



**United States  
Department of  
Agriculture**

**Food Safety  
and Inspection  
Service**

**FSIS Directive  
4735.9**

**Revision 1**

# **Ethics and Conflicts of Interest**

# ETHICS AND CONFLICTS OF INTEREST

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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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# FSIS DIRECTIVE

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4735.9  
REVISION 1

8/22/07

## ETHICS AND CONFLICTS OF INTEREST

### PART ONE—BASIC PROVISIONS

#### I. PURPOSE

This directive establishes the Agency's policy and procedures regarding ethical employee conduct. It is not applicable to bargaining unit employees of the Office of International Affairs.

#### II. CANCELLATION

This directive cancels FSIS Directive 4735.9, dated 7/25/06. Part Three, paragraph VI. of this directive cancels FSIS Directive 4735.2, Approving Purchase of Products from Plants, dated 3/28/85.

#### III. REASON FOR REISSUANCE

This directive is revised to update:

- A. The annual filing deadline.
- B. Purchase of Product and Equipment Regulations.
- C. Form OGE-450 and delete Form AD-1202.

#### IV. REFERENCES

5 CFR 2634	Financial Disclosure Statements
5 CFR 2635	Standards of Ethical Conduct for Employees of the Executive Branch
5 CFR 2638	Executive Agency Ethics Training Programs
5 CFR 8301	Supplemental Standards of Ethical Conduct for Employees of the Department of Agriculture
9 CFR 306.4	Assignment and Authorities of Program Employees

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**DISTRIBUTION:**  
All Employees

**OPI:**  
OM – Office of the Assistant Administrator

5 U.S.C. 7324-7327	Hatch Act
5 U.S.C. 7432	Foreign Gifts and Decorations Act
12 U.S.C. 601-624	Federal Meat Inspection Act
18 U.S.C. 201	Bribery and Illegal Gratuities
18 U.S.C. 203	Compensated Representational Activities
18 U.S.C. 205	Representation
18 U.S.C. 207	Post Employment Restrictions
18 U.S.C. 208	Conflicting Financial Interests
18 U.S.C. 209	Dual Compensation
41 U.S.C. 423	Procurement Integrity Act
FSIS Directive 1050.1	Requesting Participation at Non-FSIS Sponsored Meetings and Events
FSIS Directive 2540.3	Telephone Equipment and Services
FSIS Directive 4310.2	Employment of Relatives
FSIS Directive 4630.3	Witnesses in Judicial Proceedings
FSIS Directive 4771.1	Administrative Grievance System
USDA Bulletin 735-1	USDA Employee Responsibilities and Conduct
USDA Regulation 3300-1	Telecommunications & Internet Services and Use

V. **ABBREVIATIONS AND FORMS**

The following appear in their shortened form in this directive:

AA	Assistant Administrator
CFR	Code of Federal Regulations
LMA	Labor Management Agreement
FMIA	Federal Meat Inspection Act
OGE	Office of Government Ethics
OIG	Office of the Inspector General
OM	Office of Management
PAEA	Program Area Ethics Adviser
SGE	Special Government Employee
U.S.C.	United States Code

FSIS Form 4735-2	Conflict of Interest Statement
FSIS Form 4735-3	Request for Approval of Outside Employment or Activity
OGE-450	Confidential Financial Disclosure Report
SF-278	Public Financial Disclosure Report

VI. **POLICY**

- A. Employees must follow the ethical conduct principles set forth in:
1. Applicable laws.
  2. Regulations.

3. Executive orders.

B. The Agency provides employees with:

1. Training on ethics and conflict of interest matters. Employees receive the training to increase their knowledge and accountability.

2. A copy of the Standards of Ethical Conduct.

C. FSIS is a regulatory agency governed by supplemental laws and regulations. As such, employees are held to a higher ethical standard than other employees of the Executive Branch.

D. Employees who violate Agency requirements or regulations are not subject to disciplinary action if the employees:

1. Engage in conduct in good faith reliance upon the advice of an Agency Ethics official.

2. Seek advice and fully disclose all relevant circumstances.

E. Employees who knowingly engage in conflict of interest situations are subject to disciplinary or adverse action.

## VII. DEFINITIONS

A. **Blended Family.** Any of various social units differing from but regarded as equivalent to the traditional family.

B. **Conflict of Interest.** A situation in which an employee's official duties are in direct contrast, or give the appearance of such contrast, to their own personal gain where a reasonable person with all of the facts may question the integrity of their involvement.

C. **Corporation.** A company comprised of more than one establishment, entity, or subsidiary.

D. **Employee.** An individual currently working for FSIS, including full-time, part-time, intermittent, detailees, and SGEs.

E. **Establishment.** A single or complex managed plant that does not encompass the entire corporate umbrella.

F. **Extended Family.** In-laws, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, aunt, uncle, niece, nephew, cousin, grandparents, and grandchildren.

G. **Financial Disclosure.** Annual disclosure of all financial holdings or conflicts of interest by employees whose duties and responsibilities meet OGE's filing criteria.

H. **Gift.** Any present, gratuity, entertainment, loan, unusual discount, special consideration, or thing of monetary value.

I. **Immediate Family.** Mother, father, sister, brother, spouse, or child.

J. **Imputed Interests.** Members of the employee's household, business and financial relationships; close relatives; organizations in which a spouse, parent or dependent child serves as an officer; any non-Federal employer in the last year and organizations in which the employee is an active participant.

K. **Non-partisan.** An election where the candidates have no political party affiliation or involves a question or issue which is not specifically identified with a political party (**example:** constitutional amendment, referendum, or ordinance).

L. **Outside Source.** Any person, corporation, business, or entity outside the Federal Government.

M. **Office of Government Ethics.** The agency tasked with overseeing ethics of Federal employees of the Executive Branch.

N. **Particular Matter.** A matter that involves deliberation, decision, or action that focuses on the interest of a specific person or discrete or identifiable class of persons.

O. **Partisan.** An election where the candidates have political party affiliation or involves a question or issue which is specifically identified with a political party.

P. **Personal Relationship.** Dating, living with, engagement, or financial (**examples:** child support, alimony, palimony, or general household finances).

Q. **Political Party.** A party whose candidate for presidential election received votes in the last preceding election.

R. **Prohibited Source.** A person, company or organization where the majority of members do business with FSIS or seek to do business with FSIS, conducts FSIS regulated activities, or has interests that may be substantially affected by FSIS' performance or nonperformance of duties.

S. **Representation.** A person acting as another persons attorney or agent, or knowingly communicating to, or appearing before, Federal employees with the intent to influence their official duties. The communication may either be oral or written.



T. **Special Government Employee.** An individual retained, designated, appointed, or employed by the Federal Government to perform temporary duties, with or without compensation, for not more than 130 days during any consecutive 365 day period on a full-time or intermittent basis.

