefits must be approved in advance of travel. In addition, all travel benefits must be reported to GC. Certain travel benefits must be reported in the annual financial disclosure reports.



Gifts



- Unless a gift falls under a regulatory exception, gifts from prohibited sources, such as contractors or any person or entity that could be affected by the performance or nonperformance of your duties, are prohibited. Gifts include merchandise, training, local travel, entertainment, favors, loans and meals. While it is prudent to decline gifts, the following may be accepted: gifts of \$20 or less, excluding cash and investment interests; modest non-meal items; gifts based on personal relationships; gifts based on outside business relationships; and greeting cards. Other gift exceptions may require approval of your supervisor, in consultation with an ethics counselor. These include accepting awards, honorary degrees and free attendance at events sponsored by non-federal entities.

- Employees may exchange gifts with coworkers. Employees may give individual gifts to their supervisors of \$10 or less on occasions when gifts are traditionally given or exchanged, such as birthdays. Employees may participate in a group gift to a supervisor for a special, infrequent occasion such as marriage, birth or adoption of a child, or retirement. Generally, group gifts from subordinates cannot exceed \$300.

Seeking a Non-Federal Job and Post-Employment



- If you are planning to seek a non-federal job with a NIMA contractor or any person or entity that could be affected by the performance or nonperformance of your official duties,

you should contact GC before starting your job search to ensure any potential conflicts of interest are resolved. You are prohibited by a criminal statute from working on any particular government matter affecting the financial interests of a prospective employer.

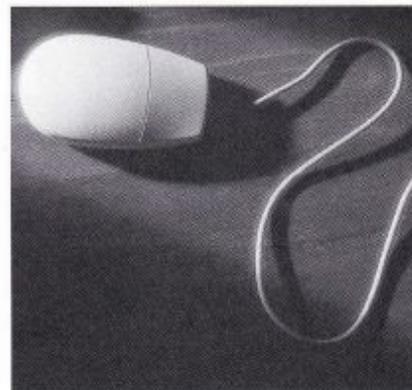
- If you are working on procurement, there are additional rules that impact your job search with offerors or bidders. You cannot contact offerors or bidders about a job while you are working on the procurement. If you wish to contact an offeror or bidder, you must first disqualify from working on the procurement. If an offeror or bidder contacts you, you must either reject the job prospect or disqualify from further participation in the procurement. All job contacts must be reported in writing to the Designated Agency Ethics Officer, contracting officer and your supervisor.

- You may be subject to post-employment restrictions when you leave the government. In certain circumstances, you may be prohibited from representing the interests of any non-federal entity back to the government on matters that you worked on while a government employee. If you were involved in a procurement over \$10 million, you may be barred for one year from working for the contractor.

Use of Government Resources, Internet and E-Mail

- Government resources, including hardware and software, copiers, fax machines, supplies, e-mail (See "E-Mail: Think Before Sending," page 30), and the Internet can only be used for "authorized purposes." Authorized purposes include official use and uses authorized by agency managers. Personal use of government resources must be approved in accordance with agency policy and ethics rules.

NIMA's Director recently issued guidance, "Appropriate Use of Internet Access Privileges,"



Policy Notice 8400.2, Oct. 28, 1998; "Controlling Abuse and Misuse of Communication Privileges," Policy Notice 8400.3, Dec. 14, 1998; and a memorandum, "Network

Computer Use," Nov. 5, 1998, which cover authorized uses of e-mail and the Internet.

The application of the standards of conduct rules to particular fact situations can be difficult. Many of these rules are complex. Slight changes from one fact situation to the next can result in substantially different ethics guidance. Please contact a NIMA attorney for guidance about your situation.

Principles of Ethical Conduct

by Susan Bailey
Assistant General Counsel

Public service is a public trust requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

Employees shall not hold financial interests that conflict with the conscientious performance of duty.

Employees shall *not* engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.

An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

Employees shall put forth honest effort in the performance of their duties.

Employees shall make no unauthorized commitments or promises of any kind purporting to bind the government.

Employees shall not use public office for private gain.

Employees shall act impartially and not give preferential treatment to any private organization or individual.

Employees shall protect and conserve federal property and shall not use it for other than authorized activities.

Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official government duties and responsibilities.

Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those as federal, state or local taxes imposed by law.

Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, gender, national origin, age or handicap.

Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order. (These principles are set forth in Executive Order 12674, as amended by Executive Order 12731.)

**If you need advice, or
have questions, you may call:**

NIMA East (301) 227-2268
Mary Slattery, Tom Willess and
Susan Bailey
Information and Ethics Law

NIMA West (314) 263-4501
Howard S. Bishop, Jr.
Operations and Personnel Law



The NIMA St. Louis GC office includes (l-r): Peggy Garavaglia, a paralegal specialist; Larry Olson, assistant GC; Caroline Ford, assistant GC; Barbara Barr, assistant GC; and Howard Bishop, associate GC.

Official Travel (TDY) and Rental Vehicles

by Margaret Pittman and Tom Willess
Office of the General Counsel

Employees on temporary duty assignments (TDY) often need to rent cars. The following summary should assist you in the rental process.

Renting the Vehicle

The U.S. government has contracted with several car rental companies to obtain special rates and benefits for government employees traveling on government business in the United States.

To participate in the program, the car rental company signs a contract with the government in which the company agrees to accept certain responsibilities and provide a specified range of services to government travelers in the United States. Government-approved travel agencies make TDY reservations only with car rental agencies that participate in the government-approved program.

When you rent a vehicle in the United States through the government program, you are already insured. Except in very rare circumstances, car rental companies contracting with the government assume all liability for *all* damage to rental vehicles operated by government employees traveling on government business in the U.S. This includes all costs of towing, administration, loss of use and replacements, from any and every cause. If an agent tries to sell you insurance because you are somehow "uninsured," don't buy it!

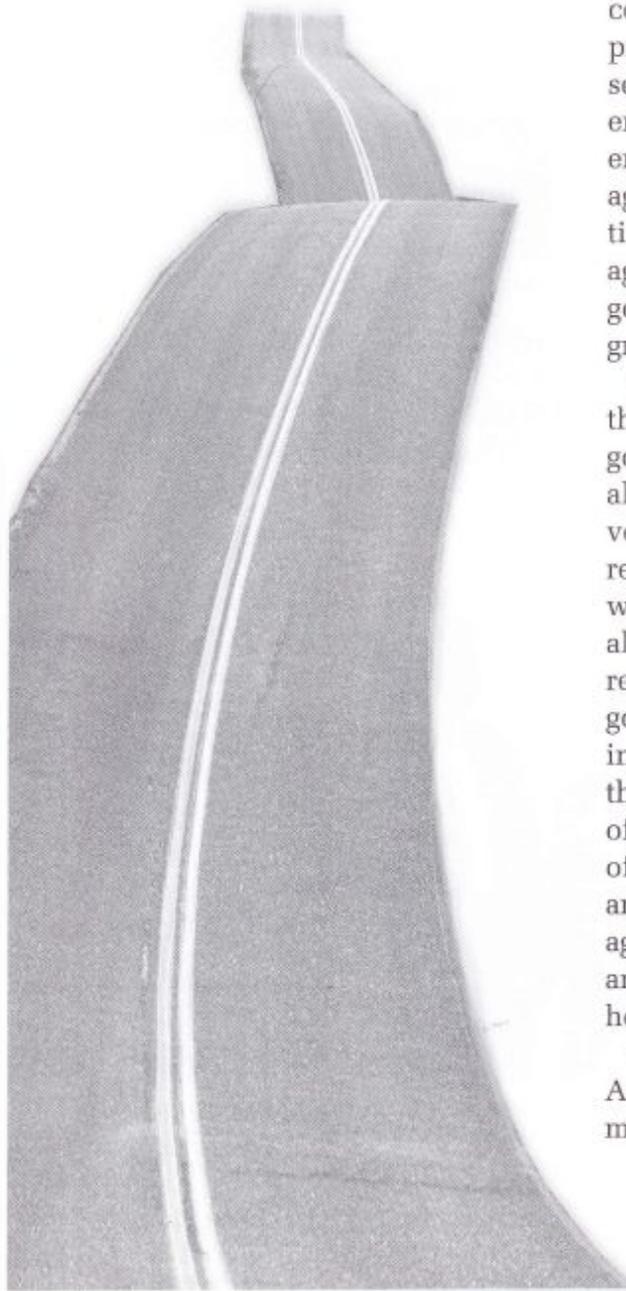
Also, beware of special rates. Attempts to save the government money might end up

costing *you* money. Occasionally, federal employees find a company that rents a vehicle for an amount less than the government rate; however, many "special rates" deny the employee insurance coverage and other benefits of the government's program. If you don't rent through the government plan and are involved in an accident, it could cost the government—and *you*—more money. Further, the government might have to litigate the matter, and without proper insurance, the court might make you pay for the damage to the vehicle.

Making Your Own Arrangements

Be certain the car rental agency you select is a recognized affiliate of a participating government approved car rental company. Occasionally, federal employees make their own reservations and select a nonparticipating agency. Doing so can have serious consequences. In addition, some individual agencies display large signs implying they are affiliated with a participating company. In the fine print, however, there is no such affiliation. This practice is very misleading to consumers.

If you have an accident in a vehicle rented from such a nonparticipating agency, the government program probably will not protect you. The



agency will insist that because it does not participate in the government program, it does not have to pay for your damage to their vehicle. Instead, you will be expected to pay for the vehicle's repairs.

