

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

Executive Branch

Why Must I File?	The duties and responsibilities of your position require you to file the Confidential Financial Disclosure Report to avoid involvement in a real or apparent conflict of interest. The purpose of this report is to assist employees and their agencies in avoiding conflicts between official duties and private financial interests or affiliations. The information you provide will only be used for legitimate purposes, and will not be disclosed to any requesting person unless authorized by law. (See the Privacy Act Statement at the bottom of this page.) Please ensure that the information you provide is complete and accurate.
When Must I File?	New Entrants: The report is due within 30 days of your assuming a position designated for filing, unless your agency requests the report earlier or your agency grants you a filing extension. Annual Filers: The report is due no later than February 15, unless your agency grants you a filing extension.
What is the Reporting Period?	New Entrants: Report the required information for the 12 months preceding your filing of this form. Annual Filers: Report the required information for the preceding calendar year (January 1 – December 31).
What if I Have Questions?	If you have any questions about how to complete this form, please contact your ethics official or go to the Office of Government Ethics web site at www.oge.gov and select OGE Form 450: Confidential Financial Disclosure Report under Forms Library .

PENALTIES

Falsification of information or failure to file or report information required to be reported may subject you to disciplinary action by your employing agency or other authority. Knowing and willful falsification of information required to be reported may also subject you to criminal prosecution.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674 (as modified by Executive Order 12731), and 5 CFR Part 2634, Subpart I, of the Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this form is for review by Government officials of your agency, to determine compliance with applicable Federal conflict of interest laws and regulations. Additional disclosures of the information on this report may be made pursuant to the routine uses set forth in OGE/GOVT-2: (1) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) to 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; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) to the Department of Justice or in certain legal proceedings when the disclosing agency, and employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (7) to reviewing officials in a new office, department or agency when an employee transfers from one covered position to another, (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record, and (9) to contractors and other non-Government employees working for the Federal Government to accomplish a function related to this OGE Governmentwide system of records. This confidential report will not be disclosed to any requesting person unless authorized by law. See also the OGE/GOVT-2 Executive Branch Confidential Financial Disclosure Reports Privacy Act system of records.

Public Burden Information

It is estimated that completing this form, including reviewing the instructions and gathering the data needed, takes an average of one hour. No private citizen is required to respond to a collection of information unless it displays a currently valid OMB control number as printed in the top right-hand corner of the first page of this form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Program Counsel, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW, Washington, DC 20005-3917. Do not send your completed OGE Form 450 to this address.

Date Received by Agency

Page Number

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

Executive Branch

Employee's Name (<i>Print last, first, middle initial</i>)		E-mail Address	
Position/Title		Grade	
Agency		Branch/Unit and Address	
Work Phone	Reporting Status New Entrant ☐ Annual ☐		If New Entrant, Date of Appointment to Position (<i>mm/dd/yy</i>)
Check box if Special Government Employee (SGE) ☐	An SGE is an executive branch officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any consecutive 365-day period.		
If an SGE, Mailing Address (<i>Number, Street, City, State, ZIP Code</i>)			

Step 1: Read the instructions for Parts I through V on the following pages.

Step 2: For each statement below, check Yes or No to describe your situation.

I. I have reportable assets or sources of income for myself, my spouse, or my dependent children.	Yes ☐	No ☐
II. I have reportable liabilities (debts) for myself, my spouse, or my dependent children.	Yes ☐	No ☐
III. I have reportable outside positions for myself.	Yes ☐	No ☐
IV. I have reportable agreements or arrangements for myself.	Yes ☐	No ☐
NOTE: Statement V is for <u>annual</u> filers only. It does not apply to new entrants and SGEs. V. I have reportable gifts or travel reimbursements for myself, my spouse, or my dependent children.	Yes ☐	No ☐

Step 3: If you selected Yes for any statement, you must describe the reportable interests that you have in the corresponding Part (I, II, III, IV, or V) of the form.

Step 4: Sign and date the form.

Step 5: Submit the completed form to your ethics office.

I certify that the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge.