## VIII. **RESPONSIBILITIES**

A. **USDA Designated Ethics Official.** The USDA official designated as USDA's primary ethics official.

B. **FSIS Deputy and Assistant Deputy Ethics Officials.** Officials responsible for overseeing the ethics program.

C. **FSIS Ethics Officer.** Individual responsible for Agency ethics program day-to-day operation. The Ethics Officer or designee decides all ethics determinations. Day-to-day operation includes but is not limited to:

1. Making conflict of interest determinations.
2. Approving outside employment and activities.
3. Ethics training.
4. Financial disclosure statement review process.

D. **Program Area Ethics Advisers.** Employees who assist the Ethics Officer by providing advice and guidance to employees in their program areas on ethics and conflict of interest matters. Designated PAEAs are trained by the Ethics Officer on ethics and conflict of interest matters.

### E. **Supervisors.**

1. Should ensure that ethics requirements are included in the annual performance review as part of the employee and supervisory discussion pertaining to USDA and Agency regulations on employee responsibilities and conduct.

2. Should refer employees to the Ethics Office regarding questions involving ethics and conflicts of interest.

3. Are required to have a working knowledge of the ethics rules and regulations to make recommendations to the Ethics Office on the propriety of an employee's activities.

4. Subject themselves to possible disciplinary action if they fail to report known conflicts of interest or take other appropriate action.

F. **Labor and Employee Relations Specialists.** Are responsible for having a working knowledge of ethics and conflict of interest matters to perform the duties and responsibilities of their positions.

G. **Employees.** Must abide by all ethics related statutes, regulations, and policies. In addition, employees should endeavor to avoid actions creating the appearance that they are violating the law or the ethical standards. Employees who find themselves in an actual conflict, a potential conflict, or in a situation that could give the appearance of a conflict of interest shall immediately make known to their supervisor the nature of the situation. The employee shall state any suggestions as to how the situation may be remedied. Employees who fail to make such situations known within 15 days may be subject to disciplinary or adverse action. Employees shall disclose fraud, waste, abuse, and corruption to appropriate authorities.

IX. **ADDITIONAL INFORMATION**

- A. Changes to procedures in this directive require AA, OM approval.
- B. Contact the Agency Ethics Office for further information on:
  - 1. The contents of this directive.
  - 2. Ethics-related questions or concerns.

## **PART TWO—STANDARDS OF ETHICAL CONDUCT**

### **I. GENERAL PRINCIPLES**

The following are fundamental principles for ethical conduct:

A. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

B. Employees shall not hold financial interests that conflict with the conscientious performance of duty.

C. Employees shall not engage in financial transactions using nonpublic Government information or allow improper use of such information to further any private interest.

D. Employees shall not solicit or accept any gift or item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

E. Employees shall put forth honest effort while performing their duties.

F. Employees shall not knowingly make unauthorized commitments or promises that involve binding the Government.

G. Employees shall not use public office for private gain.

H. Employees shall act impartially and not give preferential treatment to any private organization or individual.

I. Employees shall protect and conserve Federal property and shall only use it for authorized activities.

J. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

K. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

L. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

M. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or disability.

N. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards. An appearance of a violation is based on the perspective of a reasonable person with knowledge of the facts.

## II. GIFTS FROM OUTSIDE SOURCES

### A. Prohibited Gift Acceptance.

1. Employees and members of their immediate family must not solicit or accept:

- a. Gifts from prohibited sources.
- b. Items given because of the employee's official position.

2. The FMIA provides that all employees authorized to perform duties under the Act are prohibited from receiving anything of value given with the intent to influence their performance of official duties. The Agency holds that all things of value except in subparagraph B., are given with the intent to influence. Specifically, employees may not accept gifts or engage in business and financial dealings (**example:** buying, selling, or trading) with regulated establishments or their employees.

### B. Exceptions.

1. OGE regulations provide exceptions to prohibiting gift acceptance from entities with which Federal employees conduct business. However, these exceptions do not apply to Agency personnel covered by the FMIA.

2. USDA entered into a Memorandum of Understanding with the Attorney General of the United States which specifies that the following circumstances either have no prosecutive merit or do not constitute acceptance of a thing of value:

a. Exchanging social gifts in family or personal relationships when the relationship rather than the business is the motivating factor (**examples:** employee and parents, spouse, employee's children, or close personal friends).

b. Accepting loans from banks or other financial institutions on customary terms to finance proper and usual employee activity (**examples:** automobile and home mortgage loans).

c. Accepting unsolicited advertising or promotional material of low value (**examples:** pens, pencils, note pads, calendars and other things of nominal value). Accepting gifts such as meat products, alcoholic beverages, boxes of candy, wallets, jewelry and cufflinks are strictly prohibited.

d. Exchanging an occasional customary social courtesy that is free of embarrassing or improper implications and has low value (**examples:** a soft drink or cup of coffee).

e. Accepting food and refreshments of nominal value on infrequent occasions when the interest of the Government is served by the participation of Agency employees in industry-sponsored activities at which a luncheon or dinner may be served, and where the discussion of matters of mutual interest to the Government and industry will take place. Only authorized employees may accept participation in non-FSIS sponsored meetings and events under this exception. (Refer to FSIS Directive 1050.1).

3. Products and services offered by establishment employees and advertised to the general public are not considered gifts from outside sources. FSIS employees must pay fair market value and provide information showing that their knowledge of the goods or services was through the advertisement and not from any official affiliation with the regulated industry.

**C. Gifts from a Foreign Entity.** The Foreign Gifts and Decorations Act permits employees to accept gifts, presents, decorations, or other things from a foreign government or agent under certain circumstances. Employees may only accept a gift from a foreign entity if:

1. It has nominal value and refusing the gift would likely cause offense or embarrassment, or would otherwise adversely affect foreign relations.

2. Employees are attending an event sponsored by a foreign government where a meal is being served and refusing the meal could embarrass the Agency.

**D. Disposal of Prohibited Gifts.** If an employee receives a prohibited gift, the employee must immediately forward it to the Agency Ethics Office for disposal.

### III. GIFTS BETWEEN EMPLOYEES

A. Employees may not give a gift to their supervisor, anyone higher up the chain of command, or any higher-paid employee except when the gift is:

1. From a lesser-paid employee who is not your subordinate and there is a personal relationship that is the basis for the gift.

2. Given during an occasion in which gifts are traditionally exchanged and the item is worth less than \$10.
3. Food or refreshments shared among FSIS employees.
4. Connected with personal hospitality (**example:** a bottle of wine) when being invited to someone's home.
5. Given for an infrequently occurring occasion of personal significance (**example:** marriage, illness, or birth).
6. Given for an occasion that terminates the subordinate or supervisory relationship (**example:** retirement).

B. No employees can pressure or coerce an employee to contribute or specify the contribution amount.

C. There are no restrictions or prohibitions on supervisors giving gifts to subordinate employees. However, supervisors should be conscious of the appearance of impartiality or favoritism when distributing gifts.

#### IV. **CONFLICTING FINANCIAL INTERESTS**

Employees may not have direct or significant involvement, in their official capacity, in particular matters that affect their financial interests. Involvement includes decisions, approvals, disapprovals, recommendations, advice, and investigations. All restrictions contained in this paragraph also apply to imputed financial interests.