To avoid this problem, take the telephone number of a government-approved travel agent with you. Its offices keep updated lists of participating agencies.

Present your government TDY orders, as this document is evidence of traveling on official government business; the rental agent should know to rent you a vehicle under the government program.

Accidents

If you have an accident with a rented vehicle while you are on TDY, obtain a police report, then notify the NIMA Travel Office. If you are traveling on government business in the United States, the car rental company must, with some exceptions, assume all liability for damage to the vehicle. Exceptions occur if you drove the vehicle carelessly, or on unmaintained roads without permission; if you used it to push or tow another vehicle or to commit an illegal act; if you tried to test or race the vehicle or operated it under the influence of intoxicating substances; if you charged people to ride in the vehicle, allowed an unauthorized person to drive it; or obtained or fraudulently operated it outside the United States without permission.

If the car rental company attempts to assess you for any damage, contact GC immediately, regardless of whether you think you were at fault. If you were traveling under the government program in the United States, you may not be personally liable.

Car rental companies have been known to attempt to shift the liability to the employee. If a car rental company files a collection action against you, contact the Travel Office and the Security Office.

Traffic Tickets, Other Violations

Each employee operating a rental car (or government owned vehicle) is personally responsible for any fines imposed resulting from violation(s) of state or local motor vehicle traffic laws—even if the law was violated while the employee was performing official duties or in official status. This personal obligation includes fines and court costs arising from parking and moving violations.

Personal Use on Official Business

The general rule is that rental cars obtained by an employee for official purposes must be used for the efficient performance of government business. While on TDY, an employee is permitted use the vehicle for limited personal use if it is deemed reasonably necessary for the employee's

sustenance, health or comfort (i.e., local restaurants, barber/beauty shop, dry cleaners or drug store). However, vehicle costs (i.e., gas and/or mileage) related to, and arising from, personal excursions such as sight-seeing trips, are the employee's personal obligation and should not be charged to the government.

In a Nutshell

When you travel on TDY in the U.S., make your travel reservations through a government-approved travel agent and rent your vehicle through a participating car rental agency. Show your official TDY orders when you pick up your vehicle. If you have an accident, obtain a police report, and if the car rental company attempts to collect damages from you, contact the NIMA Travel Office as quickly as possible. Drive responsibly and wear your seatbelt. If you anticipate TDY in a foreign country, be aware that the terms of the agreements between the government and the agency vary by country and by agency. Check with GC for the rules that apply during your travel abroad.

Use of Government Communications Systems, Equipment and Duty Time

Compiled by the Office of the General Counsel

All federal employees are required to be loyal to the Constitution, laws and place ethical principals above private gain in the performance of their duties.

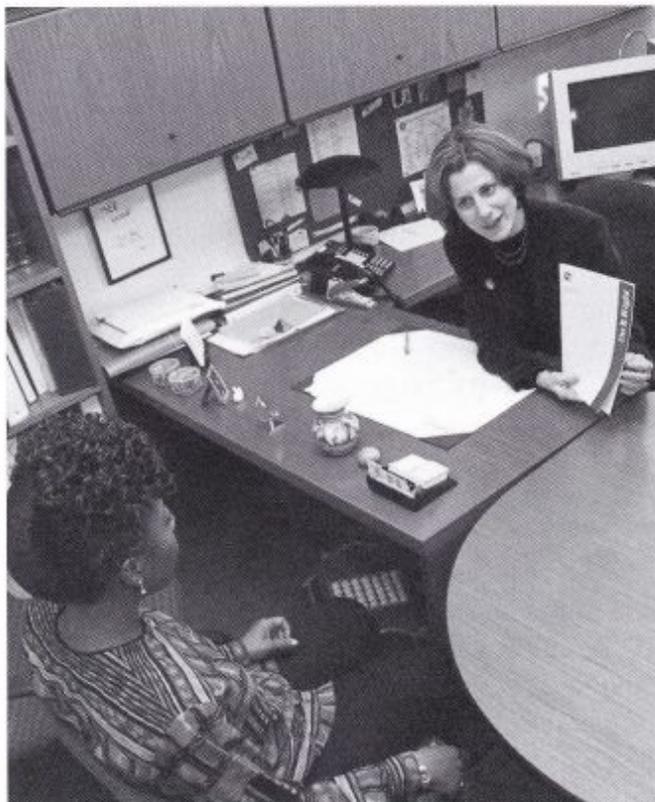
"At the workplace, employees are expected to carry out this responsibility in two ways," said Susan Bailey, assistant general counsel. "First, we're charged with protecting and conserving federal property. This means using federal property only for official and authorized purposes, and second, we are required to put forth an honest effort in the performance of our duties."

Federal property includes everything the government pays for—telephones (including cellular telephones), facsimile machines, e-mail and Internet services, word processing equipment, computers and software, copiers, paper and office supplies, and the NIMA mail system.

What are official and authorized uses of federal property?

"Official use encompasses doing the government's business," Bailey explained. "If the need arises, employees may use government telephones for personal emergency communications." She added that authorized personal uses of government property require prior approval by a supervisor (in Pay Band 4, or a field grade officer).

To be authorized, the supervisor must determine that the use is of reasonable frequency and for reasonable periods of time and during off-duty time whenever possible; will not adversely affect official duties; serves a legitimate public interest; does not reflect adversely on NIMA; does not overburden the communication system; and does not incur additional cost to the government. For example, a supervisor may authorize an employee's using an office telephone to check in at home or to schedule a



NIMA employees can seek ethics guidance from any Agency attorney, all of whom are trained ethics counselors. Here, Susan Bailey, assistant GC (right), and Annette Newman.

doctor, auto, or home repair appointment. (If there are long distance, toll, or other charges, the employee is responsible for the cost.)

"A supervisor may approve a brief Internet search or allow an employee to use e-mail, for example, to send directions to visiting relatives," Bailey noted. "A supervisor may also permit an employee limited personal use of typewriters, calculators and libraries."

The interoffice mail system, the e-mail, and Internet are only for official business, she said, and other authorized purposes. "Employees may not use these communications systems to distribute non-work related material, such as chain letters, sales catalogs or fliers for charity fund-

raising." Employees should not widely distribute stories, jokes, advertisements, recipes, or any other material they receive that is not related to their work.

By using federal communications systems, employees consent to having their communications monitored, regardless of whether the message is official or personal. Employees cannot transmit classified information over any communications system without following approved security procedures and practices.

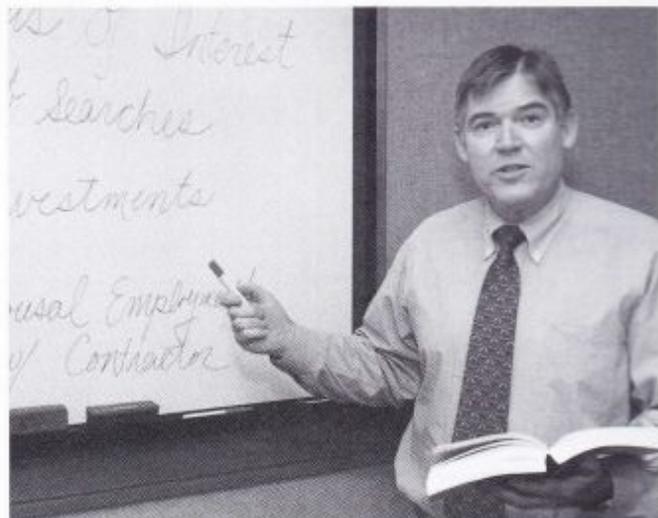
"Employees are responsible for using their duty time to carry out their assigned duties," Bailey said. "They may not use duty time to work on personal business or personal volunteer efforts for charitable organizations or schools." Similarly, employees may not direct or ask other employees, such as secretaries, clerks, and military aides, to assist them in unofficial activities.

In addition to regular duties, supervisors may permit employees to attend conferences, seminars, meetings and similar events. They may also permit employees to use official time to participate in events sponsored by professional associations, learned societies or NIMA sanctioned programs.

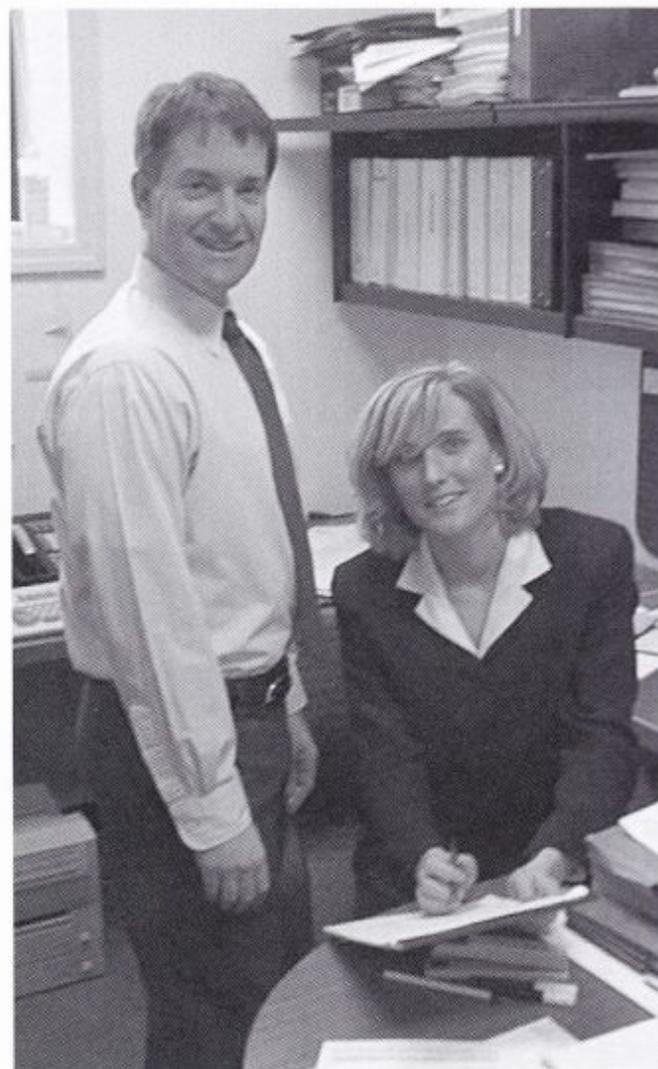
All employees should be aware that they can be subject to discipline and other administrative sanctions for violations of the Standards of Ethical Conduct. Certain uses, such as pornography and gambling, may give rise to criminal violations.

