

DEPARTMENT OF HEALTH AND HUMAN SERVICES

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Standards of Ethical Conduct Regulation HHS Supplemental Ethics Regulation (5 CFR 2635.803, 5 CFR 5501.106(d))

☐ Initial Request ☐ Revised Request ☐	Renewal	DATE FILED
I. EMPLOYEE I 1. EMPLOYEE'S NAME (Last, First, MI)	NFORMATION	
2. AGENCY (Operating/Staff Division)	(Subcomponent)	
3. TITLE OF POSITION	4. GRADE/STEP	5. FEDERAL SALARY
	Commissioned Corps 7.	FINANCIAL DISCLOSURE FILING STATUS Public (OGE 278) Confidential (OGE 450) None
STREET		
CITY	STATE	ZIP
9. OFFICE CONTACT INFORMATION		
TELEPHONE	FAX	
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CELL	EMAIL	
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10. NAME OF IMMEDIATE SUPERVISOR	11. TITLE OF SUPERVISOR	3
12. SUPERVISOR CONTACT INFORMATION	1	
TELEPHONE	FAX	
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CELL	EMAIL	
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AGENCY USE ONLY

Ι	II.	OUTSIDE ACTIVI	TY INFORMA	TION		
1.	. Nature of Outside Activity					
	Indicate the type of activity for which you request	<u> </u>	,		<u>.</u>	
	Professional or Consultative Activities	Teaching, Speaking, V	Vriting or Edition	ng Board Service	Expert Witness	
	Other					
	Describe:					
	If you will provide personal services or produ independent contractor, alone or jointly with engaged, such as legal, medical, accounting	others, check the box be	low and spec	ify the type of activity of	or business in which you	propose to be
	provide services or products jointly. Estimate products during the activity period, rather than			customers, or persons	to whom you would provid	de services or
	Self-Employed Activity					
	For activities involving teaching, speaking, or subject matter involved in the course, speech any disclaimer that indicates that the views applicable boxes indicating that these materi	, or written product (incluexpressed do not necessed)	ıding, if availa ssarily represe	ble, a copy of the text of ent the views of the ag	of any speech) and the pro- gency or the United State	posed text of s. Check the
	attachments, please explain below.					
	Subject Matter of Activity	Text of Disclaimer				
	Explain:					
_	. Outside Employer or Other Entity					
۷.	Identify the outside employer or other person for and title of a contact person. In Items 3 and 4, pro				performed or conducted. G	Give the name
	OUTSIDE ENTITY NAME					
			_			
	CONTACT PERSON		TITLE			
3.	. Outside Entity Address					
	STREET					
	CITY		5	STATE	ZIP	

Ī	I. OUTSIDE ACTIVITY INF	ORMATION (continued)
4.	Contact information	
	TELEPHONE	FAX
	CELL	EMAIL
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5.	Location Indicate the location where the activity or services will be performed.	
6.	Travel Indicate whether travel is involved, and if so, whether the transportation, outside entity in kind or through reimbursement. Describe arrangements outside entity.	lodging, meals, or per diem will be at your own expense or provided by the and provide estimated costs of items to be furnished or reimbursed by the
	Yes	¢
	At own Expense In-Kind or Reimbursed E	stimated Amount \$
	☐ No	
	Describe:	
7.	Time Provide details with respect to the duration, frequency, and timing of the for a period not to exceed one year from the date of approval. If you wish your request no later than thirty days prior to the expiration of the period at	activity. If your request for prior approval is granted, the approval is effective to continue an activity beyond the one year approval period, you must renew uthorized.
	a. Period Covered	b. Estimated Total Time Devoted to the Proposed Activity
	From (mm/dd/yy): To (mm/dd/yy):	Hours per Day Days per Week Weeks per Year
	c. Will work be performed entirely outside of usual working hours? Yes No (If "no," estimate the number of hours or days that to be requested.)	you will be absent from work and indicate the type of leave
8.	Compensation Indicate whether the activity is compensated, and if so, answer the question Yes No	ns below.
	a. Method or Basis of Compensation (Check all boxes that apply)	
	Fee Honorarium Retainer Salary	Advance Royalty Stock Stock Options
	Non-Travel Related Expenses (describe)	Other (specify)