A. Employees are prohibited from acquiring or holding any financial interest that the Agency determines would create a conflict of interest with the performance of their duties.

B. Employees are prohibited from participating in matters where their impartiality may be questioned because of a financial interest unless they receive authorization from the Agency's Ethics Officer.

#### V. **IMPARTIALITY AND POSITION MISUSE**

A. Employees must not give preferential treatment to anyone. Employees must inform their supervisor and the Agency Ethics Office before becoming involved in situations where their official duties could affect their financial interest or imputed interest of another.

B. Employees are prohibited from using their public office, position, or title for personal gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives or persons or organizations with which employees are affiliated (**example:** nonprofit organizations).

C. Employees are prohibited from engaging in financial transactions using nonpublic information gained by their Federal employment, allowing the improper use of nonpublic information to further their private gain or knowingly disclosing nonpublic information.

D. Employees must put forth an honest effort in the performance of their duties during official time. Supervisors cannot encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties, or authorized by law or regulation.

## VI. EQUIPMENT USE

A. Telecommunication equipment includes telephones, copiers, fax machines, printers, and computer software and hardware.

B. Employees are authorized limited personal use of Government-owned telecommunications equipment when use:

1. Involves minimal expense to the Government.
2. Does not interfere with official business.

C. Personal use should normally take place during the employee's personal time (**example:** lunch or break periods).

D. Employees may not use telecommunication equipment for:

1. Earning an outside income or for private gain.
2. Sexually explicit materials.
3. Use that congests, delays, or disrupts service and equipment.
4. Gaining unauthorized access into other systems.
5. Chain letters or other mass mailings.
6. Illegal, inappropriate, or offensive material.
7. Material related to illegal gambling, illegal weapons, or terrorist activities.
8. Outside fundraising activities, endorsing products or service, lobbying, or partisan political activity.
9. Posting Agency information to external groups without authorization.

## VII. **PROPERTY USE**

A. Employees are authorized limited personal use of Government-owned or leased property under the same terms listed in paragraph VI.

B. Government property includes tangible or intangible purchases with Government funds. This includes, but is not limited to:

1. The services of contractor personnel.
2. Office supplies.
3. Records and documents.

C. Employees should refrain from using establishment property (**examples:** copier, fax machine) unless there are no other resources available and you reimburse the establishment for the use. It is advised that employees maintain a receipt documenting the reimbursement and maintain control of Agency documents at all times. Alternative resources are usually available in places like post offices, commercial copy centers, and drug stores.

D. Agency officials may approve arrangements for transporting employees to and from the worksite in company-owned vehicles during hazardous or unusually severe weather conditions and other emergency situations. All approvals must be documented in writing and employees will not be held accountable for any conflict of interest or the appearance of a conflict as a result of the acceptance. Employees are not required to accept such transportation from a company-owned or authorized vehicle.

## VIII. **OUTSIDE EMPLOYMENT AND ACTIVITIES**

A. All permanent Agency employees are required to obtain written approval for outside employment or activity from the appropriate AA prior to engaging in the activity by completing FSIS Form 4735-3. Employees are required to review and certify previously approved outside employment and activities every 4 years and identify any changes based upon their current duties and responsibilities. Written approval is required whether the employment or activity is paid or unpaid.

B. If outside employment or activity is denied, the employee has the right to appeal the decision through the negotiated or administrative grievance system. Employees should defer to the LMA or FSIS Directive 4771.1.

C. The following do not require prior written approval:

1. Employees in non-permanent positions; however, their other employment must not present a conflict with their FSIS duties.
2. Memberships or volunteer work with charitable, religious, social, fraternal, recreational, public service, civic, or similar nonbusiness and nonprofit organizations.



3. Simple membership in professional organizations. **NOTE:** If an employee holds an official position within the organization or has decision-making authority with respect to the organization, the employee must obtain prior approval from the Agency.

4. Performance of duties in the Armed Forces, Reserve, or National Guard.

5. Acting as an officer of a labor organization pursuant to Title VII of the Civil Service Reform Act of 1978.

D. Employees are prohibited from engaging in outside employment or activities that conflict with their official duties or give the appearance of a conflict of interest. The Ethics Office determines requests for employment with any regulated corporation on a case-by-case basis. In addition, financial interests as a result of a spouse's or dependent child's income are imputed interests.

E. Specific outside employment situations related to meat and poultry may be authorized under certain circumstances. Examples include, but are not limited to:

1. **Meatcutting or Butchering.** Generally authorized provided:

a. Meat sold at the store does not originate from the establishment where the employee is assigned.

b. The store is not under Federal or state inspection.

c. Management of the store is not connected to management of any regulated establishment.

2. **Farming or Raising Livestock.** Generally authorized provided there is no conflict or appearance of a conflict with the financial connection between the sale of materials, livestock, or poultry to regulated establishments. Livestock sales through public auction and grain through community elevators is acceptable.

3. **Veterinarian Practices.** Generally authorized provided there are no known business dealings with regulated establishments or their employees (including immediate family).

4. **Consultant in Food Safety Issues.** Generally authorized provided there is no direct impact or influence on the meat and poultry industry that may transgress FSIS policies.

F. Employees are prohibited from accepting compensation or honoraria from outside sources for teaching, speaking or writing if it is related to their official duties. Teaching, speaking, and writing are deemed associated with official duties if the:

1. Invitation was extended directly or indirectly by someone whose interests may be substantially affected by the performance or nonperformance of the employee's official duties.

2. Invitation was extended primarily because of the employee's official duties.

3. Subject matter deals with an ongoing or announced FSIS policy, program, or operation.

4. Information presented draws substantially upon nonpublic information.

5. Activity is undertaken as part of an employee's official duties.

G. An employee may receive compensation for teaching a course requiring multiple presentations by the employee if the course is offered as part of a regularly established curriculum of an elementary, secondary, or higher education school. Approval from the appropriate AA for outside employment or activity is required.

H. Employees are encouraged to seek approval to engage in outside employment or activities from the appropriate AA for service in outside organizations. These activities can lead to conflicts of interest by virtue of the type of:

1. Actions employees take on behalf of the outside organization.

2. Official actions employees take in the performance of their FSIS duties that affect the outside organization.

I. Employees may not:

1. Accept outside compensation from a non-Federal organization if their participation is deemed to be part of their official duties.

2. Participate in any matter before the Agency that in any way affects the financial interests of the outside organization for which they are serving in any capacity.

3. Act as a representative for the outside organization before any Federal Government agency, whether or not such representation is compensated.

4. Solicit money for the outside organization from anyone in the industry that the Agency regulates or does business with, or from subordinates.

5. Use their official title or position in a manner that appears to endorse outside organizations.

J. Employees may not have direct or significant involvement, in their official capacity, in particular matters involving a person or company from whom they are seeking non-Federal employment.