You should report suspected violations of the Standards of Ethical Conduct or any other regulations to the Office of the Inspector General or Office of the General Counsel.

"This means using federal property only for official and authorized purposes, and second, we are required to put forth an honest effort in the performance of our duties."



NIMA provides ethics information through formal training, brochures, counseling and through Agency publications like the *EDGE* and *The Connector*. Above: Tom Willess, associate general counsel.



Jack Rickert and Hilary Hageman, assistant general counsels, stand ready to answer employees' questions about a host of ethics issues.

Restrictions on Lobbying Activities of Federal Employees

Compiled by the
Office of the General Counsel

There are several sources of potential restrictions on a federal employee's lobbying activities. Employees should be aware of the "Anti-Lobbying Act," found at 18 U.S.C. § 1913. It provides criminal penalties of up to one year in prison or a fine, or both, for illegal lobbying with appropriated monies.

The restrictions: illegal lobbying with appropriated monies is defined in 18 U.S.C. § 1913 as using appropriated funds "directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter or other device intended or designed to influence in any manner a member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation." The statute, however, "shall not prevent officers or employees of the United States or of its departments or agencies from communicating to members of Congress on the request of any member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

In other words, no government funds may be used to try to sway a member of Congress in a vote on specific legislation except through formally established lines of communications between the Executive Branch and Congress.

The proscriptions in 18 U.S.C. § 1913 have been rather narrowly interpreted by the Department of Justice, which has primary responsibility for its enforcement, and by the Comptroller General. The Justice Department has interpreted it to prohibit "large-scale high-expenditure publicity campaigns specifically urging private citizens to contact Congress on behalf of an Administration position" with respect to pending legislation. *Memorandum for Dick Thornburg, Attorney General, from William P. Barr, Assistant Attorney General, Office of Legal Counsel, September 28, 1989.*

An employee of an Executive Agency may communicate to members of Congress on the request of any member. An employee or official also may communicate to Congress through the proper official channels on matters the employee or official "deems necessary for the efficient conduct of the public business." There is no restriction on Executive Branch employees lobbying Congress or the

public on issues unrelated to legislation or appropriations. Thus, they may lobby Congress in support of such matters as nominees or treaties. Also, the anti-lobbying statute does not apply to activities of an agency traditionally performed in officially communicating the agency's views to Congress, the media or the public.

Communicating with the public through public speeches, appearances and published writings to encourage public support for the agency's position does not violate the statute. An agency official may make public speeches that promote the agency's position on legislative matters. Agency officials may distribute written materials to the public, even on a large scale, that advocate the agency's position on legislative matters, but which do not encourage members of the public to contact Congress. *DoD Guidelines on Lobbying and Public Relations Activities, April 14, 1995.*

There is no restriction on private communications with members of the public as long as there is not a significant expenditure of appropriated funds to solicit pressure on Congress. Agency officials may make a statement in writing that encourages members of the public to contact Congress about legislation or appropria-

tions so long as they do not distribute that statement to the public on a large scale.

Agency officials and employees may not use appropriated funds to engage in large-scale "grassroots" lobbying activities with respect to legislation or appropriations. They may, however, conduct grassroots lobbying activities with respect to treaties, nominations or other matters before Congress that are not legislation or appropriations. "Grassroots" lobbying is defined as communications by Executive officials directed to members of the public at large, or particular segments of the general public, intended to persuade them in turn to communicate with their elected representatives on some issue of concern to the Executive. This type of activity is to be distinguished from communications by Executive officials aimed directly at the elected representatives themselves, no matter how much incidental publicity those communications may receive in the normal course of press coverage. See *Memorandum for Robert J. Lipshutz, Counsel to the President, from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Re: Anti-Lobbying Laws at 10 (Nov. 29, 1977)*.

DoD has issued some additional guidance on what activities constitute improper lobbying. DoD agencies should not create any materials for an outside organization engaged in lobbying with respect to legislation or appropriations.

They should not allow government employees to spend time collecting materials for the organization. DoD employees may not engage in "covert" public relations activities and should not engage in public relations activities that have as their sole purpose "self-aggrandizement" about DoD or its activities. They may not use penalty mail to send public relations or informational materials when they have not been requested. This provision does not, however, restrict unsolicited distribution of any materials by means other than penalty mail, such as telecopier or common carrier.

Employees should also be aware of the Lobbying Disclosure Act of 1995, codified at 31 U.S.C. § 1352. It prohibits the use of appropriated funds to influence certain federal contracting and financial transactions. Some provisions of the Hatch Act and standards of conduct regulations also potentially bear on employees' personal lobbying activities. Because permissible employee lobbying activities under the Hatch Act and standards of conduct are fact-specific, no exhaustive list of permissible and impermissible activities can be compiled. Employees are urged to contact their standards of conduct counselors for guidance on the propriety of specific activities in which they may wish to engage.

Hatch Act Restrictions on Political Activities

Permitted Political Activities (Off-Duty)

- Registering and voting
- Assisting in nonpartisan voter registration drives
- Expressing opinions about candidates and issues
- Participating in nonpartisan campaigns
- Contributing money to political organizations
- Attending political fund raising functions
- Wearing or displaying political badges, buttons or stickers
- Attending political rallies and meetings
- Joining political clubs or parties
- Signing nominating petitions
- Campaigning for or against referendum questions, constitutional amendments, municipal ordinances

Prohibited Political Activities

- Running for partisan political office
- Campaigning for a candidate running for partisan political office
- Making campaign speeches
- Engaging in other campaign activities to elect partisan candidates
- Collecting contributions or selling tickets to political fund raising functions
- Distributing campaign material in partisan elections
- Organizing or managing political rallies or meetings
- Holding office in political clubs or parties
- Circulating nominating petitions
- Assisting in partisan voter registration drives

Acceptance of Payment for Travel Expenses from Non-Federal Sources

Compiled by the Office of the General Counsel

Section 1353 of title 5, United States Code, permits non-federal sources, such as organizations, associations or businesses to pay the government for certain travel expenses of government officials. NIMA may accept payment of travel expenses for transportation, accommodations and meals for employees while they are attending meetings or similar functions such as conferences and symposia.

These payments are benefits for the government and are not considered gifts to the employees. *Employees are prohibited from soliciting payments of this kind from the non-federal source.*

Before payments for travel may be accepted from a non-federal source, the travel approving authority must make all of the following determinations (*in advance of the travel*):

- The payment is for attendance at a meeting, conference, seminar, speaking engagement, training course or similar function that takes place away from the employee's official duty station. This excludes events required to carry out an agency's statutory or regulatory functions, such as investigations, inspections, audits, site visits, negotiations or litigation. It also excludes promotional vendor training or similar functions primarily focused on marketing the source's products or services.

- The payment is for travel related to the employee's official duties.

- The payment is from a non-federal source that is not disqualified on conflict of interest grounds. A conflicting source is a non-federal organization that has interests that may be substantially affected by the performance or nonperformance of the employee's duties. It can also include non-federal entities that are seeking to do business with NIMA. In the case of a conflicting source, the travel approving authority must make a determination that the agency's interest in the employee's attendance at, or participation in, the event outweighs concern that the appearance of accepting the payment may improperly influence the employee in the performance of his or her official duties.

- The travel is primarily for the benefit of the government, not the paying organization.

These determinations must be made in writing. The acceptance of travel benefits must be approved by the travel-approving authority in advance of the travel. Concurrence from an ethics counselor (any General Counsel attorney) is also required if there is an *appearance* of impropriety or if the employee's duties could affect the interests of the non-federal source.

Benefits in kind (e.g., plane tickets, prepaid hotel reservations) are preferred. NIMA employees may not accept cash. If benefits are provided by reimbursement of expenses, checks must be made out by the non-federal source to the U.S. Treasury or to NIMA, not to the employee.