Signature of Employee	Date (<i>mm/dd/yy</i>)
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FOR REVIEWERS' USE ONLY:

On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations, except as noted in the "comments" box below.	
Signature and Title of Supervisor/Other Intermediate Reviewer (<i>if required by the agency</i>)	Date (<i>mm/dd/yy</i>)
E-mail Address	Phone Number
Signature and Title of Agency's Final Reviewing Official	Date (<i>mm/dd/yy</i>)
Comments of Reviewing Officials	
(Check box if continued on additional page ☐)	

Save

Print

Employee's Name (Print last, first, middle initial)	Page Number
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Part I: Assets and Income

Report for Yourself, Spouse, and Dependent Child: - Assets held for investment with a value greater than \$1,000 at the end of the reporting period OR assets held for investment which produced more than \$200 in income during the reporting period, including but not limited to: - Assets such as stocks, bonds, annuities, trust holdings, partnership interests, life insurance, investment real estate, or a privately-held trade or business - Sector mutual funds: those funds invested in a particular industry, business, or location such as ABC Electronics Fund or XYZ Canada Fund (report the <u>full</u> name of the fund, not just the general family fund name) - Holdings of retirement plans, such as 401(k)s or IRAs (list each holding except diversified mutual funds) - Holdings of investment life insurance - Holdings of variable annuities - Defined benefit pension plans provided by a former employer (include the name of the employer)	Do Not Report: - Federal Government retirement benefits - Thrift Savings Plan - Certificates of deposit, savings or checking accounts - Term life insurance - Money market mutual funds and money market accounts - Your personal residence, unless you rent it out - Diversified mutual funds, such as ABC Equity Value Fund or XYZ Large Capital Fund - U.S. Government Treasury bonds, bills, notes, and savings bonds - Money owed to you, your spouse, or dependent child by a spouse, parent, sibling, or child
Also Report: <u>For yourself:</u> (1) all sources of salary, fees, commissions, and other earned income greater than \$200, (2) honoraria greater than \$200, and (3) other non-investment income such as scholarships, prizes, and gambling income greater than \$200 <u>For your spouse:</u> (1) all sources of salary, fees, commissions, and other earned income greater than \$1,000, and (2) honoraria greater than \$200	Do Not Report: - Dependent child's earned income - Veterans' benefits - Federal Government salary - Social Security benefits

Important Definitions

Diversified Mutual Fund – A mutual fund that does not have a stated policy of concentrating its investments in one industry, business, or single country other than the United States.
Sector Mutual Fund – A mutual fund that concentrates its investments in an industry, business, single country other than the United States, or bonds of a single state within the United States.
Dependent Child – A son, daughter, stepson or stepdaughter who is either unmarried and under age 21 and living in the filer's house, or considered dependent under the U.S. tax code.

Reportable Information – Go to the last page to see examples of how to report assets and income.

Specific stock, bond, sector mutual fund, type/location of real estate, etc. <i>(Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.)</i> Name of Employer or Business; Source of Fees, Commissions, or Honoraria <i>(Include brief description.)</i> You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
1	☐
2	☐
3	☐
4	☐
5	☐

Employee's Name (<i>Print last, first, middle initial</i>)	Page Number
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Part I: Assets and Income
Continuation Page

Specific stock, bond, sector mutual fund, type/location of real estate, etc. (<i>Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.</i>) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (<i>Include brief description.</i>) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
1	☐
2	☐
3	☐
4	☐
5	☐
6	☐
7	☐
8	☐
9	☐
10	☐
11	☐
12	☐
13	☐
14	☐
15	☐
16	☐
17	☐
18	☐
19	☐
20	☐

Employee's Name (<i>Print last, first, middle initial</i>)	Page Number
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Part II: Liabilities

Report for Yourself, Spouse, and Dependent Child:	Do Not Report:
- A liability over \$10,000 owed at any time during the reporting period, other than a loan from a financial institution or business entity granted on terms made available to the general public - A loan over \$10,000 from an individual, such as a friend or a business associate	- Any liability, such as a mortgage, a student loan, or a credit card account, from a financial institution or business entity granted on terms made available to the general public - Loans secured by automobiles, household furniture, or appliances, unless the loan exceeds the purchase price of the item it secures - Liabilities that you owe to your spouse or to the parent, sibling, or child of you, your spouse, or your dependent child

Reportable Information – Go to the last page to see examples of how to report liabilities.