1. Employees are considered “seeking employment” when they:
  - a. Make an unsolicited communication to a prospective employer about a job.
  - b. Do not immediately reject an unsolicited offer from a prospective employer.
  - c. Engage in discussions or negotiations with a prospective employer regarding possible employment.
2. Employees are no longer considered “seeking employment” when they:
  - a. Reject the possibility of employment and all discussions end.
  - b. Do not receive a response, after 2 months, to an unsolicited resume submission.
3. Deferring discussions until the future does not terminate the “seeking employment” restrictions outlined in this directive. The rules also apply to communications through an agent (**example:** job search firm) if the employee knows the identity of the prospective employer.

K. Employees must disqualify themselves from duties that may affect the financial interests of a prospective employer.

L. Employees are under no obligation to disclose their activities if a future employment search does not fit the criteria in subparagraph J.

M. Employees may engage in fundraising activity as long as they do not use their official title, position or authority to further the effort, it is not conducted at the Federal workplace, and a subordinate is not solicited either at or away from the Federal workplace. Fundraising is interpreted as applying to the solicitation of funds as well as participation in the conduct of a fundraising event. The only permissible fundraising activity in the Federal workplace is for the Combined Federal Campaign. Collection of in-kind items (**examples:** canned goods, clothes, blankets, etc.) is permissible and does not have to be part of the Combined Federal Campaign.

N. Canvassing for sales, or selling, any article (including but not limited to candy or other items for schools or charities; kitchenware or other home furnishings; paper products; cosmetic products; or any other items) in person or by distributing or posting literature, advertising matter, or any other graphic matter, in or on Government-owned or -leased property, or property occupied by the Department is prohibited.

O. Employees are permitted to lobby Congress individually or collectively on any subject as long as employees represent themselves as private citizens, conduct the lobbying effort on their own time, and in no manner use Government appropriated funds or equipment.

**PART THREE—STATUTES, REGULATIONS, AND POLICY RELATED TO  
ETHICAL CONDUCT**

**I. ASSIGNMENT RESTRICTIONS AND FAMILY OR PERSONAL  
RELATIONSHIPS**

A. Do not assign, in any capacity, employees to any establishment where:

1. A member of the employee's immediate family is employed by the establishment regardless of the positions held by either party. (See Part One, subparagraph VII.I. for definition.)

2. Extended family members work in a supervisory, managerial or policy-making capacity at the establishment or are employed by the establishment and resides with the employee. (See Part One, subparagraph VII.F. for definition.)

3. They are engaged in a personal relationship with an establishment employee. (See Part One, subparagraph VII.P. for definition.)

4. They have product inspected or graded or their immediate family has product inspected or graded.

B. Deviations to the above Agency policy may be made on a case-by-case basis when related to blended families. These decisions shall be made by the Agency Ethics Officer prior to employment and or assignment.

C. Generally family members indirectly employed by the establishment through contracting positions are not considered a conflict of interest regarding the assignment of Agency employees. However, contractor responsibilities that directly relate to inspection (**example**: sanitation) must be reviewed for any potential conflicts of interest.

D. Employees with regulatory oversight responsibilities must complete and file FSIS Form 4735-2:

1. At the commencement of their employment or change in assignment (**example**: lateral reassignment or promotion).

2. At any time when an employee has personal knowledge that an immediate or extended family member accepts employment at an establishment where they perform regulatory duties.

3. When they are applying for vacant positions at an establishment where an immediate or extended family member is employed.

## II. EXEMPTIONS

A. The appropriate AA may grant exemptions from the policy in this paragraph when there is a clear showing that such prohibitions would result in a severe economic or personal hardship for the employee.

B. Employees seeking an exemption must make their requests in writing to the appropriate AA through supervisory channels. Each supervisor should provide comments and a recommended action on the request before forwarding it to the next higher level. Address exemptions to the attention of the Ethics Office. Employees must provide the following information:

1. Name, title, series, grade, organizational unit, and location.
2. Name of the relative and their relationship to the employee.
3. Position title and duties performed by the relative.
4. Name and type of establishment.
5. Duration of the employee's assignment and the relative's employment with the establishment in question.
6. An explanation of the proximity and level of interaction between the employee and their relative at the work site.
7. A detailed account of the economic or personal hardship that would be experienced if the employee were to be reassigned.
8. Any other pertinent facts.

C. When an AA denies an exemption request, the employee has the right to appeal the decision through the negotiated or administrative grievance systems. Employees should defer to the LMA or Directive 4771.1.

## III. ASSIGNMENT RESTRICTION AND PREVIOUS EMPLOYMENT

A. Employees who previously worked for a regulated corporation for any amount of time during the year prior to becoming an FSIS employee, may not be assigned, in any capacity, to establishments under their previous employer's corporate umbrella for a period of 1 year upon commencement of their FSIS employment. This 1-year prohibition pertains to new hires, intermittents, and permanent employees applying for a reassignment or promotion.

B. On a case-by-case basis, the appropriate AA may authorize the employee or applicant to forego the 1-year "waiting" period based on a determination that the interest of the Government outweighs the concern that a reasonable person may question the integrity of the Agency's programs and operations. The following factors are taken into consideration:

1. Nature of the employee's duties with the former employer.
2. Nature of the personal relationship between the employee and the former employer.
3. Adverse financial effect that resolution of the matter would have upon the employee involved.
4. Degree to which the employee exercises discretion in making decisions affecting the former employer.
5. Difficulty involved in reassigning another FSIS employee.
6. Adjustments required to reduce or eliminate questioning the employee's impartiality.

C. Employees may not be assigned, in any capacity, to any establishment owned or affiliated with a corporation from which they are receiving an annuity or pension. The AA may grant exemptions to this prohibition if the best interest of the Agency outweighs a possible perception of a financial conflict of interest.

#### **IV. SUPERVISORY OVERSIGHT RESTRICTIONS**

A. FSIS employees authorized to take or recommend action to appoint, employ, evaluate, promote, advance, or assign work to a person or position in the Agency may not participate in matters likely to directly or significantly effect financial interest of a family member, a household member, or persons with whom they are engaged in a personal relationship unless the employee receives specific authorization from the Ethics Office.

B. Employees should refer to FSIS Directive 4310.2 for detailed policy and procedures on this topic.

#### **V. BRIBERY AND ILLEGAL GRATUITIES**

A. If you are offered a bribe, immediately report the facts of the case to OIG by the most expeditious means available. Do not disclose information reported to the OIG or that it was reported to the OIG or the Federal Bureau of Investigation. The Agency maintains a listing of appropriate OIG reporting points.

B. Employees who believe they are the personal subject of a bribery investigation have the right to contact a representative of their choice.

## **VI. PURCHASE OF PRODUCT AND EQUIPMENT**

A. Employees may purchase products, personally or through another individual, from an establishment only if the establishment operates a public retail operation where the employee and the general public can both purchase the product at the same price. However, the employee cannot be distinguishable through clothing, insignia, or other apparel as an FSIS employee. This also includes establishments other than the employees assigned duty station.

B. Employees may purchase equipment necessary to perform their official duties directly from the establishment only if the equipment is purchased at fair market value and reimbursement is submitted to the Agency through the proper channels.

## **VII. PROCUREMENT INTEGRITY**

A. Employees may not obtain or knowingly disclose contractor bid or proposal information or source selection information to anyone not authorized to receive such information.