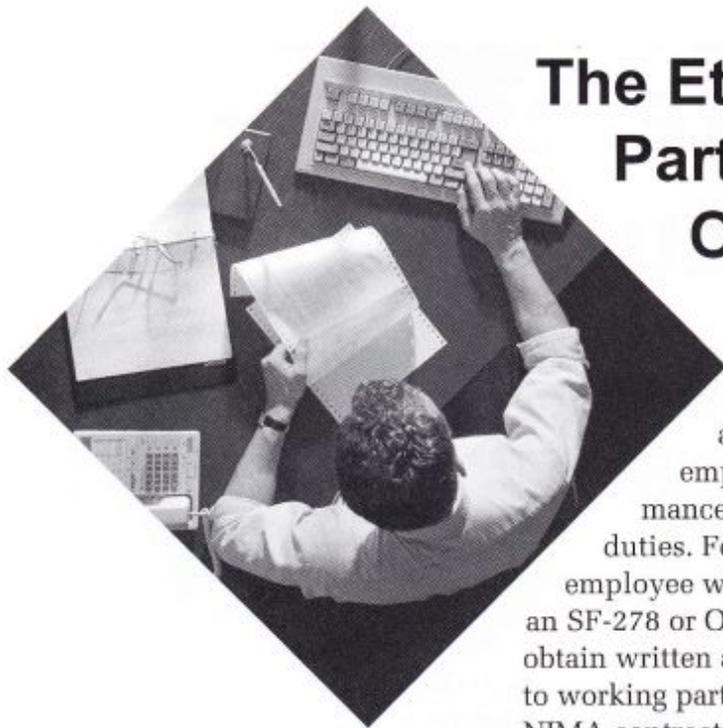
After the travel has been completed, a report, including the value of the benefit, must be forwarded to the Office of the General Counsel, with the written determinations from the travel approving authority.

Summary

In summary, travel benefits must be approved in writing by the travel approving authority in advance of travel. If the non-federal source raises conflict of interest concerns, a NIMA attorney must concur with the determinations. Upon the completion of travel, employees must prepare a written report which must be forwarded, together with the travel approving authority's written determinations, to the Office of the General Counsel.

Employees who accept payments without prior approvals may, in addition to administrative, statutory or regulatory penalties, be required to repay the U.S. Treasury an amount equal to the amount accepted for the travel.

Report forms are available from the Office of the General Counsel. They also are available on the CG website at <http://osis.nima.mil/gc>.



The Ethical Aspects of Part-Time, Outside Employment

by Howard S. Bishop Jr.
Office of the General Counsel

There are a variety of reasons why NIMA employees may want to work part-time in jobs outside the federal government.

In most instances, such part-time non-federal employment will not create any problems under the DoD Standards of Ethical Conduct. Employees, however, should be aware that Agency approval may be required before engaging in part-time outside employment, and that part-time employment may not be permitted if detracts from readiness or poses a security risk.

A NIMA employee who is required to file a financial disclosure report (either an SF-278 or OGE 450) must obtain the Agency's written approval before engaging in part-time employment with a person or entity who does, or seeks to do, business with NIMA or who has interests that may be

substantially affected by the employee's performance of his official duties. For example, an employee who files either an SF-278 or OGE 450 must obtain written approval prior to working part-time for a NIMA contractor.

The written approval must be obtained from a first-line supervisor in the employee's chain of command who is at a Payband 3 (GS-12 equivalent) or above. A copy of the request must be sent to NIMA's Office of the General Counsel.

The prior approval requirement will address any conflicts of interest arising from part-time outside employment at the time it was granted. Nevertheless, employees must remember that part-time employment is a financial interest which can create a conflict of interest with the duties they perform for NIMA. A NIMA employee should not participate in NIMA matters if those matters will have a direct and predictable effect on the interests of the part-time employer. If an employee thinks he or she may have a conflict of interest, the employee should contact an ethics counselor in the NIMA Office of the General Counsel.

Even employees who do not file financial disclosure reports, but who have outside jobs with non-federal employers, must remember that there are certain restrictions on their activities. As discussed above, they may be restricted from working on official assignments involving their part-time employers. Employees should contact the Office of the General Counsel to determine whether they are restricted from certain assignments.

A different statute prohibits employees from representing their private sector employer back to the government. Representation includes writing letters or e-mail, making phone calls and participating in meetings. For example, an employee would be prohibited from giving a briefing to the Department of Commerce about his part-time employer's software products.

Employees should contact the Office of the General Counsel to determine whether they are restricted from certain assignments, or if their part-time employment involves the employee's interest to any part of the federal government.

Conflict of Interest: Recent Prosecutions

Compiled by the Office of the General Counsel

Kenneth Stevenson was an engineer in the Contracts Department at Patrick Air Force Base. Along with former government employees, he started a business called DS&R in which he was a major shareholder. DS&R submitted a bid for a contract to Patrick Air Force Base and Stevenson provided the technical evaluations on the bid. Through the bidding process, DS&R was awarded the contract.

Stevenson was subsequently charged with a conflict of interest violation of 18 U.S.C. 208. He pled guilty to a misdemeanor violation of § 208 on July 31, 1997. On Oct. 23, 1997, he was sentenced to nine months probation and fined \$2,500.

Every year there are a few prosecutions like the Stevenson case, where a federal employee sets up an outside activity designed to benefit directly from government business over which the employee exerts a certain amount of official control. As the court determined, section 208 prohibits this kind of profiteering. In terms of applying the elements of 208, Stevenson was a government employee; he worked personally and substantially on official business by virtue of his role as a technical evaluator; the contracting process was a particular matter he had a financial interest in due to his ownership interest in DS&R; and the matter had a direct and predictable effect on his financial interest. Here, Stevenson was improperly using his government office for his personal gain.

During 1996, Marvin Runyon owned about \$350,000 worth of stock in the Coca-Cola Company (Coca-Cola). At that time, the U.S. Postal Service (USPS) was contemplating a strategic alliance with Coca-Cola, under which soda vending machines would be placed in USPS facilities throughout the United States. Runyon's role was to advise the Board of Governors of USPS in connection with their consideration of this strategic alliance. Between January and August of 1996, he attended approximately six meetings during which the strategic alliance between USPS and Coca-Cola was discussed. On July 15, 1996, and Aug. 20, 1996, Runyon directed a USPS employee to prepare a financial impact analysis of the proposed alliance with Coca-Cola so that the Management Committee could consider taking the matter to the Board of Governors for approval.

Pursuant to 18 U.S.C. 216, the United States filed a complaint seeking civil penalties against Runyon, alleging a violation of 18 U.S.C. 208.

On October 30, 1997, the parties signed a settlement agreement in which Runyon denied liability but agreed to make a payment of \$27,500 to the United States in exchange for the dismissal of the United States' complaint against him. The payment amount represented the profit the stock earned during the time he improperly participated in the USPS negotiations with Coca-Cola.

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In the Runyon case, the government did not allege that Runyon was seeking personal profit from his actions, just that he had a stake in the negotiations between Coca-Cola and the Postal Service by virtue of his stock holdings in Coca-Cola. "Profiteering" is not viewed by the government as being necessary to establish a violation of the statute.

In terms of the elements, Runyon, as a federal employee, participated personally and substantially through his involvement in the negotiations; the consideration of entering into an agreement with Coca-Cola was the particular matter; the ownership of Coca-Cola stock was a disqualifying financial interest as the matter would have a direct and predictable effect on Coca-Cola, and hence, Runyon's stock interest. In enforcing the statute, the government would not be required to show exactly the extent to which Runyon's stock holding would be affected by the particular matter. All the government needed to establish that Runyon had a disqualifying financial interest in the matter is 1) that Runyon owned shares of Coca-Cola and 2) that the matter would affect Coca-Cola. Although the amount of gain or loss to Coca-Cola that would result from the matter might be

difficult to quantify, Coca-Cola clearly stood to gain or lose from the matter.

Army Col. Robert Atwell was assigned as a program manager for the development of the Longbow Apache attack helicopter built by McDonnell Douglas Helicopter Systems (MDHS).

During August 1995, he talked with MDHS representatives about going to work for MDHS. At the same time, he was the principal briefer at three meetings of high-level Army officials whose role was to consider, based on the briefings, whether to request the Under Secretary of Defense (DoD) to commit \$1.2 billion to MDHS for full-scale production of the helicopter. During the briefings, Atwell recommended that the Army make the request of DoD.

Atwell was charged with violating 18 U.S.C. 208 for participating personally and substantially in a particular matter in which an organization with which he was negotiating for employment had a financial interest.

On Oct. 27, 1997, Atwell pled guilty to the charge.

In the Atwell case, the government did not need to prove how Atwell would be benefitted by his action. All that was needed was that he worked on a particular matter in which a person with whom he was negotiating for employment had a financial interest. (Note: some job-seeking activities, such as requesting a job application or sending several resumes to various companies, might fall short of actual negotiation for employment.) The regulations addressing "Seeking Other Employment" are found in (1) the Standards of Conduct issued by the Office of Government Ethics at 5 C.F.R. Part 2635, Subpart F, and (2) DoD's Joint Ethics Regulation issued at 32 CFR Part 84, Subpart H. Contact NIMA/OGC for assistance in this area. Links to both regulations can be found on the GC home page at <http://osis.nima.mil/gc>.

Religious Expression at the Workplace

These guidelines were issued by the Office of Personnel Management at the direction of President Clinton. They clarify the rights of employees with respect to religious expression and the responsibilities of U.S. agencies to protect those expressions in the workplace.

The primary principles are:

- Federal employees may exercise and engage in personal religious expression to the greatest extent possible, consistent with workplace efficiency and the requirements of law;
- Federal employers may not discriminate in employment on the basis of religion; and
- Federal employers must reasonably accommodate employees' religious practices.

Freedom of Religious Expression and Exercise

The guidelines state that employees may:

- wear religious garb; religious medallions or jewelry;
- display religious messages on clothing;
- discuss religious views with willing coworkers;
- proselytize;
- display religious art and literature in private work areas;
- observe religious holidays; and
- use an available conference room at break time for religious study.