Name of creditor (<i>include city and state where creditor is located</i>)	Type of liability (<i>personal loan, margin account, etc.</i>)
1	
2	

Part III: Outside Positions

Report for Yourself:	Do Not Report:
- All positions outside the U.S. Government held at any time during the reporting period, whether or not you were compensated and whether or not you currently hold that position. Positions include an officer, director, employee, trustee, general partner, proprietor, representative, executor, or consultant of any of the following: - Corporation, partnership, trust, or other business entity - Non-profit or volunteer organization - Educational institution	- Any position with a - Religious entity - Social entity - Fraternal entity - Political entity - Any position held by your spouse or dependent child - Any position that you hold as part of your official duties

Reportable Information – Go to the last page to see examples of how to report outside positions.

Organization (<i>include city and state where organization is located</i>)	Type of organization	Position	No longer held
1			☐
2			☐
3			☐
4			☐
5			☐
6			☐

Employee's Name (<i>Print last, first, middle initial</i>)	Page Number
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Part IV: Agreements or Arrangements

Report Your Agreements or Arrangements for:	Do Not Report:
- Continuing participation in an employee pension or benefit plan maintained by a former employer - A leave of absence - Future employment, including date you accepted employment offer - Continuation of payment by a former employer (including severance payments)	- Any agreement or arrangement related to your employment by the Federal Government - Spouse's and dependent child's agreements or arrangements

Reportable Information – Go to the last page to see examples of how to report agreements and arrangements.

Entity with which you have an agreement or arrangement (<i>include city and state where entity is located</i>)	Terms of Agreement or Arrangement
1	
2	
3	
4	

Part V: Gifts and Travel Reimbursements

Fill out this part only if you are filing an Annual Report. If you are a new entrant or an SGE, skip this part.

Report for Yourself, Spouse, and Dependent Child:	Do Not Report:
- Travel-related reimbursements (items such as lodging, transportation, and food) totaling more than \$375* from any one source during the reporting period; include where you traveled, the purpose, and date(s) of the trip - Any other gifts totaling more than \$375* from any one source during the reporting period *If you received more than one gift from one source: - Determine the value of each item you received from that source - Ignore each item valued at \$150 or less - Add the value of those items valued at more than \$150; if the total is more than \$375, then you must list those items on this form	- Anything received from relatives, the U.S. Government, D.C., state, or local governments - Bequests and other forms of inheritance - Gifts and travel reimbursements given to your agency in connection with your official travel - Gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises - Anything received by your spouse or dependent child totally independent of their relationship to you

Reportable Information – Go to the last page to see examples of how to report gifts and travel reimbursements.

Source	Description
1	
2	
3	

EXAMPLES

Part I: Assets and Income

Specific stock, bond, sector mutual fund, type/location of real estate, etc. (Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (Include brief description.) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
XYZ Japan Fund (Example of sector mutual fund)	☐
OGE Energy (Example of stock that produced more than \$200 in capital gains)	☒
(S) OGC Communications (Example of stock held in a 401(k) plan)	☐
ABC Healthcare Fund (Example of sector fund held in a variable annuity)	☐
Rental Condo, Anchorage, AK (Example of investment real estate)	☐
Bryggadune University – former employer	☒
(S) Express Medical Clinic – employer	☐
Association of Accountants – honoraria	☐

Part II: Liabilities

Name of creditor (city and state)	Type of liability (personal loan, margin account, etc.)
John Jones (Denver, CO)	Personal loan from a friend
ANW Investment Company (San Francisco, CA)	Margin account

Part III: Outside Positions

Organization (city and state)	Type of organization	Position	No longer held
Bryggadune University (Memphis, TN)	Educational institution	Professor	☒
ISK Family Trust (Boynton Beach, FL)	Family Trust	Trustee	☐
Scenic Rivers Association (Nashville, TN)	Non-profit environmental organization	Member, Board of Directors	☒