B. Employees involved in procurements must promptly report to their supervisor if they contact or are contacted by a bidder on an Agency contract regarding employment with that bidder. In this situation an employee must refrain from further involvement in the procurement activity until the offer is rejected or negotiations for future employment have terminated.

C. Employees who worked on a contract in excess of 10 million dollars cannot receive compensation from that contractor within 1 year after the employee:

1. Served as a contracting officer, member of a source selection board, or chief of a technical evaluation team.

2. Served as a program manager, deputy program manager, or administrative contracting officer.

3. Personally made certain decisions such as approving an award, modification, task or delivery order, establishing overhead, or settling a claim.

D. Employees involved in Agency procurement activity should familiarize themselves with the Procurement Integrity Act.

## **VIII. POLITICAL ACTIVITY – THE HATCH ACT**

All permanent full and part-time employees are subject to the provisions of the Hatch Act. Intermittents are subject only when they are engaged in Government business. The Hatch Act places restrictions on the political activity of Government employees.



- A. Employees may not engage in the following political activity:
1. Use their official authority or influence to interfere with an election.
  2. Be a candidate for public office in partisan elections.
  3. Wear political buttons on duty.
  4. Engage in political activity while on duty.
  5. Engage in political activity in any Government office.
  6. Engage in political activity while using a Government vehicle.
  7. Knowingly solicit or discourage the political activity of any person who has business before the Agency.
  8. Solicit, accept or receive political contributions unless both individuals are members of the same Federal labor organization or employee organization and the one solicited is not a subordinate employee.
- B. Employees may engage in the following political activity:
1. Be a candidate for public office in nonpartisan elections.
  2. Register and vote as they choose.
  3. Assist in voter registration drives.
  4. Express opinions about candidates and issues.
  5. Contribute money to political organizations.
  6. Attend political fundraising functions.
  7. Attend and be active at political rallies and meetings.
  8. Join and be an active member of a political party or club.
  9. Sign nominating petitions.
  10. Campaign for or against referendum questions, constitutional amendments, municipal ordinances.
  11. Campaign for or against candidates in partisan elections.

12. Make campaign speeches for candidates in partisan elections.
13. Distribute campaign literature in partisan elections.
14. Hold office in political clubs or parties including serving as a delegate to a convention.

## IX. **POST EMPLOYMENT RESTRICTIONS**

All employees are subject to basic prohibitions, after they cease Federal employment, that affect representing another person, company, or entity, before any agency of the Federal Government regarding a particular matter involving specific parties.

A. **Permanent Bar.** Former employees are subject to a lifetime ban on communicating to or appearing before the Government on behalf of their new employer or anyone else regarding specific party matters in which they had direct and significant involvement during their entire Government service.

### B. **One-Year Bar.**

1. Former Senior Executive Service members may not knowingly make any communication or appearance before FSIS on behalf of anyone seeking official action for 1 year after completing their Government service. This restriction also applies to senior level staff members who receive basic pay equal to or greater than 86.5 percent of a Level II Executive Schedule salary.

2. Political Appointees may not knowingly make any communication or appearance before USDA on behalf of anyone seeking official action for 1 year after completing their Government service.

3. These restrictions do not apply to acts done in carrying out official duties as an employee of and on behalf of:

- a. A state or local government.
- b. An accredited, degree granting institution of higher education.
- c. A non-profit hospital or medical research organization.

C. **Two-Year Bar.** If a particular matter was pending under the employee's official responsibility during their last year of service and involved specific parties during that time, the employee is barred from "representing" them before the Government for 2 years from the date of separation. "Pending under the employee's official responsibility" means that the matter actually was received by the employee, or by those assigned under the employee, for action during the employee's last year of service. The employee's specific involvement does not have to be direct or significant for this restriction to apply.

**X. TESTIFYING ON OFFICIAL MATTERS**

A. Employees are prohibited from testifying on any official matter in judicial or administrative proceedings without first notifying their supervisor and receiving appropriate authorization.

B. Employees are referred to FSIS Directive 4630.3 for detailed policy and procedures.

**XI. ETHICS TRAINING REQUIREMENTS**

A. All employees must receive and review the Standards of Ethical Conduct for Employees of the Executive Branch within 90 days of the commencement of their employment. The appropriate servicing personnel office provides employees with a copy of the Standards and employees are given time during their orientation to review them.

B. Employees required to complete the annual ethics disclosure statements and designated Ethics Advisors must receive annual ethics training. Employees entering into one of these positions will receive ethics training within 90 days of entering the position.

## **PART FOUR—ETHICS DISCLOSURE STATEMENTS**

### **I. EMPLOYEES REQUIRED TO FILE ETHICS DISCLOSURE STATEMENTS**

Certain employees are required to annually report their financial holdings or certify that their personal interests do not pose a conflict of interest with their official duties. There are two types of ethics disclosure statements: Public Financial Disclosure (SF-278) and Confidential Financial Disclosure (OGE-450). The Agency will notify covered employees of the OGE requirement to complete annual financial disclosure reports. Employees are responsible for disclosing this information for review by the Ethics Office to determine if any of the disclosed information creates or gives the appearance of a conflict of interest in relation to their official duties. Failure to provide the information as requested can lead to disciplinary or adverse action.

A. All Senior Executive Service and Senior Level employees are required to annually file the SF-278 with the Department's Office of Ethics. The information contained in these statements may be made available to the general public through Freedom of Information Act requests.

B. Employees in positions having duties and responsibilities requiring them to have direct or significant involvement through decision or the exercise of judgment in taking a Government action are required to annually file the OGE-450. Information contained in these statements is only available to those employees in the Agency with the authority and need to know. No information is made available to the general public. These positions include, but are not limited to, duties encompassing:

1. Contracting or procurement personnel.
2. Administering grants, subsidies, licenses, or other federally conferred financial or operational benefits.
3. Independent regulatory, auditing, or investigatory authority over any non-Federal entity.
4. Other activities in which the final decision or action will have a direct or substantial economic effect on the interests of any non-Federal entity.
5. SGEs.

## II. GENERAL INSTRUCTIONS FOR FILING

All SF-278 and OGE-450 filers receive detailed instructions regarding the filing process when they enter a position meeting the criteria to file an annual ethics disclosure. These employees must file the appropriate ethics disclosure form within 30 days of entering the position. In addition, all ethics disclosure filers (SF-278 and OGE-450) must file an annual statement.

### A. All employees required to file an SF-278:

1. File their form directly with the Department's Office of Ethics for review and certification.
2. Must file an annual form by May 15<sup>th</sup> of each year unless the new entrant form was filed within the last 60 days.
3. Are subject to a \$200 fine if their form is not filed by the appropriate deadline and no extension is granted.
4. Are subject to any decisions regarding the need to divest a financial holding made by the Department.

