

UNITED STATES DEPARTMENT OF  
THE INTERIOR BUREAU OF LAND  
MANAGEMENT

**EXPLANATION of PROHIBITIONS FOR BLM EMPLOYEES**  
***Read Thoroughly Prior to Signing***

There are certain restrictions placed upon *all* Federal employees. Federal employees are prohibited from engaging in activities or having financial interests in concerns which conflict (or even give the appearance of a conflict) with their official duties. For example, approving a lease or right-of-way for a company in which an employee, his spouse, or his minor child(ren) has a financial interest could also result in a conflict of interest, or give the appearance of a conflict. [See 18 U.S.C. § 208; 5 CFR § 2635.402; 5 CFR § 2653.502; see also Executive Order 12674, as modified by Executive Order 12731]

BLM employees have more restrictions placed upon them because of the BLM Organic Act, 43 U.S.C. § 11, which prohibits any BLM employee from having a financial interest in *any* concern, business, enterprise, corporation, company, etc. that has an interest in land administered or controlled by the Department of the Interior. (See 43 CFR Part 20, Subpart D)

In order to implement the BLM Organic Act, the BLM has established criteria which identify businesses that employees may not acquire or hold financial interests. The criteria are as follows:

**Geothermal:** 1,000 acres

**Oil & Gas:** 25,000 acres

**Mining:** 5000 acres

**Timber:** 200 acres

**Right-of-Way (ROW) Rental Fees:** \$25,000

See the complete [List of Companies](#) and to learn more about the BLM Organic Act (*This List of Companies is updated annually.*)

If a company has extensive interests in Federal lands; derives a significant portion of its income from; or has significant activity resulting from an interest in Federal lands, it is a prohibited holding for any BLM employee. This prohibition applies even in instances where there is no relationship between the employee's official duties and the financial interest.

Under the BLM Organic Act, the restrictions placed upon BLM employees, apply in most instances to the holdings of a spouse and minor child as well. For example, if an employee's spouse/minor holds stock in an oil and gas company on the prohibited list of companies, unless an exception applies, ownership by the employee's spouse/minor child is prohibited. (See 43 CFR § 20.401, et seq.) (Consult with the Servicing Ethics Advisor for guidance as this can present a challenge to understand.)

BLM employees are not permitted to work as real estate agents, realty specialists, or real estate brokers during their BLM tenure. (See 5 CFR 3501.105) Holding a real estate license is not prohibited, but it must be placed in an inactive status. (*This provision does not apply to the employee's spouse or minor child(ren).*)

In addition to the general conflict of interest restrictions for all Federal Government employees and those stemming from the BLM Organic Act, the Surface Mining Control and Reclamation Act (SMRCA) [30 U.S.C. 1211 (f)] prohibits a financial interest in coal mining operations by any employee from performing duties under SMRCA. There are no exceptions to this statute.

**Summary**

If an employee's holding is in conflict with or gives an appearance of Conflict with his/her job, the holding is prohibited. This prohibition applies equally to the employee's spouse, minor child and other parties connected to the employee. In instances, where a conflict is present, divestiture is required. Failure to divest can serve as a basis for employee discipline. (See 43 CFR Part 20, Subpart F)

The List of Companies contains a listing of all the companies that BLM employees may not have or acquire an ownership interest, if it meets or exceeds the criteria limits. (See previous column) The List is updated annually. Before acquiring, selling, or otherwise disposing of an ownership interest, visit with the Servicing Ethics Advisor or the BLM Deputy Ethics Counselor at [blm\\_wo\\_ethics\\_office@blm.gov](mailto:blm_wo_ethics_office@blm.gov)

**Privacy Act Notice**

5 CFR 3501.105; 43 CFR 20.401, et seq.; 5 U.S.C. 301 constitute the authority for requesting this certification. This certification is voluntary; however, failure to do so can be cause for denying appointment or for appropriate disciplinary action. This certification will be used to record officially the fact that you have knowledge of, and are in compliance with the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents will be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

## Employee Certification

*Note: The provisions of 43 CFR 20. 401, et seq., should be read completely before this statement is signed.*

I have received a copy of the Department of the Interior regulations governing responsibilities and conduct of employees (43 CFR Part 20). I have been advised of the name and location of my servicing ethics advisor. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interest with this individual.

I certify that I do not have a direct or indirect interest in Federal lands as prohibited under 43 CFR 20.401, et seq. Further, I understand that an interest in Federal land is interpreted to include but not limited to stock ownership, equity interests, employment, etc. in companies that lease Federal lands, leases, permits, contracts, mineral rights, grazing rights, etc.

I certify that I do not now have or that I will not acquire an active real estate license during the time I am an employee of the Bureau of Land Management. [Proof of inactive license must be tendered to Servicing Ethics Advisor, if employee has served as real estate professional within one year of BLM service.]

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(Employee's Name – Typed or Printed)

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(Signature of Employee)

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(Title of Position)

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(Date)

### Instructions

1. All employees (including temporaries, reemployed annuitants, excepted-appointments, etc.) of the Bureau of Land Management must complete the certifications on this form.
2. Your name must be printed or typed and a signature and date must be on the appropriate lines.
3. If you are unable to certify compliance, you must submit a statement of facts to [blm\\_wo\\_ethics\\_office@blm.gov](mailto:blm_wo_ethics_office@blm.gov) for review and action.
4. If you do not have a copy of the Department's regulations governing Responsibilities and Conduct (43 CFR Part 20), you may obtain a copy from [blm\\_wo\\_eithics\\_office@blm.gov](mailto:blm_wo_eithics_office@blm.gov). If you do not know the name and location of your Servicing Ethics Advisor, your servicing Personnel Officer can provide you with the name and phone number.