Part IV: Agreements or Arrangements

Entity with which you have an agreement or arrangement (include city and state where entity is located)	Terms of Agreement or Arrangement
Dee, Jones & Smith (San Diego, CA)	Will receive pension benefits (defined benefit plan) (Example of continuing participation in an employee pension or benefit plan by a former employer)
Hartford & Brown (San Diego, CA)	Employment agreement with Hartford & Brown. Starting work as attorney in July 2012. Entered into agreement in October 2011. (Example of agreement for future employment)

Part V: Gifts and Travel Reimbursements

Source	Description
Dee, Jones & Smith	Leather briefcase (Example of a gift totaling more than \$375 from one source)
CGH Culinary Institute	Airline ticket, hotel room, and meals incident to culinary seminar in Tokyo, Japan from May 1-5, 2011 (Example of travel reimbursement)

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 is 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)

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.

NIH ADVISORY COMMITTEE NOMINEE/MEMBER CERTIFICATION FORM

On June 18, 2010, President Barack Obama issued a Presidential Memorandum announcing a continued commitment to reduce the influence of special interests by keeping federal advisory committees and boards free of federally registered lobbyists. The Office of Management and Budget (OMB) was directed to issue final guidance to implement this directive following a public comment period. On October 5, 2011, OMB, published "Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions." The prohibition on the appointment of federal registered lobbyists applies to appointments and re-appointments made after June 18, 2010.

Appointing Officials or their delegates/designees must ensure, at least annually, that advisory committee, temporary, SEP, subcommittee and working group members are not federally registered lobbyists. Members that become federally registered lobbyists after an appointment must resign or be removed from advisory committee service.

Identification of Member Type

Check Appropriate Nominee/Member Type

☐

Potential Nominee

☐

Current Member

☐

Meeting Attendee

(Temporary or Special Emphasis Panel)

Name of Committee (workgroup/subcommittee)_____

Nominee/Member/Attendee Certification

I certify that the following is true:

I am not a federally registered lobbyist*

Printed Name

Signature

Date

*former lobbyists must meet criteria outlined in section A1 of OMB's *Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions* published in the Federal Register on 10/5/2011.

HELPFUL HINTS FOR COMPLETION OF OGE-450 FORM

Instructions for Special Government Employees (SGEs)

This document is to be used along with the instructions on the OGE-450 form to help you accurately complete your Confidential Financial Disclosure report for the preceding twelve month period. Examples of completed sections are included on the last page of the OGE-450.

PART I: ASSETS AND INCOME

REMEMBER TO INCLUDE THE SOURCES OF INCOME AND THE ASSETS OF YOUR SPOUSE AS WELL AS THE ASSETS OF ANY DEPENDENT CHILDREN

- **ASSETS AND INCOME** Assets and income sources must be fully identified (include the full name of any sector mutual funds). **Widely diversified mutual funds do not need to be reported.** Non-Federal employment for yourself is reported in Parts I and III. Non-Federal employment for your spouse is reported in Part I only.
- **BROKERAGE ACCOUNTS** You must specify the underlying assets held within any brokerage account you maintain. As indicated in the form's instructions, this is to include all stocks, bonds, non-diversified funds, and other reportable assets that are reported to you. Dollar amounts should not be included.
- **NO LONGER HELD** If an income-producing asset that produced more than \$200 in capital gains was not held at the close of the reporting period, the "no longer held" column should be checked
- **RETIREMENT ACCOUNTS**
 - See Attachment 1 for description of various pension plans and personal retirement accounts and instructions for reporting these.
 - List the underlying holdings in any IRA, 401(k), or other pension plan in which you control the investments (except for widely diversified mutual funds). See discussion above re brokerage accounts.
- **HONORARIA** Sources of honorarium greater than \$200 must be reported for yourself and spouse. Include date and organization name.
- **PARTNERSHIPS** Partnerships—list business activity and address (city and state)
- **REAL ESTATE** Rental/investment real estate—address reported (city and state). Personal residence should not be reported.

