

Request for Approval to Accept Gifts Associated With An Award from an Outside Organization

US Department of Health and Human Services
National Institutes of Health

Use prescribed by NIH Manual 2400-10

Use this form only for awards which confer gifts consisting of cash or cash equivalent, or a tangible item or items valued at greater than \$20. When an award consists only of gifts of travel, meals, or a plaque, certificate, or trophy of little intrinsic value, use other methods to obtain approval, e.g., sponsored travel and/or the widely attended gathering exception. Provide all information.

1. EMPLOYEE NAME, TITLE, IC AND AGENCY ADDRESS	2. REQUEST DATE
4. OUTSIDE ORGANIZATION (DONOR) OFFERING THE AWARD (Full Name and City, State or Country)	3. OFFICE TELEPHONE NUMBER
6. FULL NAME OF THE AWARD	5. DATE OF AWARD EVENT
8. AWARD CITATION	7. LOCATION OF AWARD EVENT (City, State or Country)

9. Is the award offered by a private foundation? See note on Tax Consequences on page 3.
 No Yes If Yes, indicate your grade and annual salary:

10. a. Can your performance or non-performance of your official responsibilities have any effect on the donor?
 b. If the donor is an organization, does the majority of its members have such interests that could be affected by the performance or non-performance of your official duties?
 No to both a and b Continue to question 11.
 Yes to either a or b If the award donor can be substantially affected by your performance or nonperformance of official duties, or is an association a majority of whose members may be, the award may not be approved. Continue to question 11.
11. Have you solicited the award?
 No Continue to question 12.
 Yes If you solicited the award, it cannot be approved nor accepted.
12. Do you agree to not accept the gifts incident to the award in return for being influenced in the performance or nonperformance of your official duties?
 Yes Continue to question 13.
 No If performance of your official duties will be influenced by accepting the gifts associated with the award, the award cannot be approved.
13. Does this award involve a tangible gift (other than cash or cash equivalent) valued at more than \$200 (e.g., a crystal bowl).
 No Continue with question 14.
 Yes The award must be confirmed by the DEC as a bona fide award made as part of an established program of awards, before the employee may accept. Submit the written criteria used to select award recipients, and proof that it is given on a regular basis or funded to ensure continuity. Seek assistance from your IC's Ethics Office.
14. Does this award involve a cash or equivalent gift.
 No Continue with question 15.
 Yes It must be reviewed through the NIH Ethics Office and confirmed as a bona fide award made as part of an established program of recognition before the employee may accept it. Contact your IC's Ethics Office as soon as possible.
15. Have you accepted gifts, including awards, from the same or different sources so frequently that a reasonable person would be led to believe that you are using your official position for private gain?
 No Continue with question 16.
 Yes If you have accepted gifts such that accepting this one would cause any appearance of impropriety, the award may not be approved.

16. Identify all cash, stipends, cash equivalents, tangible items, reimbursements, meals, lodging, transportation, entertainment, free attendance, or other benefits and gifts to be provided **personally** to the employee and/or members of the employee's family to be received at or in conjunction with the award event. Indicate the market value of each item.

	Employee	Family
Cash/stipend/cash equivalent	\$	\$ N/A
Award medallion, trophy, sculpture, or other tangible memento of the occasion which has utility and/or artistic merit and a commercial value in excess of \$20	\$	\$ N/A
Awards ceremony dinner, reception, and/or entertainment (indicate number of family members attending: _____)	\$	\$
Travel expenses for meals, lodging, and/or transportation provided in-kind or through cost reimbursement	\$	\$
Will sponsored travel be used? Yes No (If yes, annotate your sponsored travel that it is for an award.)		
Other items or benefits provided, e.g., journal subscription, organizational membership. Describe:	\$	\$
Totals*	\$	\$

* NIH Ethics Advisory Committee (NEAC) jurisdiction: If the aggregate value of gifts for you and your family/guest is \$2500 or more, excluding official government travel (sponsored travel), the award must be reviewed by the NEAC. Travel expenses accepted personally by the employee (not sponsored travel) must be included in the aggregate value.

Attach a copy of the letter or electronic mail indicating that you are the intended recipient of the award.

17. EMPLOYEE'S STATEMENTS AND SIGNATURE:

- A. I have read the attached notices. I request permission to accept the award honor and the associated gifts as described above.
- B. **Disqualification Requirement:** I understand that I am recused (disqualified) immediately from all official matters involving or that could affect the award donor. If the award is approved, my recusal from matters involving the donor remains in effect for one year following the date I receive the award, and I will not participate in any official matters involving the award donor organization without prior authorization from my Deputy Ethics Counselor.

Sign & Date:

18. SUPERVISOR'S STATEMENT AND RECOMMENDATION:

(Omit for IC Directors)

The employee has no recent, current, or pending official matters with or that can affect the outside organization or a majority of its members (5 C.F.R. § 5501.111). If the award is approved, I will accept responsibility for all official matters from which the employee is recused due to the receipt of this award.

- Recommend Approval
Do Not Recommend Approval

Sign & Date:

19. INTERMEDIATE REVIEWER

(IC DEC signs here for NEAC jurisdiction or NIH Senior employee)

Based on my review of the foregoing statements and supporting documentation in light of the requirements of 5 C.F.R.