### B. All employees required to file an OGE-450 (or OGE Optional Form 450-A for previous filers with no new reportable interests):

1. File their form directly with the Agency's Ethics Office for review and certification.
2. Should not route their form through regular supervisory channels due to the confidential nature of the information being disclosed.
3. Must file an annual form by February 15<sup>th</sup> of each year unless the new entrant form was filed within the last 60 days. SGEs file within 30 days of appointment and annually thereafter.
4. Are subject to any decisions regarding the need to divest a financial holding made by the Agency Ethics Office.

## III. REVIEW OF ETHICS DISCLOSURE STATEMENTS

A. When insufficient information is supplied or questionable entries appear, employees must provide an elaboration on the data submitted.

B. When a conflict or the appearance of a conflict is determined, one of the following remedial actions is taken:

1. Change the employee's assignment so that their official participation no longer presents a conflict of interest.

2. Establish an ethics agreement between the Agency and the employee outlining specific prohibitions and restrictions applicable to their specific situation.

3. The employee can voluntarily, or be directed to, sell or otherwise divest their self of the interest that causes the conflict of interest.

4. The Agency may request a waiver from OGE.

C. When remedial action is ordered, employees have the right to request a review and modification of the determination. Make all requests in writing to the Department's Office of Ethics no more than 15 calendar days after receiving the determination. The document should set forth all the facts, circumstances, and an alternative solution.

#### IV. **RETENTION OF ETHICS DISCLOSURE STATEMENTS**

All ethics disclosure statements are kept for 6 years and then destroyed.

for   
Assistant Administrator  
Office of Management

# Executive Branch Personnel Public Financial Disclosure Report

Date of Appointment, Candidacy, Election, or Nomination (Month, Day, Year)	Reporting Status (Check Appropriate Boxes)	Incumbent <input type="checkbox"/>	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate <input type="checkbox"/>	Termination Filer <input type="checkbox"/>	Termination Date (If Applicable) (Month, Day, Year)
Last Name: _____ First Name and Middle Initial: _____						
Title of Position: _____ Department or Agency (If Applicable): _____						
Address (Number, Street, City, State, and ZIP Code): _____ Telephone No. (Include Area Code): _____						
Title of Position(s) and Date(s) Held: _____						
Position(s) Held with the Federal Government During the Preceding 12 Months (If Not Same as Above): _____						
Name of Congressional Committee Considering Nomination: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
Name of Congressional Committee Considering Nomination to Create a Qualified Diversified Trust? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Signature of Reporting Individual: _____ Date (Month, Day, Year): _____						
Signature of Other Reviewer: _____ Date (Month, Day, Year): _____						
Signature of Designated Agency Ethics Official/Reviewer: _____ Date (Month, Day, Year): _____						
Signature: _____ Date (Month, Day, Year): _____						
Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)						

**Fee for Late Filing**  
 Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a \$200 fee.

**Reporting Periods**  
**Incumbents:** The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.  
**Termination Filers:** The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

**Nominees, New Entrants and Candidates for President and Vice President:**  
**Schedule A-** The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.  
**Schedule B-** Not applicable.  
**Schedule C, Part I (Liabilities)-** The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.  
**Schedule C, Part II (Agreements or Arrangements)-** Show any agreements or arrangements as of the date of filing.  
**Schedule D-** The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

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OGE Use Only

Reporting Individual's Name

# SCHEDULE A

Page Number

## Assets and Income

### BLOCK A

For you, your spouse, and dependent children report each asset held for investment or the production of income which had a fair market value exceeding \$1,000 at the close of the reporting period, or which generated more than \$200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding \$200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than \$1,000 (except report the actual amount of any honoraria over \$200 of your spouse).

None

### Examples

- Central Airlines Common
- Doe Jones & Smith, Hometown, State
- Kempstone Equity Fund
- IRA: Heartland 500 Index Fund

## Valuation of Assets at close of reporting period

### BLOCK B

None (or less than \$1,001)	
\$1,001 - \$15,000	x
\$15,001 - \$50,000	
\$50,001 - \$100,000	x
\$100,001 - \$250,000	
\$250,001 - \$500,000	
\$500,001 - \$1,000,000	
Over \$1,000,000*	
\$1,000,001 - \$5,000,000	
\$5,000,001 - \$25,000,000	
\$25,000,001 - \$50,000,000	
Over \$50,000,000	

## Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item.

### BLOCK C

Type	Amount	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
None (or less than \$201)			
\$201 - \$1,000			
\$1,001 - \$2,500	x		
\$2,501 - \$5,000			
\$5,001 - \$15,000			
\$15,001 - \$50,000			
\$50,001 - \$100,000			
\$100,001 - \$1,000,000			
Over \$1,000,000*			
\$1,000,001 - \$5,000,000			
Over \$5,000,000			

Law Partnership Income \$130,000

\* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.



Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

SF 278 (Rev. 03/2000)  
 5 C.F.R. Part 2634  
 U.S. Office of Government Ethics

Reporting Individual's Name

**SCHEDULE B**

Page Number

**Part I: Transactions**

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None

Identification of Assets	Transaction Type (X)			Date (Mo., Day, Yr.)	Amount of Transaction (X)												
	Purchase	Sale	Exchange		\$1,001 - \$15,000	\$15,001 - \$50,001	\$50,001 - \$100,001	\$100,001 - \$250,001	\$250,001 - \$500,000	\$500,001 - \$1,000,000	\$1,000,001 - \$5,000,000	\$5,000,001 - \$25,000,000	\$25,000,001 - \$50,000,000	\$50,000,001 - \$250,000,000	\$250,000,001 - \$500,000,000	Over \$500,000,000	Certificate of divestiture
Example Central Airlines Common	X			2/1/99			X										
1																	
2																	
3																	
4																	
5																	

\*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

**Part II: Gifts, Reimbursements, and Travel Expenses**

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than \$260; and (2) travel-related cash reimbursements received from one source totaling more than \$260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. Exclude anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth \$104 or less. See instructions for other exclusions.

None

Source (Name and Address)	Brief Description	Value
Examples Nat'l Assn. of Rock Collectors, NY, NY Frank Jones, San Francisco, CA	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty) Leather briefcase (personal friend)	\$500 \$300
1		
2		
3		
4		
5		

Prior Editions Cannot Be Used.