- **NON-FEDERAL EARNED INCOME** Sources of earned income (over \$200) reported in PART I for a non-Federal position that you held within the last year should also be reported in PART III.

Part II: LIABILITIES

- **REPORT** Report for yourself, spouse, and dependent child a liability over \$10,000 owed at any time during the reporting period, other than a loan from a financial institution or business entity granted on terms made available to the general public. Report a loan over \$10,000 from an individual, such as a friend or a business associate.
- **DO NOT REPORT** Student loans, mortgages, and loans from financial institutions made at publicly available rates.

PART III: OUTSIDE POSITIONS (NON-FEDERAL)

- Report your employment as well as positions with professional societies (i.e., Board, Committee, or Subcommittee member, not general membership or fellow), entities served within the last year as officer, director, trustee, editorial board member, advisory board member, general partner, agent, attorney, consultant, or contractor

PART IV: AGREEMENT OR ARRANGEMENTS

- Include former employer retirement or severance plan(s) in which you continue to participate
- Include formal negotiations or agreements with potential employer

PART V: GIFTS AND TRAVEL REIMBURSEMENT

- **NOT APPLICABLE – Do Not Complete, If you are a new entrant or an SGE, skip this part**

Final Checklist Before Submission of Your Report

- Certification block on signature page is signed and dated
- Appropriate “Yes” and “No” boxes checked on signature page and all Parts checked “Yes” are completed
- Page number is listed sequentially on each page
- Any attachments to the form are labeled and clearly referenced to the appropriate part

Pension Interests

Defined Benefit Plan – Employer makes contribution to a pool which it holds and invests for all participating employees – employees may know in advance the amounts of their future benefits or at a minimum know the formula that determines the amount – The filer must disclose name of the employer providing plan, identify the type of pension plan on Part I and also disclose plan for filer but not spouse on Part IV.

Defined Contribution Plan – Employees make contributions to the employer who maintains a separate account for each employee – either the employees or an independent manager chooses how the contributions will be invested – the benefits upon retirement depend on the performance of the plan's assets – The filer must disclose the name of the employer and the **underlying assets** on Part I and also disclose plan for filer but not spouse on Part IV.

TIAA-CREF – All of the funds that make up the CREF Variable Annuity Accounts are diversified mutual funds. These funds do not need to be reported on the OGE 450 report. TIAA Traditional is an annuity and must be reported on Part I. The TIAA-CREF plan must also be reported on Part IV (Arrangements and Agreements) for the filer only if he/she has a continuing agreement with his/her current or former institution(s).

Personal Retirement Accounts

Individual Retirement Accounts (IRAs) – Generally a bank, brokerage or mutual fund account that the employee has designated as a tax-deferred retirement account – **All** IRAs are “self-directed” so all underlying assets might need to be disclosed – they are not Excepted Investment Funds – there is reportable income generated even though the income is reinvested – The filer must disclose on Part I the underlying assets if they are reportable.

Simplified Employee Pension (SEPs) – Tax deferred plan for small employers with 25 employees or fewer – SEPs are “self-directed” – not a continuing obligation of the employer once contributions are made – The filer must disclose on Part I the underlying assets if they are reportable.

Keogh Plans (HR -10 plan) – Tax deferred pension account for self-employed persons and employees of unincorporated businesses – Keogh plans are self-directed – not a continuing obligation of the employer – The filer must disclose on Part I the underlying assets if they are reportable.

401 (K) Plans – An arrangement in which employees place pre-tax earnings into a tax-deferred retirement account that the private industry employer creates and maintains – employer holds funds in trust until the employee reaches a specified age or leaves

employer – plans are self-directed – not a continuing obligation for the employer – The filer must disclose on Part I the underlying assets if they are reportable.

