FOREIGN ACTIVITIES QUESTIONNAIRE

This form is intended for use by members of Federal advisory committees who are subject to legal restrictions concerning foreign activities. These limitations apply to all advisory committee members except for those who serve strictly in a representative capacity (e.g., industry representatives) ***AND*** *do not receive appointments as special Government employees. All other committee members are subject to the restrictions, regardless of the hiring mechanism used to obtain the member's services (e.g., a personnel appointment or a consulting contract). This form may also be used by ethics officials to gather information from full-time employees who have requested authorization for an outside activity that may involve a foreign entity. The foreign activities restrictions are described below.*

The Emoluments Clause. This provision of the United States Constitution prohibits anyone who holds an "Office of Profit or Trust" in the Government from accepting a position with a foreign state, whether compensated or uncompensated, or from accepting any compensation or other items of value, including salary, honoraria, and travel expenses, from a foreign state, except as authorized by Congress. The Department of Justice has advised that members of Federal advisory committees are deemed to hold an "Office of Profit or Trust" within the meaning of the Emoluments Clause unless they serve strictly in a representative capacity. For purposes of the Emoluments Clause, a "foreign state" is deemed to include an **international organization** in which the United States in NOT a member. In addition, a **foreign public university** is presumed to be part of the foreign state, unless the university is independent of the foreign government with respect to decisions regarding the terms and conditions of faculty appointment. In all cases, the employee or committee member will bear the burden of obtaining and providing to the agency information sufficient to make such determinations.

The Foreign Gifts and Decorations Act. Under this statutory provision, Congress has authorized employees, including advisory committee members, to accept items from a foreign government that do not exceed "minimal value" (currently $390). This figure is adjusted periodically for inflation; agency staff responsible for the committee can provide the most current information on minimal value. Tangible items over minimal value that have been accepted must be turned in to the agency and become Government property. The Act authorizes acceptance of items over minimal value when such items consist of an educational scholarship, medical treatment, or expenses for travel taking place entirely outside the United States (thus, permitting hotel and meal reimbursements in the foreign country, but not airfare for flights originating or terminating in the United States). By statute, Congress has extended to spouses and dependent children of employees the ban on gifts over minimal value; however, they are not covered by the ban on holding titles or positions or from accepting salary or compensation for services performed for a foreign state.

Foreign Agent Prohibition. An employee cannot act as an "agent of a foreign principal," as defined by the Foreign Agents Registration Act (FARA), or as a "lobbyist" for a foreign entity required to register under the Lobbying Disclosure Act (LDA). The FARA ban prohibits representation of a foreign government or foreign political party before the United States Government as well as other activities conducted on behalf of foreign entities with respect to influencing the United States Government or public. The FARA contains an exception for activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits. The LDA ban prohibits lobbying of a covered legislative or executive branch United States official on behalf of certain foreign entities.

Name: _____ **Committee Assignment:** _____
(or employee title)

Daytime Telephone: _____ **Mailing Address:** _____

_____

E-mail Address: _____ _____
(Optional)

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1. Describe any activities you are currently undertaking, or expect to undertake during your tenure on a Federal advisory committee (or as a Federal employee), involving a foreign government, including a foreign public university or government-owned corporation. Such activities include consulting work, receipt of grants or contracts (directly or through your domestic employer), faculty appointments, lectureships, or the holding of an office, title, or position.

   If none, check here. ☐

2. If any activity described above is with a foreign public university and consists of a faculty appointment, describe whether the university is independent of the foreign government with respect to decisions regarding the terms and conditions of faculty employment. (You may need to consult with a point of contact at the foreign university to obtain such information.)

3. Describe any tangible or intangible gift, including travel reimbursement or other items of value, that you anticipate that you, your spouse, or your dependent child will receive from a foreign government during your tenure on a Federal advisory committee (or as a Federal employee).

If none, check here. ☐

4. Describe any activities you are currently undertaking, or expect to undertake during your tenure on a Federal advisory committee (or as a Federal employee), that involve (or will involve) lobbying before the United States Government on behalf of a foreign entity, or will involve representation or other activity on behalf of a foreign government, foreign political party, or other foreign entity and rendered with the intent to influence the United States Government or public with respect to the domestic or foreign policies of the United States, or with respect to the interests, policies, or relations of a foreign government or foreign political party.

If none, check here. ☐

I certify that the statements I have made on this form and any attached materials are true, complete, and correct to the best of my knowledge. I understand that there is a continuing obligation to update the information contained herein, and to bring such information to the agency's attention, during my tenure on a Federal advisory committee (or as a Federal employee)

_____ _____

Signature of Reporting Individual Date

PRIVACY ACT STATEMENT: This information is requested under the authority of section 301 of title 5, U.S. Code, which authorizes agencies to issue regulations with regard to employment of individuals in the Federal service. Under the Emoluments Clause, U.S. Constitution, article I, § 9, cl. 8, a Federal employee cannot receive any present, emolument, office, or title from a foreign state without the consent of Congress. Under the Foreign Agents Registration Act, 18 U.S.C. § 219, an employee cannot act as an agent of a foreign principal or as a lobbyist on behalf of a foreign entity that is required to register under the Lobbying Disclosure Act. The information disclosed on this form will be used by HHS officials to determine whether an employee or prospective employee, including a special Government employee serving on an advisory committee, is eligible to undertake, or remain, in Federal service. In addition, this information may be used: (1) by an appropriate Federal, state, local, or foreign 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; (2) by a Federal, state, or local agency maintaining enforcement records or other pertinent records; (3) by Federal agencies with power to subpoena other Federal agencies' records; (4) by private firms with which the Department may contract for purpose of collating, analyzing, aggregating or otherwise refining records; (5) by a Congressional office, pursuant to an inquiry made at the request of the individual who is the subject of the record; and (6) by the Department of Justice in defense of litigation. Although the furnishing of this information is voluntary, failure to provide this information may result in an agency determination that an individual is not eligible to undertake, or to continue, service as a Federal employee, including service as a member of an advisory committee.