Reporting Individual's Name

# SCHEDULE C

Page Number

## Part I: Liabilities

Report liabilities over \$10,000 owed to any one creditor at any time during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None

Examples	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (x)
1	First District Bank, Washington, DC John Jones, 123 J St., Washington, DC	Mortgage on rental property, Delaware Promissory note	1991 1999	8% 18%	25 yrs. on demand	Over \$50,000,000 \$50,000,000 - \$100,000,000 \$25,000,000 - \$50,000,000 \$10,000,000 - \$25,000,000 \$5,000,000 - \$10,000,000 \$1,000,000 - \$5,000,000 Over \$1,000,000
2						
3						
4						
5						

\* This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

## Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits. None

Example	Status and Terms of any Agreement or Arrangement	Parties	Date
1	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith-Hometown, State	7/85
2			
3			
4			
5			
6			

Reporting Individual's Name		Page Number	
<b>SCHEDULE D</b>			
<p><b>Part I: Positions Held Outside U.S. Government</b>                      Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature. <span style="float: right;">None <input type="checkbox"/></span></p>			
Examples	Organization (Name and Address)	Type of Organization	Position Held
	Nat'l Assn. of Rock Collectors, NY, NY Doe Jones & Smith, Hometown, State	Non-profit education Law firm	President Partner
1			From (Mo., Yr.) 6/92 To (Mo., Yr.) Present
2			7/85 1/00
3			
4			
5			
6			
<p><b>Part II: Compensation in Excess of \$5,000 Paid by One Source</b>                      Report sources of more than \$5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than \$5,000. You need not report the U.S. Government as a source. <span style="float: right;">None <input type="checkbox"/></span></p>			
Examples	Source (Name and Address)	Brief Description of Duties	None <input type="checkbox"/>
	Doe Jones & Smith, Hometown, State Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services Legal services in connection with university construction	
1			
2			
3			
4			
5			
6			

**SAMPLE FORM OGE- 450**

OGE Form 450, 5 CFR Part 2634, Subpart I  
U.S. Office of Government Ethics (January 2007)  
(Replaces September 2002 edition)

Form Approved  
OMB No. 3209-0006

**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.usoge.gov](http://www.usoge.gov) and click on **OGE 450 FAQs**.

**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: (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 an 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 branchwide 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 person 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: **Deputy Director for Administration and Information Management, 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 <input type="checkbox"/> Annual <input type="checkbox"/>	If New Entrant, Date of Appointment to Position ( <i>mm/dd/yy</i> )	
Check box if Special Government Employee (SGE) <input type="checkbox"/>	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 <input type="checkbox"/>	No <input type="checkbox"/>
II. I have reportable liabilities (debts) for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
III. I have reportable outside positions for myself.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
IV. I have reportable agreements or arrangements for myself.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>NOTE: Statement V is for annual filers only. It does not apply to new entrants and SGEs.</b>		
V. I have reportable gifts or travel reimbursements for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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> )
-----------------------	--------------------------

**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 )

OGE Form 450, 5 CFR Part 2634, Subpart I  
 U.S. Office of Government Ethics (January 2007)  
 (Replaces September 2002 edition)

Form Approved  
 OMB No. 3209-0006

Employee's Name (Print last, first, middle initial)

Page Number

**Part I: Assets and Income**

<p><b>Report for Yourself, Spouse, and Dependent Child:</b></p> <ul style="list-style-type: none"> <li>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:                     <ul style="list-style-type: none"> <li>Assets such as stocks, bonds, annuities, trust holdings, partnership interests, life insurance, investment real estate, or a privately-held trade or business</li> <li>Sector mutual funds: those funds invested in a particular industry, business, or location such as ABC Electronics Fund or XYZ Canada Fund (report the full name of the fund, not just the general family fund name)</li> <li>Holdings of retirement plans, such as 401(k)s or IRAs (list each holding except diversified mutual funds)</li> <li>Holdings of investment life insurance</li> <li>Holdings of variable annuities</li> <li>Defined benefit pension plans provided by a former employer (include the name of the employer)</li> </ul> </li> </ul>	<p><b>Do Not Report:</b></p> <ul style="list-style-type: none"> <li>Federal Government retirement benefits</li> <li>Thrift Savings Plan</li> <li>Certificates of deposit, savings or checking accounts</li> <li>Term life insurance</li> <li>Money market mutual funds and money market accounts</li> <li>Your personal residence, unless you rent it out</li> <li>Diversified mutual funds, such as ABC Equity Value Fund or XYZ Large Capital Fund</li> <li>U.S. Government Treasury bonds, bills, notes, and savings bonds</li> <li>Money owed to you, your spouse, or dependent child by a spouse, parent, sibling, or child</li> </ul>
<p><b>Also Report:</b></p> <ul style="list-style-type: none"> <li><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</li> <li><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</li> </ul>	<p><b>Do Not Report:</b></p> <ul style="list-style-type: none"> <li>Dependent child's earned income</li> <li>Veterans' benefits</li> <li>Federal Government salary</li> <li>Social Security benefits</li> </ul>

**Important Definitions**

<p><b>Diversified Mutual Fund</b> – 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.</p>
<p><b>Sector Mutual Fund</b> – 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.</p>
<p><b>Dependent Child</b> – 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.</p>

**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. (Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.)	No longer held
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.	
1	<input type="checkbox"/>
2	<input type="checkbox"/>
3	<input type="checkbox"/>
4	<input type="checkbox"/>
5	<input type="checkbox"/>

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

	<b>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.)</b> <b>Name of Employer or Business; Source of Fees, Commissions, or Honoraria (Include brief description.)</b> 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.	<b>No longer held</b>
1		<input type="checkbox"/>
2		<input type="checkbox"/>
3		<input type="checkbox"/>
4		<input type="checkbox"/>
5		<input type="checkbox"/>
6		<input type="checkbox"/>
7		<input type="checkbox"/>
8		<input type="checkbox"/>
9		<input type="checkbox"/>
10		<input type="checkbox"/>
11		<input type="checkbox"/>
12		<input type="checkbox"/>
13		<input type="checkbox"/>
14		<input type="checkbox"/>
15		<input type="checkbox"/>
16		<input type="checkbox"/>
17		<input type="checkbox"/>
18		<input type="checkbox"/>
19		<input type="checkbox"/>
20		<input type="checkbox"/>

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**Part II: Liabilities**

<b>Report for Yourself, Spouse, and Dependent Child:</b>	<b>Do Not Report:</b>
<ul style="list-style-type: none"> <li>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</li> <li>A loan over \$10,000 from an individual, such as a friend or a business associate</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>Loans secured by automobiles, household furniture, or appliances, unless the loan exceeds the purchase price of the item it secures</li> <li>Liabilities that you owe to your spouse or to the parent, sibling, or child of you, your spouse, or your dependent child</li> </ul>

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

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

**Part III: Outside Positions**

<b>Report for Yourself:</b>	<b>Do Not Report:</b>
<ul style="list-style-type: none"> <li>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:           <ul style="list-style-type: none"> <li>Corporation, partnership, trust, or other business entity</li> <li>Non-profit or volunteer organization</li> <li>Educational institution</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Any position with a           <ul style="list-style-type: none"> <li>Religious entity</li> <li>Social entity</li> <li>Fraternal entity</li> <li>Political entity</li> </ul> </li> <li>Any position held by your spouse or dependent child</li> <li>Any position that you hold as part of your official duties</li> </ul>

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

<b>Organization (include city and state where organization is located)</b>	<b>Type of organization</b>	<b>Position</b>	<b>No longer held</b>
1			<input type="checkbox"/>
2			<input type="checkbox"/>
3			<input type="checkbox"/>
4			<input type="checkbox"/>
5			<input type="checkbox"/>
6			<input type="checkbox"/>



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

<p><b>Report Your Agreements or Arrangements for:</b></p> <ul style="list-style-type: none"> <li>Continuing participation in an employee pension or benefit plan maintained by a former employer</li> <li>A leave of absence</li> <li>Future employment, including date you accepted employment offer</li> <li>Continuation of payment by a former employer (including severance payments)</li> </ul>	<p><b>Do Not Report:</b></p> <ul style="list-style-type: none"> <li>Any agreement or arrangement related to your employment by the Federal Government</li> <li>Spouse's and dependent child's agreements or arrangements</li> </ul>
---	---

**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 (include city and state where entity is located)	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.

