

WHAT IS A PROHIBITED SOURCE

5 C.F.R. § 2635.203(d)(5); Under this provision, an association will be considered a "prohibited source" if *most* of its members are prohibited sources -- that is, if most of them seek official action by the agency, do business or seek to do business with the agency, conduct activities regulated by the agency, or have interests that may be substantially affected by performance or nonperformance of the employee's official duties. *See* 5 C.F.R. § 2635.203(d)(1) - (d)(4). It follows that, in order to determine whether an association is a prohibited source, inquiry must be made regarding the status of at least most (50%) of the member organizations. This is necessarily a time-consuming endeavor, especially if the association is national in scope or has many members (such as the NCMA or NIGP)..

HONORIA is perfectly legal below the rank of SES:

Honoraria Compensation for a lecture, speech or writing may be restricted by the honoraria prohibition of **5 U.S.C. App. 501** (reference (b)) and **5 C.F.R. 2636 (reference (a))** in subsection 3-100 of this Regulation, above. However, on February 22, 1995, the U.S. Supreme Court decided United States v. National Treasury Employees Union (reference (bb)), affirming a court of appeals decision enjoining enforcement of the honoraria prohibition against Federal employees below grade GS-16. The ban may still be enforceable against Federal employees in grades **GS-16 or above** and those paid under other schedules.