Ш	I. OUTSIDE ACTIVITY INFORMATION (continued)
	b. Compensation Amount Indicate the total amount of compensation to be received for the proposed activity for the period covered by this request. Do not include the amount
	of any travel expenses to be provided by the outside entity that were reported in Part II, Item 6.
	<u>\$</u>
	c. Payor If any compensation will be received from a payor other than the entity to which personal services will be provided, identify the payor and explain.
	d. Funding Source Indicate whether any compensation is derived from an HHS grant, contract, cooperative agreement, or other source of HHS funding or if the services to be performed are related to an activity funded by HHS, regardless of the specific source of the compensation.
	Yes (If "yes," describe) No
	e. Grantee, Contractor, or Other Status For activities involving the provision of consultative or professional services, indicate whether the client, employer, or other person on whose behave the services are performed is receiving, or intends to seek, an HHS grant, contract, cooperative agreement, or other funding relationship.
	Yes (If "yes," describe) No

f. Record of Prior Compensation from Same Source

Identify the source, activity, amount and date of any compensation received, or due for services performed, within the last six calendar years and the current year through the date this request is submitted, from the person for whom or the organization with which the current work or activity will be done (including any amount received or due from an agent, affiliate, parent, subsidiary, or predecessor of the proposed payor). This information must be provided as to any outside activity performed for the person or organization that is the subject of this request for approval. Include any prior activity that is the same or similar to the present request, as well as any unrelated activity involving the same source.

YEAR	SOURCE	ACTIVITY	AMOUNT \$	DATE
CURRENT				
1				
2				
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3				
4				
5				
J				
6				

ADDITIONAL SPACE

Ι	II. OFFICIAL DUTY INFORMATION	
1.	Nature of Official Duties Describe the principal duties and responsibilities of your current position. You may attach a copy of your position description unless you currently have significant duties or assignments that are not reflected in that document.	otion in lieu of providing the
	Position Description Attached	
2.	Relationship of Official Duties to Outside Activity Describe any official duties that relate in any way to the proposed activity. If none, explain why.	
3	Effect of Official Duties on Outside Employer	
Ο.	In performing your official duties, explain how your actions or the matters upon which you may be called upon to work co person for whom or the organization for which the proposed activity will be performed. If the exercise of your official du effect, explain why.	uld affect the interests of the ties would not have such an
_		
4.	Assignments Involving Outside Employer Describe any official duty assignments or other interactions you have had that involve the person for whom or the organiz activity will be performed and indicate when such assignments or interactions occurred. If none, explain.	ation for which the proposed
<u> </u>	CERTIFICATION	
_		and before R. C. C.
thi	the undersigned employee certifies that the notices in Part VIII have been read and understood and that the statements made is form are true, complete, and correct to the best of the individual's knowledge.	
Εľ	MPLOYEE SIGNATURE	DATE

L	V. SUPERVISOR REVIEW	
1.	Summary of Applicable Law An employee cannot undertake an outside activity that conflicts with the employee's official duties. An activity conflicts of prohibited by statute or regulation; or (b) if, under the standards in 5 CFR 2635.402 and 2635.502, it would require to matters so central or critical to the performance of his or her official duties that the employee's ability to perform the duties be materially impaired. Such a recusal would likely arise where the outside activity involves a person or entity that is regular receives grants or other benefits from, or is otherwise substantially impacted by the programs, policies, and operations of the employee normally would be involved personally and substantially in such matters on a frequent basis or as a principal may be improper if the circumstances suggest that the employee received an outside business opportunity based on his or create the appearance of using public office for the private gain of an outside entity. An employee also must endeavor to a the appearance of a violation of law or the ethical standards. Special rules apply to activities involving fundraising, expert speaking, writing, or editing, and activities with foreign entities. Certain categories of employees, such as those in FDA, N component specific rules on outside activities. Refer to the Standards of Ethical Conduct, 5 CFR part 2635, subpart H, Ethics Regulation, 5 CFR part 5501.	he employee's recusal from s of his or her position would ated by, does business with, the employee's agency, and duty. In addition, an activity her official position or would avoid any actions that create witness testimony, teaching, IIH, and OGC, are subject to
2.	Supervisor's Statement Describe the extent to which the employee's official duties are related to the proposed outside activity.	
3.	Recommendation The undersigned supervisor, identified in Part I, Item 10, has reviewed the employee's responses, obtained additional interest in the supervisor of the supervi	formation where appropriate
	and recommends the following action: Recommend Approval If this box is checked, the supervisor understands that if the outside activity is approved, the employee may be disquaduties that involve or affect any outside entity with which the employee has an outside employment, consulting, activity constitutes employment or service as an officer, director, or trustee, or in another fiduciary role, the recusal of to government matters that specifically involve or affect the outside entity, but to those matters that affect general sector in which the outside entity operates. The supervisor concludes that any work assignments involving specific of the employee will be recused can be reassigned to another individual and are not so central or critical to the perioficial duties that the employee's ability to perform the duties of his or her position would be materially impaired. Recommend Disapproval	alified from performing official or similar relationship. If the oligation may extend not only lly the industry or economic r general matters from which
_ SL	If this box is checked, explain the reason(s) in the additional space provided on the last page of this form. IPERVISOR SIGNATURE	DATE