Employees may not:

- wear religious garb if it interferes with performance of their duties
- use work time to pursue religious agendas;

- display religious messages on clothing if they will convey government endorsement of religion;
- proselytize or discuss religious views with others if asked not to

Discrimination Prohibited

The guidelines strive to provide equal treatment to all employees regardless of their religious beliefs or opinions. Empty meeting rooms made available for nonreligious purposes must also be available for religious purposes.

The workplace must be free of religious harassment. Agencies must ensure that employees are not subjected to intimidation or ridicule because of their religion. Hiring, promotions, personnel and other decisions affecting an employee or prospective employee cannot be based on his or her religious views. Similarly, an agency can not coerce an employee to refrain from engaging in religious activities or require participation in said activities as a condition of employment.

Reasonable Accommodation

Agencies must reasonably accommodate employee's religious practices. Accommodation includes adjusting the work schedule to allow observance of religious holidays unless the accommodation will cause a real hardship to the agency.

To show hardship, the agency must incur actual costs or a disruption in its operations. Federal statutes also provide that, in the workplace

if a neutral work rule imposes a substantial burden on an employee's exercise of religion, an exemption shall be given unless there is a compelling reason to deny the exemption and there is no less restrictive means of furthering that interest. 42 U.S.C. §2000bb-1.

Exceptions: The activities that an employee may engage in can be regulated if the employee's interest is outweighed by the government's interest in promoting the efficiency of the government. The content, time, place, and manner of expression may be regulated provided expressions of a similar nonreligious nature are regulated. Therefore anything that may impede the employee's ability to perform his duties, impairs the agency's ability to discipline its employees or conduct its business may be regulated.

Although the guidelines clarify the manner in which employees may express and exercise their religious views it must be evident that the opinions expressed are not shared by the agency, but are made by the employee in his personal capacity. The agency must not be placed in a position where a reasonable observer would conclude that it is sponsoring, endorsing or inhibiting religion.

Point of contact for any questions relating to application of these guidelines is Caroline Ford, Office of the General Counsel, (314) 263-4501 or DSN, 693-4501.

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Office Purchases:

Questions Employees Most Frequently Ask

Q: Can an agency purchase refreshments or entertainment?

"As a general rule, appropriated funds may not be used for purchasing food and entertainment unless specifically authorized by statute," said Barbara Bahr, an ethics counselor. "Meals and similar expenses are considered personal in nature; however, provisions of the U.S. Code set forth some limited exceptions to this general rule." In limited situations, the purchase of food items is a "necessary expense" in carrying out an agency's business. If neither a statutory exception nor the necessary expense rule applies, agencies may not purchase the food item with appropriated funds.

Q: How about award ceremonies?

The Government Employees Incentive Awards Act, 5 U.S.C. H 4501 et. seq., authorizes agencies to make monetary and honorary awards and use appropriated funds for "necessary expenses" associated with their presentation. Light refreshments may appropriately be provided if an agency official determines they will "materially enhance" the presentation.

When the agency combines awards receptions with social events for which the use of appropriated funds for food would be unauthorized, such as a picnic, the expenditures will be subject to greater scrutiny than expenditures made in connection with more traditional awards ceremonies. To justify spending appropriated funds on refreshments, the primary purpose of the event must be to present awards to employees. The presentation of awards should not be merely incidental to another planned event.

"In limited circumstances," Bahr said, "agencies may use appropriated funds to buy refreshments where agency employees receive awards from

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Legal Ethics: A Quandary

A lawyer wanted to teach his son the meaning of "ethics" so he decided to use a hypothetical.

"Son, suppose a man came into my office for some advice. As he was leaving he asked me what he owed and I told him \$100. He dropped a crisp new \$100 bill on the desk and then left. As I was cleaning my desk, I realized that there were two \$100 bills, which had stuck together.

"Now, here's the ethics question—do I keep it all for myself or split it with my partner?"

non-federal organizations. Also, very recently the Comptroller General ruled that an agency could use food as a nonmonetary award. In other words, an agency could take employees for a meal as a form of recognition under the Government Employees Incentive Awards Act."

Q: How about coffee and donuts at training?

The Government Employees Training Act, 5 U.S.C. § 4109, states that an agency may pay the necessary expenses of training, including the necessary cost of "other services or facilities directly related to the training of the employee." This section may authorize payment for meals or refreshments for employees attending training programs at their duty stations. "However," Bahr said, "this authority is very limited. The agency must determine that providing meals or refreshments is a necessary expense incident to providing the training and to the employees' achieving the objectives of the program." Although serving refreshments may enhance employees' interest in the training, she added, this justification is insufficient. The purpose of refreshments cannot be to make the training more pleasant for the attendees (B-247563.4, Dec. 11, 1996).

Q: How about where meals and refreshments are part of the training agenda? And how about conferences?

There are some instances where the food or refreshments are necessary to providing the training. "The Comptroller General has approved the payment of room and board for employees at their headquarters, where dinner meetings and other meetings integral to the training were conducted in the evenings," Bahr said. "In another case, an agency properly paid an employee's luncheon expenses where attendance at the luncheon was mandatory and the luncheon included a training speaker." Some situations require the agency to make a determination whether or not the food or refreshments are necessary to achieve the objectives of the training. Title 5 U.S.C. § 4110 authorizes agencies to pay the costs of meetings and conferences. This provision contains limited authority to pay for meals, refreshments and entertainment when they are an integral, or nonseverable, part of the meeting. "However," said Bahr, "NIMA may not pay for coffee, refreshments, meals and similar items that are served at meetings or conferences covering strictly internal NIMA business." Again, some situations require that a determination be made whether the meal or entertainment expense is "incidental to a formal conference or meeting."

Q: How about refrigerators, microwave ovens and utensils?

These items are included under the "food" category because the rationale for disallowing the use of appropriated funds to purchase them is the same. In general, agencies may not use appropriated funds to purchase items used to prepare or store food for employees or guests.

"The expense is allowed only if the proper agency official determines that such items are a 'necessary expense' of carrying out the agency's business,"

Bahr explained. "In the case of a refrigerator, microwave oven or similar food preparation or storage item, the item will be considered a necessary expense only when employees have no other reasonable means of obtaining meals during their work shifts." The Comptroller General has allowed the purchase of a microwave oven with appropriated funds where employees were required to remain at duty stations for up to 24-hour shifts.

Q: When are promotional materials justified?

Agencies sometimes sponsor or host informational events, during which items of nominal value are given away as promotional materials or as remembrances. The rules on giving out these items are very fact-specific and seem to depend on how convincingly the agency is able to argue that the item is necessary to carry out the purpose of the agency's appropriations. "In general, agencies may not use appropriated funds to purchase these items because they are regarded as personal gifts," Bahr said. "Agencies may not purchase items in the nature of gifts or souvenirs for non-employees unless there is a direct link between the items and the purpose of the appropriation charged." Whether an item could be distributed at any particular event depends on whether the agency can show that it directly furthers its mission.

Q: Can NIMA pay for memberships, professional dues and licenses if they relate to my work?

NIMA is prohibited from paying the individual membership fees or dues of an employee in a "society or association" (5 U.S. C. Section 5946). This does not, however, prohibit using appropriated funds to pay an agency's membership fee in a private organization where the membership is purchased in the agency's, rather than in the individual's name, and the membership is necessary for, or beneficial to, the agency's activities (61 Comp. Gen. 542, 1982). The government, generally, also cannot pay for expenses necessary to qualify an employee to do his or her job, including the cost of necessary licenses or permits. The responsibility of obtaining a professional license necessary to qualify for and perform one's job lies with the employee, and appropriated funds cannot be used. In certain limited instances, the government may pay for a driver's license when the license mostly benefits the government, and only marginally to the employee.

Q: Can required clothing, such as uniforms, be purchased by the government?

Usually. Clothing is considered a personal expense. The general rule is "that every employee of the government is required to present himself for duty properly attired according to the requirements of his position." Under certain circumstances, however, uniforms, items related to safety and other items of clothing may be purchased by the government.

Continued on next page



**Ethics in Cyberspace
GC's Web Page**

The Office of the General Counsel (GC) has ethics news, information and other valuable resources online. Information at the GC website includes current legal data and publications, such as an Ethics Handbook and current and past issues of *Legalines* and *Semi-Annual Notice*.

Also featured are Standards of Conduct and training information, sample forms and instructions to Confidential and Public Financial Disclosure forms. And there's a "Places to Go" listing, which assists in locating informative Internet addresses.

The web site is located at <http://osis.nima.mil/gc>.

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Statutory exceptions to this rule include 5 U.S.C. § 5901, which authorizes a uniform allowance to employees required to wear a uniform. Protective clothing and equipment, such as hard hats, also may be furnished under the Occupational Safety and Health Act and its implementing regulations (29 U.S.C. § 668). There is additional authority under 5 U.S.C. § 7903, when an item fits these criteria: 1) The item is "special" and not part of the ordinary and useful furnishings an employee may reasonably be expected to provide; 2) the item must be for the benefit of the government, that is, essential to the safe and successful accomplishment of the work, and not solely for the protection of the employee; and 3) the employee must be engaged in hazardous duty (B-230820, 1988). "The Comptroller General has generally been unwilling to hold that the purchase of raincoats, parkas and foul weather gear meets these standards," Bahr said. "Such clothing items are viewed as personal to the employees."