§ 2635.204(d), I:

- Recommend Approval
Recommend Approval with the Following Conditions:
Do Not Recommend Approval

Sign & Date:

20. DEPUTY ETHICS COUNSELOR (OR DESIGNEE)

Based on my review of the foregoing statements and supporting documentation supplied by the employee, this constitutes my (written, when required) determination, pursuant to 5 C.F.R. § 2635.204(d), that the employee's request is:

- Approved as Requested
Approved with the Following Conditions: _____
Disapproved

Sign & Date:

NOTICES

FINANCIAL DISCLOSURE

Awards, including cash, cash equivalents, meals, lodging, transportation, reimbursements, entertainment, free attendance, or other benefits incident thereto, received for the personal use, disposition, or retention by the employee valued individually in excess of \$134 and which aggregate \$335 or more must be disclosed by employees who file a financial disclosure report. Incumbent and termination filers of the SF-278 Public Financial Disclosure Report include this information on Schedule B, Part II of the form. Confidential Financial Disclosure Report (OGE-450) filers include these items in Part IV. (Note that the reporting threshold is determined every 3 years; check the financial disclosure requirements for the current amount.) Travel funds accepted by the agency under the sponsored travel (HHS-348) mechanism are gifts to the agency, rather than to the individual, and are not reported as personal gifts on the SF-278 nor on the OGE-450.

TAX CONSEQUENCES

Award recipients should consult their personal attorney, accountant, or other financial advisor concerning the treatment of awards and the benefits incident thereto for tax purposes. Ethics officials and government attorneys do not provide tax or other personal financial advice to government employees. Note that, pursuant to section 4941 and 4946 of Title 26 of the U.S. Code, awards and other payments received from private foundations, as defined under Section 509 of the Internal Revenue Code, may be prohibited for Presidential appointees, Schedule C employees, or other individuals compensated at pay levels at or above the lowest rate of basic pay for the Senior Executive Service under section 5382 of Title 5, United States Code, unless the recipients of the award are selected from the general public and consideration is not confined to government employees.

AGENCY GIFT ACCEPTANCE

If approval is obtained in advance, tangible items intended for display at and retention by the NIH that are accepted on behalf of the employee's component pursuant to an applicable agency gift acceptance authority statute are not reportable as personal gifts on the SF-278. Employees should consult their employing office, ascertain the availability of this option, and comply with applicable procedures. Travel reimbursement authorities contained in Section 1353 of Title 31 of the U.S. Code, as implemented by Part 304-1 of Title 41 of the Code of Federal Regulations, permit the Department to accept where appropriate, travel costs tendered by non-federal sources in connection with the recognition of federal employees for meritorious public service that is related to official duties.

CERTIFICATION

The signature of the employee on this form certifies that the statements made and information provided on this form are true, complete, and correct to the best of the individual's knowledge.

PRIVACY ACT STATEMENT

Section 7301 of Title 5 of the U.S. Code and Executive Order 12674, as implemented by Sections 2635.204(d) and 5501.111 of Title 5 of the Code of Federal Regulations, authorize the collection of this information. Disclosure of this information is mandatory for employees seeking authorization from an agency ethics official to accept awards, pursuant to Sections 2635.204(d)(1) and 5501.111 of Title 5 of the Code of Federal Regulations. Failure to provide the requested information will result in the denial of the request for approval. Falsification of the information required to be reported for this purpose may subject the employee to disciplinary action by the employing agency or other appropriate authority. Knowing and wilful falsification of information required to be reported may also subject the employee to criminal prosecution. The primary use of this information is to allow HHS supervisors and ethics officials to make necessary determinations concerning employee requests to receive awards. The information is also requested, pursuant to 5 C.F.R. §§ 2638.203(b)(9), (10), and (11), for the purpose of evaluating ethics program administration, as well as the Department's supplemental ethics regulations, to determine their continued adequacy and effectiveness in relation to current agency responsibilities and to ensure that prompt and effective action is taken to remedy violations or potential violations, or appearances thereof, of conflict of interest and related ethics provisions. Additionally, this information may be disclosed to: (1) the Office of Personnel Management, Office of Government Ethics, Merit Systems Protection Board, Office of the Special Counsel, Equal Employment Opportunity Commission, Federal Labor Relations Authority, Federal Service Impasses Panel, Federal Mediation and Conciliation Service, and an arbitrator, in carrying out their functions; (2) a Federal, State, or local agency charged with investigating or prosecuting violations of, or implementing, the law, in the event there is an indication of a violation or potential violation of civil, criminal or regulatory law; (3) a Federal, State, or local agency maintaining enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (4) the National Archives and Records Administration or the General Services Administration in records management inspections; (5) the Office of Management and Budget during legislative coordination on privacy relief legislation; (6) Federal agencies with power to subpoena other Federal agencies' records; (7) a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge-issued subpoena; (8) private firms with which the Department may contract for the purpose of collating, analyzing, aggregating or otherwise refining records; (9) a Member of Congress or a Congressional office, pursuant to an inquiry made at the request of the individual who is a subject of the record; (10) the Department of Justice in defense of litigation; and (11) contractors and other non-Government employees working for the Federal Government to accomplish a function related to an Office of Government Ethics Government-wide system of records. This form will not be disclosed to any requesting person unless authorized by law. See the OGE/GOVT-1 Government-wide executive branch system of records.