V. MANAGEMENT / COMMIT	TEE / OTHER INTERMEDIATE REVIEW		
1. Name of Reviewer	2. Title of Reviewer		
3. Reviewer Contact Information			
TELEPHONE	FAX		
()	()		
CELL	EMAIL		
()			
4. Organization			
5. Committee			
If the reviewer acts on behalf of a committee, identify the body and r	ecord any dissenting views in the "Comments" belo	W.	
6. Review Review the employee's answers and indicate whether you concur in	n the aurenvisor's recommendation. Evaluin your re	agen(a) in the anges below. Sign	
and date the form in the space provided.	Title Supervisor's recommendation. Explain your re	ason(s) in the space below. Sign	
Concur			
Nonconcur			
REVIEWER SIGNATURE		DATE	
7. Comments			

VI.	AGENCY ETHICS OFFICIAL REVIEW	
1. Name of Agency Ethics Official	2. Title of Agency Ethics Official	
3. Agency Ethics Official Contact Information		
TELEPHONE	FAX	
()	()	
CELL	EMAIL	
()		
4. Organization	-	
intermediate reviewer. Based on the information	rvisor's recommendation. Consider the assessment of any manag n provided and applying the standard for approval prescribed in 5 CF t be denied. Explain your reason(s) in the space below and describe Sign and date the form in the space provided.	FR 5501.106(d)(5), indicate whether
Request as described may be approved		
Request may be approved subject to cond	ditions noted in Comments Section	
Request as described must be denied		
Other disposition noted in Comments Sect	tion	
AGENCY ETHICS OFFICIAL SIGNATURE		DATE

6. Comments

1. Name of Agency Designee	E (APPROVING OFFICIAL) DETERMINATION	
1. Name of Agency Designee	2. Title of Agency Designee	
3. Agency Designee Contact Information	1	
TELEPHONE	FAX	
()		
CELL	EMAIL	
()		
4. Organization		
5. Decision Based on the foregoing statements and any supporting doc official, committee, or other intermediate reviewer, and the redetermination, pursuant to 5 CFR 2635.803 and 5 CFR 5501. Approved Approved subject to conditions Denied AGENCY DESIGNEE (APPROVING OFFICIAL) SIGNATURE	eview by the agency ethics official, the disposition indicated	below constitutes my written

VIII. NOTICES

APPROVAL OF AN OUTSIDE ACTIVITY DOES NOT RELEASE YOU FROM A CONTINUING LEGAL OBLIGATION TO DISQUALIFY YOURSELF FROM OFFICIAL ASSIGNMENTS AFFECTING YOUR OUTSIDE EMPLOYER OR THE ENTITY TO WHICH YOU ARE PROVIDING PERSONAL SERVICES. WHILE PERFORMING AN APPROVED OUTSIDE ACTIVITY, ANY ACTIONS TAKEN IN CONFLICT WITH APPLICABLE ETHICS LAWS MAY SUBJECT YOU TO CRIMINAL PROSECUTION OR DISCIPLINARY PROCEEDINGS.

Caution. When you consult, teach, speak, write, serve on a board, or work for a company, organization, or other entity outside your government job, your relationship with that outside entity has certain legal and ethical consequences. The approval of an outside activity does not mean that you are free of conflicts of interest. You must still follow all substantive ethics requirements after approval is granted. Consult the ethics regulations at 5 CFR 2635.802 and 5501.106(d)(5) which are reprinted below.