Q: How can recycling proceeds be spent?

Title 10 U.S.C. § 2577 requires that the funds first offset the costs of the recycling program, including equipment. If there remains a balance, the installation may use not more than 50 percent for pollution abatement, energy conservation and occupational safety and health activities (10 U.S.C. § 2577(b)(2)). The remaining balance available to a military installation may be transferred to the non-appropriated morale and welfare account of the installation (10 U.S.C. § 2577(b)(3)).

Q: Can appropriated funds be used for office decorations?

Agencies are usually allowed to spend appropriated funds on office decorations, especially office decorations or improvements in public areas contributing to a pleasant working atmosphere. The purchase of pictures has been viewed as a necessary expenditure when consistent with work-related objectives and the agency mission, and is not primarily for the personal convenience or personal satisfaction of a government employee (64 Comp. Gen. 796, 1985). A floral centerpiece is appropriate where it materially enhances an awards ceremony. The use of appropriated funds for seasonal decorations also is appropriate. "Although the purchase of Christmas and other holiday decorations was allowed when the above criteria were met," Bahr noted, "the cost of holiday cards and stamps was not." This was considered a personal expense of the agency official who authorized their use, even where the agency's name rather than the official's name appears on the card (64 Comp. Gen. 382, 1985).

Ethics Quiz

1. As a NIMA employee, from whom can I obtain the best government ethics guidance?

- a. My mom.
- b. The Designated Agency Ethics Official (DAEO, a.k.a., the NIMA General Counsel).
- c. From any NIMA official.

2. The frequent flyer miles I've accrued as part of my official duties:

- a. May be used under certain conditions for future official travel.
- b. Are mine to keep no matter what.
- c. May be used by me or my family after I retire.

3. As a NIMA employee I generally may not:

- a. Give or solicit a gift to or from my superiors.
- b. Accept a gift from a lower ranked employee.
- c. Accept a gift from a lower ranked employee even though she is my wife.

4. As a NIMA employee, I may not have a second job outside the government:

- a. That conflicts with my ability to perform my official duties.
- b. That is higher paying than my government job.
- c. That conflicts with my free time on the weekend.

5. I may use the government fax machines at NIMA to promote my outside job:

- a. Only after official business hours.
- b. Only if I do so for short periods of time (1-2 every week).
- c. I may not use the fax for promoting my outside job.

6. As a NIMA employee, I may run as the Democratic candidate for President:

- a. If I have worked for NIMA for less than two years.
- b. So long as I campaign on my own time and out of my own workspace.
- c. Neither a nor b is correct.

7. As a NIMA employee, I may accept a loan of \$1,000 from:

- a. My mom.
- b. A NIMA contractor I am friendly with at work.
- c. A foreign government official with whom I have worked as part of my official NIMA duties.

8. As a NIMA employee I may use official time:

- a. To perform my assigned duties, unless otherwise authorized
- b. To create recipes for my catering business, as long as I don't get caught.
- c. Neither a nor b is correct.

9. The term, "JER," often used by attorneys at NIMA when giving ethics advice, is really an acronym for:

- a. Judicial Ethics Requirements
- b. I enJoy Ethics, Really!
- c. Joint Ethics Regulation

10. An employee at NIMA may use his or her official duties for private gain:

- a. If doing so results in a gain of only \$1000 or less.
- b. If doing so only results in a "private gain" to a family member or friend and not the employer.
- c. Neither a nor b is correct.

Answers:

- 1: b
- 2: a
- 3: a, b
- 4: a
- 5: c
- 6: c
- 7: a
- 8: a
- 9: c
- 10: c

How Ethical Are You?

If you answered all 10 questions correctly: You are an Ethics Genius! You've done the DAEO proud!

If you answered 8 to 9 questions correctly: You are Very Ethical. The DAEO gives you four stars for your ethics awareness.

If you answered 6 to 7 questions correctly: You are Pretty Ethical. The DAEO gives you points for good effort.

If you answered 5 questions correctly: You need more Ethics Training!

If you answered 4 questions or less correctly: Turn yourself into the DAEO immediately for remedial Ethics training!

Ethics Obligation

continued from page 5

tions are found in 5 C.F.R. 2635. In addition, DoD issued the Joint Ethics Regulation on Aug. 30, 1993, which sets forth particular ethical obligations for DoD employees.

The Office of Government Ethics Assists Agencies

OGE is also responsible for monitoring and providing services to Federal agency ethics programs.

OGE works closely with agencies to identify and resolve problem areas, and conducts on-site ethics program reviews to determine whether an agency has an effective ethics program tailored to its mission. Shortly after NIMA stood up, the NIMA Office of the General Counsel had the pleasure of hosting the Director and Deputy Director of OGE at NIMA and briefing them on the Agency and the NIMA ethics program. This spring OGE will be reviewing the NIMA ethics program and will be working with the Office of the General Counsel to identify improvement opportunities for the program.

The Office of the General Counsel Assists You

The Office of the General Counsel has initiated a number of outreach efforts to keep you up to date on your ethics obligations. The GC home page, at <http://osis.nima.mil/gc>, includes the 1998 written ethics training, a handbook of



(L-R): Edward J. Obloy, NIMA general counsel and Designated Agency Ethics Official; Patricia Anderson, Office of Government Ethics (OGE) desk officer for NIMA; Stephen Potts, director, OGE; and Gary Davis, deputy director, OGE. Photographed shortly after the Agency's standup.

rules about seeking non-federal employment and post employment, financial disclosure forms and other sample forms, a listing of videos available for loan as well as links to the OGE web site, OGE regulations, and DoD regulations. My office publishes a biannual Standards of Conduct newsletter. GC also offers special training programs on request. I encourage you to contact any NIMA attorney for more information.

As we go forward, we should rededicate ourselves to maintaining the highest standards of conduct. As federal employees, we hold a position of trust that requires us to place the public

interest above our own personal interests and obligates us to use our public office for public purposes and not for the purpose of gaining some private benefit or advantage. Each one of us has the personal responsibility to know what our obligations are and to follow them. Your ethics obligations are not the responsibility of the NIMA ethics officials; these obligations are yours and yours alone. When you have questions, or require information, contact any NIMA attorney for advice and for assistance in meeting your ethics obligations.



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NIMA Awards Omnibus Contracts

by Jennifer Lafley

Using a streamlined process called the Omnibus Geospatial Information and Imagery Intelligence Solicitation Program, NIMA awarded 15 contracts to companies to procure high-quality geospatial information and imagery production services.

The Commercial Office, the Procurement and Contracts Office (PC) and Geospatial Information and Services Office, Contracting Division (GIC), worked to meet their deadline—15 days early—by Dec. 31.

“The Omnibus multiple award contract is the culmination of a government/industry effort over the past few years to build long-term commercial partnerships, redefine the contract relationship, contract for quality and expand technology transfer,” said Clay Ancell, director of NIMA’s Commercial Office.

The Omnibus contract is part of the acquisition reform that gives the federal government more flexibility to create innovative ways to procure geospatial information and services and imagery intelligence services from the private sector.

The following companies were awarded contracts: 3001, Inc., Sulpher, La.; Autometric, Inc., Springfield, Va.; Azimuth, Inc., Salt Lake City, Ut.; Earthdata International, Gaithersburg, Md.; ESRI, Inc., Redlands, Calif.; GDE Systems, Inc., San Diego, Calif.; Geonex Corporation, St. Petersburg, Fla.; Harris Corporation, Melbourne, Fla.; Intergraph Corporation, Huntsville, Ala.; Logicon Geodynamics, Fairfax, Va.; MRJ Technology Solutions, Fairfax, Va.; Raytheon Systems, Garland, Tx.; SAIC, Tuscon, Ariz.; Space Imaging, Thornton, Colo.; Spatial Data Integrations, Louisville, Ky.

The selection of the companies was determined by a thorough evaluation of all of the proposals. Price was not the first criterion, as it has been with other contracts.

“We looked at technical capabilities first and then price,” said Howard Pierce, of PC. PC also worked with the National Reconnaissance

Office at the Acquisition Center of Excellence, which provided the automated tools to do the evaluation process. Companies were evaluated for technical capability, including past performance in customer satisfaction, delivery and quality; specialized experience and technical competence; capacity of the firm; professional qualifications, small business participation and full functional service capability.

The selected companies were awarded contracts ranging from a guarantee of \$3,000 each, up to an unguaranteed maximum potential value ranging from \$20 million to \$600 million



(l-r, standing): Irene Wilburne, Procurement and Contracts (PC); and Darryl Crumpton, chief of Geospatial Information and Services Office, Contracting Division (GIC). Seated: Audwin Helton, Spatial Data Integrations; and Howard Pierce, PC, sign the first task order for the Omnibus contract.

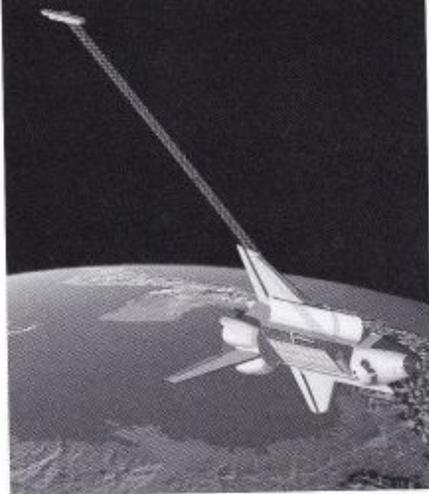
over a five-year period for all awardees in total. The first task order was completed on Jan. 11 and went to Spatial Data Integration, a small disadvantaged contractor.