Samples of Reporting Mutual Funds, Pension Interests, and Personal Retirement Accounts

Incorrectly Listed

(Do not list diversified mutual funds)

Fidelity Mutual Funds

TIAA

IRAs or 401(K) Plans

Correctly Listed

(List full name of sector funds)

Fidelity Advisor Health Care Fund
Vanguard Health Care Fund

TIAA Traditional
TIAA International
TIAA Real Estate

Merrill Lynch IRA which includes:
AT&T Stock
Janus Twenty
Pfizer Stock

Ethics Information for Special Government Employees: Emoluments Clause of the U. S. Constitution

The Emoluments Clause of the United States Constitution applies to all U.S. Government employees, including Special Government Employees (SGE's). The Clause places constitutional limitations on a SGE advisory committee member's employment by a foreign government, including political subdivisions of a foreign government. This provision has particular relevance to positions with foreign universities that are government-operated rather than private institutions. United States Constitution, art. I 9, cl. 8.

The Emoluments Clause **applies at all times during an SGE's appointment**, and not just the periods of time during their actual duty on behalf of NIH. During an SGE's advisory committee appointment, they cannot be an employee of a foreign government entity. Without the consent of Congress, they cannot receive any present, emolument, office, or title of any kind whatsoever from a foreign state. They cannot accept concurrent outside employment with a foreign government or a political subdivision of a foreign government, including a public university or commercial enterprise* owned or operated by a foreign government. The constitutional ban does not apply to employment with, or presents or emoluments received from, a foreign privately owned corporation or an international organization. An emolument includes salary, honoraria, transportation, per diem allowances, household goods shipment costs, and housing allowances.

Under the Foreign Gifts and Decorations Act, 5 U.S.C. 7342, Congress has authorized employees, including advisory committee members, to accept items from a foreign government that do not exceed minimal value (currently \$375). 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. The statutory restriction on gifts over minimal value extends to the spouse and dependents of the employee.

The restrictions of the Emoluments Clause are constitutional, and are not matters of policy that can be waived or reconsidered. Questions regarding possible conflicts relating to the Emoluments Clause may be referred to the Deputy Ethics Counselor for the institute the SGE committee member advises, or to the Committee's Executive Secretary.

* A list of foreign entities that are considered independent of their foreign government may be found at: <http://ethics.od.nih.gov/Topics/foreign.htm>

Special Government Employees and Foreign Activities

All U.S. Government employees, including most of those appointed as Special Government Employees (most SGEs serving on NIH Institute/Center Advisory Councils, and some Program Advisory Committees), are subject to legal restrictions concerning foreign activities. SGEs are Government employees who are appointed to temporary service on an advisory committee or, in some cases, as individual experts or consultants. Although SGEs may spend fewer than 10 days per year in an NIH position, many Government regulations apply to them, including the Emoluments Clause of the U.S. Constitution, which may limit acceptance of funds from foreign sources.

All SGEs are required to complete and submit the enclosed Foreign Activities Questionnaire, HHS 697 form. Some have found the questions and process confusing. Questions may arise concerning what is allowable and whether prior commitments made to foreign entities can be fulfilled while serving as an SGE for the NIH. This information sheet provides additional information, answers questions, clarifies the information required by the Foreign Activities Questionnaire, and provides names, phone numbers, and email addresses of people to contact for further clarification. We want to reassure you that we will work to resolve any problems, and usually you will be able to carry out all of your activities.

To whom and when does the Emoluments Clause apply?

- The Emoluments Clause applies to all Government employees, including most SGEs.
- The Emoluments Clause applies at all times during your appointment, not just the dates you are actually at the NIH.

What is the Emoluments Clause?

- The Emoluments Clause of the U.S. Constitution prohibits Government employees, including most SGEs, from accepting any title, office, position, employment, emolument or gift from a foreign government or political subdivision of a foreign government, including certain public universities or commercial enterprises owned or operated by a foreign government, absent Congressional consent. Congressional consent for exceptions is found in the Foreign Gifts and Decorations Act.
- Emoluments include salary, honoraria, transportation, per diem allowances, household goods, shipment costs, and housing allowances.
- Exceptions include gifts less than \$335, or gifts that cover an educational scholarship, medical treatment, or expenses for travel taking place entirely outside the U.S. (including hotel and meal reimbursements in the foreign country, but not airfare for flights originating or terminating in the United States).

What foreign activities should I report under Question 1 of the Foreign Activities Questionnaire?