Conflicts Resolution. An approved HHS Form 520 does not signify that you need not be concerned about conflicts of interest. Under the law, conflicts of interest arising out of outside employment or service in a fiduciary position can be resolved in advance in only three ways: (1) you can inform your supervisor and disqualify yourself from participating in a conflicting government matter (often called a recusal); (2) you can seek, if certain legal requirements are satisfied, a separate legal document from your appointing official or designee that specifically permits you to work on the government matter (known as a waiver), or (3) you can resign from either your government or outside job. Outside relationships that fall short of actual employment or a fiduciary role pose similar appearance concerns that must be addressed under procedures in 5 CFR 2635.502.

Effect of Prior Approval. The outside activities prior approval process has very limited purposes. When a reviewer approves an HHS Form 520 for your outside activity, two fundamental assessments are being made, which are discussed below. You reasonably may rely on these specific determinations only if you provided all relevant information on the form and the circumstances under review do not thereafter change. You remain responsible for the legal and ethical consequences of any change in personal or business affairs or a change in your government duties.

First, based on the information which you provide, the reviewer determines whether your proposed activity is plainly prohibited by applicable statutes or regulations, including the provisions of the ethical standards governing appearances of impropriety. For example, if you want to lobby Federal agencies on behalf of a non-profit organization that employs you, prior approval will be denied because a criminal statute prohibits such representational activities.

Second, assuming your proposed activity is not specifically prohibited, the reviewer determines whether, under the circumstances, approval should be denied for other reasons specified under the law. For example, the reviewer may deny approval if the facts show that you used your government position to obtain an outside compensated business opportunity or if the activity would create the appearance that you are violating the law or the ethical standards. Another common reason for denying approval is that the outside activity may prevent you from handling work that is expected of you. Because the outside activity may cause you to have to disqualify yourself from a broad range of job assignments, or even a few crucial projects, that will affect your outside employer or the entity to which you provide personal services, it may be impossible for you to discharge fully your government duties.

If, however, your outside activity is approved, the reviewer has determined that the matters in which you will not be allowed to participate are not "so central or critical to the performance of [your] official duties" that your ability to perform the duties of your position would be materially impaired. In other words, you cannot work on a government matter affecting your outside employer, but the reviewer expects that you will be able to stay away from these assignments and still do your job.

Recusal Obligations. When performing your Federal duties, you must not participate in any government matter that will affect your own self-interest in continuing your outside job or activity. For example, you would have to disqualify yourself from participating in any official matter that might put your outside employer out of business or seriously affect its finances, either positively or negatively, so that the odds of your remaining employed are also affected. In addition, when you work for an outside employer or serve in a fiduciary role with an organization, the financial interests of that company or organization are considered to be your own. As a result, if the company or organization has a financial interest in how a government matter will be resolved, you cannot work on that matter. This means that you cannot work on a government matter that involves or affects your outside employer as a specific party, such as a contract, grant, audit, investigation, or litigation. The law also requires you to stay away from government matters that are larger in scope, such as deliberations and decisions on developing, implementing, or enforcing statutes, regulations, policies, studies, or proposals, that will have an effect on a large class of employers like the one for which you work on the outside. For example, if you were permitted to have an outside position as an employee of a hospital, a drug company, or a nonprofit organization, you could not participate personally in any significant way in a policy decision that affects the financial interests of the industry or organizational sector in which these employers operate. Under certain limited circumstances, a waiver for such "particular matters of general applicability" can be considered, if you notify your appointing official in advance and receive a written determination. Outside relationships that fall short of actual employment or a fiduciary role pose similar appearance concerns, but the recusal obligation is limited to specific party matters.

Scope of Recusal. Although many employees understand the need to disqualify themselves from participating in an official matter that affects their outside employer, they often believe erroneously that they can pick and choose among the various aspects of a particular matter and stay away only from the important decisions. Such incomplete recusals will not protect you from a criminal conflict of interest violation. Unless a waiver, approved in advance, identifies specific permitted activities, you must refrain entirely and absolutely from participating personally and substantially in a government matter that affects your own financial interest or that of an outside employer. When you are involved significantly in proposing, planning, advising, deciding, or implementing some official action, and you do so individually or by actively directing subordinates, your participation is personal and substantial.

EXCERPTS FROM THE STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SUPPLEMENTAL AGENCY ETHICS REGULATIONS:

TITLE 5 CODE OF FEDERAL REGULATIONS

§ 2635.802 Conflicting outside employment and activities.

An employee shall not engage in outside employment or any other outside activity that conflicts with his official duties. An activity conflicts with an employee's official duties:

- (a) If it is prohibited by statute or by an agency supplemental regulation; or
- (b) If, under the standards set forth in §§ 2635.402 and 2635.502, it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired.