The contracts cover production services falling into three broad areas: surveying, mapping and charting; imagery intelligence; and photogrammetric services.

This solicitation follows NIMA’s strategy of consolidating contracts through the use of prime contractors and teaming arrangements.

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SRTM Shuttle Mission Update



By Thomas M. Carson
Shuttle Radar Topography Mission Office

Preparations for the Sept. 16, launch of the Shuttle Radar Topography Mission (SRTM) are proceeding rapidly at the NASA Jet Propulsion Laboratory in Pasadena, Calif.

The SRTM payload is being prepared for shipment to the Kennedy Space Center in Florida in March. The pre-shipment readiness reviews occurred at the Jet Propulsion Laboratory Feb. 16-19 and 24-25.

One area of SRTM that has had a lot of NIMA involvement recently is the Mission Operations Subsystem (MOS) at Jet Propulsion Laboratory. The MOS conducts mission simulations to test software and interfaces, as well as to train the Payload Operations team that will run the SRTM flight from the Payload Operations Control Center at Johnson Space Center in Houston. MOS has conducted three mission simulations so far—two for mapping operations and one for the on-orbit checkout procedures. NIMA will continue to participate in all of the simulation activities since NASA will require input from NIMA should any contingency arise during the mapping operations.

During the SRTM flight, NIMA personnel will also work in the Customer Support Room at the Johnson Space Center and the Mission Support Area at Jet Propulsion Laboratory. The support room is where press packages are prepared, and the mission status will be reported back to NIMA Head-

quarters. The Mission Support Area is where the first terrain models and images will be created during the flight.

The mission simulations are currently being held at the Jet Propulsion Laboratory, but in June the simulations will move to the Johnson Space Center. These joint integrated simulations will be performed at the actual Payload Operations Control Center and the scenarios will include the actual flight hardware, communications links, and astronaut crew. There are six joint integrated simulations planned for June, July, and August, leading up to the actual flight in September.

So far, four NIMA personnel have participated in the SRTM mission simulations. They are Earl White, Jeff Kretsch, Ray Isbell and Tom Carson.

Twelve to 15 NIMA personnel will support the SRTM flight. They will be responsible for providing continuous staffing to the Payload Operations Control Center, Customer Support Room and Mission Support Area during the 11-day mission.

While preparation for the flight proceeds, NIMA is planning for receipt and post-processing of the unfinished Digital Terrain Elevation Data, which will begin arriving in September 2000. The Jet Propulsion Laboratory must first process the data, converting it into Digital Terrain Elevation Data. That process will begin in June 2000 and will continue for a nine-month period.

Materiel Management to be Outsourced

King Proposes Further Outsourcing Studies Through Fiscal 2005

by John Iler

In response to a recent cost-benefit analysis, NIMA plans to outsource the materiel management services by the first quarter of fiscal 2000.

These services include packing, crating and shipping; warehousing; "U-drive" vehicle management; recycling; hazardous waste disposal; classified waste disposal; property accountability; equipment disposal; shuttle bus operation; vehicle transportation; and supply management functions.

Several of these functions already are under contract. Outsourcing of these functions will result in a savings of approximately \$187 thousand per year, and will permit a more flexible response to changing workload requirements. NIMA currently has 77 employees providing these services, including 30 in St. Louis and 47 in the Washington, D.C., metropolitan area.

To mitigate impacts on employees, NIMA plans a program of transition assistance in addition to the normal government entitlements. The program includes: separation incentives; internal priority placement, giving impacted employees consideration for internal vacancies; priority consideration for vacant DoD positions outside of NIMA; transition services to assist employees in seeking opportunities in the public and private

sectors; and workshops on interviewing, resume writing, and retirement. NIMA employees will be offered the right of first refusal for all openings for which they are qualified under the materiel management contracts.

In an April 30, 1998 memorandum to employees, Lt. Gen. James C. King, NIMA Director, announced his decision to study the costs and benefits of contracting out six functions to achieve the civilian employment levels mandated for NIMA. These included telecommunications; hardware maintenance; materiel management; conventional photographic laboratories supporting mapping, charting and geodesy; imagery library; and imagery requirements and assessments, publications and graphics. The strategy, he said, was to study in-house functions that were readily available in the commercial marketplace to determine whether there was sound rationale for contracting them out.

"I have decided to outsource materiel management, but have disapproved, at this time, the immediate outsourcing of the other areas," he said in a Jan. 22 memorandum to employees. "The telecommunications function will be restudied as part of a larger assessment of information technology support. We will continue to seek greater use of commercial sector services in the areas of hardware maintenance, imagery library, and photo labs."

In the Jan. 22 memorandum, King also revealed the Agency's proposal of future studies forwarded to the Assistant Secretary of Defense (Command, Control, Communications and Intelligence) through fiscal 2005. These studies would be implemented as follows:

Fiscal 2001

Information Technology, including:

- Telecommunications
- System Engineering
- Communications Installation
- Automated Data Processing
- Printing and Reproduction

Fiscal 2002

Architectural and Engineering Services
Visual Information Management Support
Facilities Maintenance and Construction

Fiscal 2003

Research, Development, Testing and Evaluation
Specialized Skills Training
Human Resources
Financial Management

Fiscal 2004

Geospatial Map-Making

Fiscal 2005

Administrative Support Services

"These are long-range study plans that are subject to change," King noted in his memo. "As the studies are completed, some tough decisions will have to be made. You may not agree with all of them, but I pledge to you to be objective, to be sensitive to your concerns, and to keep you fully informed of management decisions which may affect you."



E-Mail: Think Before Sending!

You've painstakingly typed in that e-mail message soliciting fellow-employees for a good cause, an amusing story or that "secret" cookie recipe you know they'd love. The only thing left is to send it on its way.

But before you hit the "send" button...*don't!* E-mail is another NIMA communication resource that must be used properly. Employees and contractors must remember that the use of NIMA communications systems and equipment, including the Agency Intranet system and Internet e-mail, is restricted to official use and authorized purposes.

Supervisors, [in Band IV or field grade officers, or above] may authorize NIMA employees to use e-mail for limited personal communications. E-mail may not be used to send games, chain letters, catalogs or any unauthorized fundraising, i.e., charitable, personal, business or political. Additionally, all e-mail contents must adhere to professional and ethical standards. Users may *not* send or forward disparaging or derogatory comments attacking a person's character or integrity, use profanity or vent personal frustrations over issues to a wide audience. Consideration should be given when addressing e-mail to all NIMA government and contractor personnel.

If used improperly, e-mail becomes a nuisance and a waste of computer and network resources.

IPT Established for Web Site Administration

by Tammi Kiser-Sparks
CP/IDT Team Manager

NIMA recently established a web site administration Integrated Product Team (IPT), led by the Information Services and Training Office, Operations Directorate, in coordination with Mission Support's Security Office and the Congressional and Public Liaison Office (CP). The IPT includes representatives from across the Agency.

The IPT's mission is to conduct a comprehensive, multi-disciplinary assessment of the unclassified NIMA web sites by March 25. Thereafter, it will develop a program plan to manage the use and content of NIMA's electronic gateways. The IPT will periodically report results, recommendations and progress in NIMA News releases and in the Digital Daily Edge on NIMA's Intranet.

The NIMA IPT was formed in response to a Dec. 7 memorandum from the Deputy Secretary of Defense, subject: "Web Site Administration," which established a requirement for DoD organizations to review administration and security of unclassified and classified web sites.

IN MEMORIAM

John C. Johnson, 44, a retired employee from the Defense Mapping Agency (DMA) Aerospace Center, died Dec. 30, 1998, in Fort Worth, Texas., from complications resulting from Multiple Sclerosis. He had taken a disability retirement from DMA because of his condition some years ago and had moved back to his home in the Fort Worth area.

GIDA Employee Receives DIA Civilian Combat Support Award



Stuart Sasson

A recent *USA Today* article said although the name of the small, self-enclosed Saudi villa means “housing,” it’s more like a prison—a 360-acre complex in Riyadh where some 1,500 U.S. service members reside.

Most of those stationed at Eskan Village never, or rarely, leave the compound. Troops say the isolation stems from fear of terrorism.

NIMA cartographer Stuart Sasson recently received the DIA Civilian Combat Support Award in recognition of his outstanding contribution during a 90-day NIMA overseas assignment there supporting the warfighter.

His mission began in Jan. 1998, when he was selected from a list of highly qualified Data Generation Division (GID) candidates for an assignment to support the National Intelligence Support Team (NIST). The assignment began with a short training period before deployment to Riyadh.

“I arrived just as the buildup for Operation Desert Thunder had reached its peak,” he said. “At this point, the NIST was running on a 24-hour, seven days a week operation.” During that assignment, he worked an eight-hour shift with no days off. “The NIST mission was to provide

national-level liaison support by providing direct connections between the Intelligence Community and the combat forces of the Joint Task Force,” he added.

Because of his workload and security precautions, Sasson admits, “I didn’t get to do a lot of sight-seeing.” Leaving the compound, however rarely or sporadically, is an exception. “With a few exceptions,” *USA Today* reported, “no one can leave the...complex during their tour, whether that’s a couple of months or a year.”

