

and employee and each special Government employee shall acquaint himself with the following statutory and nonstatutory provisions which relate to his ethical and other conduct:

- (a) House Concurrent Resolution 175, 85th Congress, 2d Session (72 Stat. B12), the "Code of Ethics for Government Service."
- (b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest (18 U.S.C. 201 through 209).
- (c) The prohibition against lobbying with appropriate funds (18 U.S.C. 1913).
- (d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).
- (e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).
- (f) The prohibition against:
 - (1) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and
 - (2) The disclosure of confidential information (18 U.S.C. 1905, 49 U.S.C. 1472(f)).
- (g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 8352).
- (h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).
- (i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).
- (j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).
- (k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).
 - (l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).
 - (m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).
 - (n) The prohibition against:
 - (1) Embezzlement of Government money or property (18 U.S.C. 641);
 - (2) Failing to account for public money (18 U.S.C. 643); and
 - (3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).
 - (o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).
 - (p) The prohibition against political activities in subchapter III of chapter 73 of title 5, U.S.C., and 18 U.S.C. 602, 603, 607, and 608.
 - (q) The prohibition against an employee's acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

**APPENDIX II TO PART 805—EMPLOYEES
REQUIRED TO SUBMIT STATEMENTS**

Statements of employment and financial interests are required of the following:

- (a) Employees in grades GS-16 or above, or in positions not subject to the Classification Act paid at a rate at or above the entrance rate for GS-16.
- (b) Special assistants to the members.
- (c) Office of the managing director:
 - (1) Legislative affairs officer.
 - (2) Program analysis officer.
- (d) Attorneys in grade GS-15.
- (e) Office of public affairs:
 - (1) Director.
 - (2) Deputy director.
- (f) Bureau of administration:
 - (1) Director.
 - (2) Deputy director—personnel officer.
 - (3) Chief, operations and facilities division.
 - (4) Contracting specialist.
 - (5) Comptroller.
 - (6) Budget officer.
 - (7) Accounting officer.
- (g) Division and branch chiefs within the bureaus of accident investigation, technology, and plans and programs.
- (h) Chief or senior investigators, field offices.

[41 FR 39758, Sept. 16, 1976]

NOTE: The above regulation and its appendices were approved by the Civil Service Commission (OPM) on July 16, 1968, and September 13, 1972, respectively, prior to submission to the Office of the Federal Register.

**PART 806—NATIONAL SECURITY INFORMATION
POLICY AND GUIDELINES,
IMPLEMENTING REGULATIONS**

Sec.

- 806.1 General policy.
- 806.2 Applicability.
- 806.3 Definitions.
- 806.4 Mandatory review for declassification.

AUTHORITY: Sec. 304, Independent Safety Board Act of 1974, 88 Stat. 2168 (49 U.S.C. 1903). E.O. 12065, 43 FR 28949, July 3, 1978.

SOURCE: 45 FR 20104, Mar. 27, 1980, unless otherwise noted.

§ 806.1 General policy.

(a) The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

(b) Within the Federal Government there is some official information and

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material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

§ 806.2 Applicability.

This rule supplements Executive Order 12065 within the Board with regard to national security information. It establishes general policies and certain procedures for the classification and declassification of information which is generated, processed, and/or stored by the Board. In this connection, the Board does not have any original classification authority but infrequently does receive classified information from other agencies.

§ 806.3 Definitions.

(a) Classified information. Information or material, herein collectively termed information, that is owned by, produced for or by, or under the control of, the United States Government and that has been determined pursuant to Executive Order 12065, or prior orders, to require protection against unauthorized disclosure and that is so designated. One of the following classifications will be shown:

(1) *Top secret* means information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) *Secret* means information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to national security.

(3) *Confidential* means information, the unauthorized disclosure of which reasonably could be expected to cause identifiable damage to the national security.

(b) *Foreign government information* means either: (1) Information provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information

is to be kept in confidence; or (2) information produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangements or both, be kept in confidence.

(c) *National security* means the national defense and foreign relations of the United States.

(d) *Declassification event* means an event which would eliminate the need for continued classification.

§ 806.4 Mandatory review for declassification.

(a) Requests for mandatory review for declassification under section 3-501 of E.O. 12065 must be in writing and should be addressed to: National Security Oversight Officer, National Transportation Safety Board, Washington, DC 20594.

(b) The requester shall be informed of the date of receipt of the request at the Board. This date will be the basis for the time limits specified by section 3-501 of E.O. 12065. If the request does not reasonably describe the information sought, the requester shall be notified that, unless additional information is provided or the request is made more specific, no further action will be taken.

(c) When the Board receives a request for information in a document which is in its custody but which was classified by another agency, it shall refer the request to the appropriate agency for review, together with a copy of the document containing the information requested, where practicable. The Board shall also notify the requester of the referral, unless the association of the reviewing agency with the information requires protection. The reviewing agency shall review the document in coordination with any other agency involved or which had a direct interest in the classification of the subject matter. The reviewing agency shall respond directly to the requester in accordance with the pertinent procedures described above and, if requested, shall notify the Board of its determination.