Employees are cautioned that even though an outside activity may not be prohibited under this section, it may violate other principles or standards set forth in this part or require the employee to disqualify himself from participation in certain particular matters under either subpart D or subpart E of this part.

Example 1: An employee of the Environmental Protection Agency has just been promoted. His principal duty in his new position is to write regulations relating to the disposal of hazardous waste. The employee may not continue to serve as president of a nonprofit environmental organization that routinely submits comments on such regulations. His service as an officer would require his disqualification from duties critical to the performance of his official duties on a basis so frequent as to materially impair his ability to perform the duties of his position.

Example 2: An employee of the Occupational Safety and Health Administration who was and is expected again to be instrumental in formulating new OSHA safety standards applicable to manufacturers that use chemical solvents has been offered a consulting contract to provide advice to an affected company in restructuring its manufacturing operations to comply with the OSHA standards. The employee should not enter into the consulting arrangement even though he is not currently working on OSHA standards affecting this industry and his consulting contract can be expected to be completed before he again works on such standards. Even though the consulting arrangement would not be a conflicting activity within the meaning of § 2635.802, it would create an appearance that the employee had used his official position to obtain the compensated outside business opportunity and it would create the further appearance of using his public office for the private gain of the manufacturer.

§ 5501.106(d)(5) Standard for approval.

Approval shall be granted only upon a determination that the outside employment or other outside activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

Note: The granting of approval for an outside activity does not relieve the employee of the obligation to abide by all applicable laws governing employee conduct nor does approval constitute a sanction of any violation. Approval involves an assessment that the general activity as described on the submission does not appear likely to violate any criminal statutes or other ethics rules. Employees are reminded that during the course of an otherwise approvable activity, situations may arise, or actions may be contemplated, that, nevertheless, pose ethical concerns.

Example 1: A clerical employee with a degree in library science volunteers to work on the acquisitions committee at a local public library. Serving on a panel that renders advice to a non-Federal entity is subject to prior approval. Because recommending books for the library collection normally would not pose a conflict with the typing duties assigned the employee, the request would be approved.

Example 2: While serving on the library acquisitions committee, the clerical employee in the preceding example is asked to help the library business office locate a missing book order. Shipment of the order is delayed because the publisher has declared bankruptcy and its assets, including inventory in the warehouse, have been frozen to satisfy the claims of the Internal Revenue Service and other creditors. The employee may not contact the Federal bankruptcy trustee to seek, on behalf of the public library, the release of the books. Even though the employee's service on the acquisitions committee had been approved, a criminal statute, 18 U.S.C. 205, would preclude any representation by a Federal employee of an outside entity before a Federal court or agency with respect to a matter in which the United States is a party or has a direct and substantial interest.

PRIVACY ACT STATEMENT

The Ethics in Government Act, 5 U.S.C. App. § 101, et seq., Executive Order 12674, as amended by Executive Order 12731, Sections 301 and 7301 of Title 5 of the U.S. Code, and Sections 2635.803 and 5501.106(d) of Title 5 of the Code of Federal Regulations authorize the collection of this information. Disclosure of this information is mandatory for employees seeking prior authorization from an agency designee to pursue outside employment or activities pursuant to Sections 2635.803 and 5501.106(d) of Title 5 of the Code of Federal Regulations. Failure to provide all or part of the requested information may result in denial of the request for approval of the outside employment or activity. Falsification of information or failure to file or report information required to be reported may subject the employee to disciplinary action. Knowing and willful falsification of information required to be reported may subject the employee to criminal prosecution. The primary use of this information is to allow HHS supervisors, management officials, and agency ethics officials to make necessary determinations concerning employee requests for prior approval of outside employment or activities in order to prevent a conflict of interest or other violations of the statutes, regulations, and executive orders governing employee conduct. 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 confidential report will not be disclosed to any requesting person unless authorized by law. See the OGE/GOVT-2 Government-wide executive branch system of records.

STAPLE ATTACHMENTS TO THIS PAGE List each attachment in the space provided and append copies.

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Identify the part and item	number to which the addit	ional information refers.	

ADDITIONAL SPACE (continued) Identify the part and item number to which the additional information refers.



Department of Health and Human Services Office of the Secretary Office of the General Counsel Ethics Division Washington, DC 20201 (202) 690-7258