- Government employees, including most SGEs, cannot accept any title, office, position, or employment, from a foreign government or political subdivision of a foreign government. You, therefore, need to report this type of activity for evaluation.
- A spouse or dependent child is permitted to hold a title or position and accept salary or compensation from a foreign entity. You are NOT required to report these activities on the HHS 697 form.

What is meant by a foreign government or political subdivision of a foreign government? Question 2 of the Foreign Activities Questionnaire asks me to describe whether the foreign university is independent of the foreign government. How would I know this? How do I respond to this?

- A foreign government or political subdivision includes certain public universities, commercial enterprises owned or operated by a foreign government, and international organizations of which the U.S. is not a member.
- NIH ethics officials and advisory committee personnel will determine, with your assistance, if a foreign entity is independent of its government.
- The following criteria are considered when evaluating the status of foreign entities:
 - independence of management;
 - who makes personnel decisions;
 - are the members of the governing board appointed by the entity or by the Government;
 - to whom does the governing board report;
 - is the underlying source of funds a foreign government;
 - the nature of the proposed activity; and
 - the type of foreign entity/institution.

To find out if an organization is considered to be a foreign government or entity, please see the Contacts list at the end of this document.

Question 3 of the Foreign Activities Questionnaire asks me to describe tangible or intangible gifts that I anticipate receiving from foreign entities during my tenure as an SGE. What should I be reporting here?

- Gifts - if valued at more than \$335 dollars: these can be accepted only for an educational scholarship, medical treatment, or expenses for travel taking place entirely outside the U.S.
- If, at anytime during your service, you have a question about whether you may accept a gift, please contact your Committee Management Officer or Deputy Ethics Counselor (see Contacts).

Are there any exceptions?

Because the Emoluments Clause is a part of the U.S. Constitution, waivers cannot be granted. However, NIH officials will work with you to determine whether certain activities may be permitted with those foreign entities otherwise considered part of a foreign government. Congressional consent affords certain exceptions to the rule, details of which can be found in the **Foreign Gifts and Decorations Act**. We have compiled the following list of guiding principles to help you determine which activities and gifts are exempt, and which are not.

- Tangible gifts valued at \$335 or less are exempt.
- Expenses for travel started and completed outside the U. S. are allowed.
- If the foreign activity is being done as part of your regular employment, and travel reimbursement is made to your employer rather than to you, then the activity will be permitted and travel beginning and ending in the U.S. can be reimbursed as long as the facts are consistent with your employer's historical "sponsored travel" practice.

If you have any questions about exceptions, please contact either your Committee Management Officer or Deputy Ethics Counselor (see Contacts).

As an SGE, what do I have to do with respect to the Emoluments Clause?

- You have to complete HHS-697 form, Foreign Activities Questionnaire, prior to your appointment, and yearly during your term of service.
- You must list all foreign institutions with which you have an activity. If you wish, you may obtain prior clearance for foreign activities from the Committee Management Officer or Deputy Ethics Counselor of the NIH Institute or Center with which you are working.
- If your Committee Management Officer or Deputy Ethics Counselor determines that a foreign institution has a relationship with its government, your options will be discussed with you.
- If, at any time during your service you have a question, please contact your Committee Management Officer or Deputy Ethics Counselor (see Contacts).
- You must not make representations to the U.S. Government on behalf of, or at the behest of, a foreign government, foreign political party or other foreign entity. If you are conducting such activities, they must be reported in Question 4 of the Foreign Activities Questionnaire.

If you have any questions with regard to this policy or information requested on the Foreign Activities Questionnaire, please contact:

IC Committee Management Officers <http://www1.od.nih.gov/cmo/about/index.html>
<choose About Us and click on OFACP & CMO Staff Directory>

IC Deputy Ethics Counselors <http://ethics.od.nih.gov/decs.htm>

References:

HHS-697 Foreign Activities Questionnaire
<http://www1.od.nih.gov/cmo/ethics/main.html>

NIH Administrative Fact Sheet for Special Government Employees
<http://www1.od.nih.gov/cmo/ethics/main.html>