Although he worked there in a civilian capacity, Sasson is a member of the Air National Guard. Requirements stipulated either a Reserve status or extensive military background. While stationed in Riyadh, he wore the standard Army desert camouflage fatigues. His assignment encompassed the duties associated with an All Source Analyst to the NIST, which was deployed in support of the Joint Task Force-Southwest Asia. He provided intelligence support for the Joint Intelligence Center staff, which in turn provided intelligence for the commander of the Joint Task Force-Southwest Asia (JTFSWA). This assignment covered the period from March through May 1998.

Omnibus Contracts

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“It gives us the flexibility to create innovative mechanisms for procuring geospatial information and imagery analysis services from the private sector,” said Gene Smalling, chief of PC. “Omnibus contracts are often made up of large teams that give us quick access to hundreds of firms, not just one prime contractor.”

“The result of these partnership efforts with NIMA is clearly evident in the depth and breadth of the qualifications of the firms receiving a contract award,” Ancell said. “Together, they define a world class geospatial and imagery intelligence industry with the U.S. in the lead.”

“Self-nominate” for lateral positions by telephone

From NCIS to PeopleSoft

by Susan Meisner
Human Resources

The NIMA Career Inventory System (NCIS) allows employees to apply, or “self-nominate,” for lateral positions by telephone at their convenience. Employees can access the system, available 24 hours a day, 365 days a year, from home or work.

NIMA initiated the NCIS Interactive Voice Response System just a scant two years ago, and it quickly caught on. Human Resources (HR) received more than 12,000 self-nominations in fiscal 1998. According to NCIS Program Manager Sandy Renfrow, “most employees like the program because it is so easy.” In fact, many employees have used the system to self-nominate numerous times.

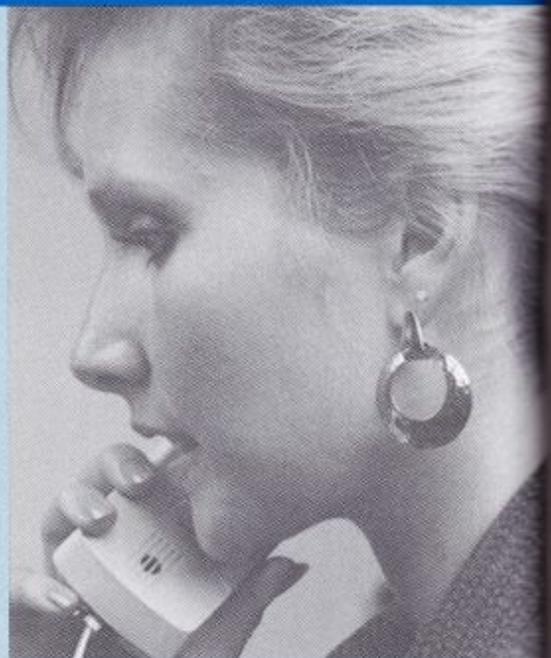
Managers made 437 selections through NCIS last year. Where in past years, 20 employees might submit a hard copy application for a job, as many as 75 apply for a job today, said Renfrow. “Managers get to look at a wide variety of people that meet the criteria and have expressed an interest in their positions.”

NCIS replaced a more cumbersome, hardcopy application process that required employees to mail applications for receipt in HR by no later than midnight on the closing date.

WORKFORCE21 implementation of PeopleSoft, the new HR system, will again bring changes. When fully implemented, managers will be able to post jobs directly to the system, not having to pass their openings through HR. Employees will then self-nominate from work station kiosks, and eventually from their own computers.

NCIS will be in place until at least April. At that time, a PeopleSoft interim system will be available. Administrative officers will initiate the requisition process and develop job openings that HR will post. Employees will provide their specifically targeted resumes directly to the hiring manager or his or her representative each time they apply for a position.

The PeopleSoft process will combine the best features of the prior assignment systems, according to Renfrow. “Employees will be able to maintain an online resume on their computers, submit it electronically and update it at will. Managers will have direct access to both posting jobs and reviewing resumes. The right person will be on the job when needed,” Renfrow said.



The NCIS Self-Nomination Process

To participate in the self-nomination process, employees must submit an NCIS-formatted resume to HR. They can submit their resume at any time and HR will update it the first working day of each month.

HR releases weekly assignment opportunities for lateral moves only (a centralized promotion board will consider promotion nominations later this year).

To self-nominate, call the interactive voice response system (IVR) at (800) 777-6104, select “4” and follow the instructions. The IVR system is available 24 hours a day. Hearing-impaired and overseas employees can also e-mail (“NCIS Self-Nomination”) and fax (DSN, 693-4976, or (314) 263-4976) their self-nominations.



Software Clashes

Cause Agency to Reduce Desktop Computer Configurations

by Don Kusturin

Can't open a document you received because it was created in the wrong software application or version?

The problem likely stems from the variety of software used by the Agency.

NIMA currently has 16 approved different desktop computing configurations in use. The Desktop Applications Branch (SCOD), however, plans to bring that number down. "SCOD is working toward two integrated desktops for the future," said branch chief Mary Sullivan.

A configuration is determined by the operating system, such as Windows NT or Macintosh 7.5, and the platform and server to which the computer is subscribed—such as Windows NT on the Sensitive But Unclassified (SBU) network. The group will work with NIMA's U.S. Imagery and Geospatial Information System Services and Systems Operations Office (SN) and its server migration plan to consolidate the configurations.

"The goal is to increase operability and connectivity by folding functionality of several applications into one," said SCOD member Yvonne Holmes. An example of this is with anti-virus programs.

"Currently, there are many versions of anti-virus applications on the NIMA desktop across various platforms," she said. "We will consolidate those down to one or two. This will be cost-effective because it will allow us to buy enterprise licenses for one application instead of several licenses for different applications."

A list of approved software, or baseline, is being developed to help the standardization process by detailing which software should and should not be used on NIMA's systems. Decisions are continually being made as to which software and version will be better suited for the Agency. A recent example is the decision to upgrade Norton Anti-Virus from version 4.0.4 to 4.0.5.

"No software will be released without unit and integration testing first," said Neil Best, Office Applications Division chief.

Another concern is the Y2K bug. SCOD is in the process of ensuring the applications being used by NIMA computers are

compliant, meaning they will continue to operate beginning in the year 2000. The organization periodically releases Y2K updates, which all NIMA employees are encouraged to read.

Much of the work SCOD does goes unnoticed because their support often is behind-the-scenes. After a work order involving an application is called in to the Help Desk, it is given to a technical support representative. When the problem can't be resolved at that level, SCOD is called because of its more intimate knowledge of the application. It also provides assistance through the publishing of support guides, such as for File Maker Pro and Meeting Maker. SCOD also assesses new products and determines if they are the best practice or applicable for the NIMA environment. Its vision is to bring about a virtual office through collaboration tools and improve office productivity by providing interoperability and new tools.

More information is available at the SC home page at osis.nima.mil/SC/schome.htm. The site includes user guides, frequently asked questions and points of contact.

NIMA Begins Foreign Military Sales Case with

Thailand

Compiled from reports by the NIMA South Asia International Coproduction Division

Following disastrous flooding in Thailand in late 1995, the Supreme Commander of the Royal Thai Armed Forces directed the Royal Thai Survey Department (RTSD) to develop a plan to recompile the map series for better currency and accuracy.

Due to the magnitude of such a project, however, Thailand requested assistance from the United States. Discussions between RTSD and the Defense Mapping Agency, a NIMA predecessor, began in February 1996. As a result of these discussions, NIMA has formally entered into a Foreign Military Sales Case with RTSD. The goal is to digitally recompile the 1:50,000-scale topographic line map series (L7017), which covers the entire Kingdom of Thailand.

"Despite the current economic problems in Thailand, the project was identified as a high priority," said Thomas Ryefield, chief of NIMA's South Asia International/Coproduction Division. "More than 120 geospatial projects were proposed to the Thai cabinet for fiscal 1998 and 1999, and the Foreign Military Sales Case was the only one approved. The resulting data



NIMA delegates Kirk Tozar and John Williams discuss production schedule priorities during a break.

will reside in a National Geographic Information System Center, located at RTSD, and will support the needs of eight ministries within the Thai government."

Currently, NIMA prints and stocks the RTSD-produced L7017 series, which consists of 830 sheets using what's known as the Indian 1975 horizontal datum. RTSD agreed to convert to the new standard World Geodetic System 1984 datum for the project, and the new series will be designated as L7018 to avoid confusion among users. In turn, NIMA agreed to produce 75 sheets and manage the Foreign Military Sales Case for 710 sheets

Thomas Ryefield (second right), NIMA chairman, addresses Maj. Gen. Thaweevat Thambumroong (right), RTSD chairman, and the RTSD delegation, in closing remarks. Other NIMA delegates pictured are (l-r) John Williams, Wayne Nelson, and Martha Nelson.



Ryefield and Thaweevat sign action items resulting from three days of project discussions.

to be produced by U.S. contractors. RTSD will produce the remaining 45 sheets.

"Project arrangements were formally agreed upon through an appendix to the existing bilateral agreement between NIMA and Supreme Command Headquarters," Ryefield said. "Through this agreement, NIMA will receive all data produced during the project, as well as future updates."

The project includes production of Digital Terrain Elevation Data (DTED) over Thailand. In addition, contractors will use these data to produce the contour layer for each sheet. Harris Corporation began



DTED production in December. Production will be awarded to at least two prime contractors under the Omnibus contracting vehicle in early 1999. Project completion is slated for 2004.