<p><b>Report for Yourself, Spouse, and Dependent Child:</b></p> <ul style="list-style-type: none"> <li>Travel related reimbursements (items such as lodging, transportation, and food) totaling more than \$305* from any one source during the reporting period; include where you traveled, the purpose, and date(s) of the trip</li> <li>Any other gifts totaling more than \$305* from any one source during the reporting period</li> </ul> <p>*If you received more than one gift from one source:</p> <ol style="list-style-type: none"> <li>Determine the value of each item you received from that source</li> <li>Ignore each item valued at \$122 or less</li> <li>Add the value of those items valued at more than \$122; if the total is more than \$305, then you must list those items on this form</li> </ol>	<p><b>Do Not Report:</b></p> <ul style="list-style-type: none"> <li>Anything received from relatives, the U.S. Government, D.C., state, or local governments</li> <li>Bequests and other forms of inheritance</li> <li>Gifts and travel reimbursements given to your agency in connection with your official travel</li> <li>Gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises</li> <li>Anything received by your spouse or dependent child totally independent of their relationship to you</li> </ul>
---	---

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

Source	Description
1	
2	
3	

FSIS DIRECTIVE 4735.9  
 REVISION 1  
 ATTACHMENT 4-2

OGE Form 450, 5 CFR Part 2634, Subpart I  
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 OMB No. 3209-0006

**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)	<input type="checkbox"/>
OGE Energy (Example of stock that produced more than \$200 in capital gains)	<input checked="" type="checkbox"/>
(S) OGC Communications (Example of stock held in a 401(k) plan)	<input type="checkbox"/>
ABC Healthcare Fund (Example of sector fund held in a variable annuity)	<input type="checkbox"/>
Rental Condo, Anchorage, AK (Example of investment real estate)	<input type="checkbox"/>
Bryggadune University – former employer	<input checked="" type="checkbox"/>
(S) Express Medical Clinic – employer	<input type="checkbox"/>
Association of Accountants – honoraria	<input type="checkbox"/>

**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	<input checked="" type="checkbox"/>
ISK Family Trust (Boynton Beach, FL)	Family Trust	Trustee	<input type="checkbox"/>
Scenic Rivers Association (Nashville, TN)	Non-profit environmental organization	Member, Board of Directors	<input checked="" type="checkbox"/>

**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 2006. Entered into agreement in October 2005. (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 \$305 from one source)
CGH Culinary Institute	Airline ticket, hotel room, and meals incident to culinary seminar in Tokyo, Japan from May 1-5, 2006 (Example of travel reimbursement)

**SAMPLE FORM FSIS 4735-2**

U.S. DEPARTMENT OF AGRICULTURE  
 FOOD SAFETY AND INSPECTION SERVICE

FOR OFFICE USE ONLY

**CONFLICT OF INTEREST  
 STATEMENT**  
*(For Use By Government Employees)*

- Prior employment with plant
- Family
- Annuity/Pension
- Other: \_\_\_\_\_

**INSTRUCTIONS:**  
 Employee: Complete Parts I, II & III  
 Agency Reviewing Official: Complete Part IV  
 To submit form for review, see details on Page 2

**PART I - Identifying Employee Data**

1. NAME (last, first, middle initial) \_\_\_\_\_

2. POSITION TITLE \_\_\_\_\_

3. GRADE \_\_\_\_\_

4. DISTRICT OR PROGRAM AREA \_\_\_\_\_

5. NAME AND LOCATION OF ESTABLISHMENT(S) TO WHICH ASSIGNMENT IS REQUESTED OR TO WHICH BEING ASSIGNED, IF KNOWN: \_\_\_\_\_

**PART II - Policy Statement Concerning Conflicts of Interest**

FSIS Directive 4735.9 prohibits the assignment of employees to any establishment where circumstances exist which might prevent or give the appearance of preventing employees from objectively and impartially carrying out the duties and responsibilities assigned. A situation of this nature constitutes a conflict of interest. The following is a list of specifically prohibited conflict of interest situations:

1. An appointment to perform official inspection, grading, or other official duties at an establishment where an individual has been previously employed for any amount of time during the previous year prior to becoming an FSIS employee.
2. An appointment to perform official inspection or other duties at a firm, establishment, corporation, or any tenant or subsidiary thereof from which the individual is receiving an annuity or pension.
3. An appointment at any establishment where an immediate family member (i.e., father, mother, spouse, child, brother, or sister) of the individual is employed.
4. An appointment at any establishment employing extended family members residing in the household of the individual. Other family members include father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, aunt, uncle, niece, nephew, grandparents, or grandchildren.
5. An appointment at any establishment where a family member (listed in 4 above) who, although not a resident of the household of the individual, is employed in a supervisory, managerial, or policymaking capacity.
6. An appointment to any establishment where an employee is engaged in a personal relationship with an establishment employee (i.e. dating, living, with engagement, or financial, such as child support, alimony, palimony, or general household finances) employed in a supervisory, managerial, or policymaking capacity.
7. An appointment to any establishment where the employee or their immediate family has product inspected or graded.

Employees must report all conflict of interest situations or any other situations which could reasonably give the appearance of a conflict of interest in advance of being assigned to an establishment. Failure to do so constitutes misconduct for which disciplinary action may be taken. Please read PART III of this form carefully; complete all sections; and sign in the space provided.

**PART III - To Be Completed by Employee**

*(If your response to any of the following statements is "None" indicate "No" in the space provided) Use an extra sheet of paper, if needed.*

A. The year prior to becoming a federal employee, I worked for an inspection establishment(s):  Yes  No

FROM	TO	NAME OF ESTABLISHMENT	CITY	STATE	POSITION TITLE

**PRIVACY ACT STATEMENT**

Mandatory response to the Conflict of Interest Statement is required by 5 U.S.C. 7301 Section 101. Failure to provide information may result in the Official Agency not receiving Federal designation/delegation as an Official Agency. Information will be used to evaluate/resolve possible conflicts of interest and also may be referred to the Department of Justice or to other investigative and law enforcement agencies for investigation, prosecution, and/or administrative action resulting from violation of law, rule, regulation, instruction, or order; or to a Congressional office in response to a constituent's request for release of his/her record. 5 C.F.R. Section 3635 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both, for false or fraudulent statements made to an agency of the United States.

CONTINUATION OF PART III

B. I am receiving, or have rights to receive in the future, a pension or annuity from the following companies:  Yes  No

NAME OF ESTABLISHMENT	CITY	STATE	YEARS VESTED	DATE PENSION BEGINS

C. A relative or member of my household is employed by, or contracts with (e.g., as a grower, lessor, or feed lot operator), the following inspected establishment(s):

RELATIONSHIP	NAME OF ESTABLISHMENT	CITY	STATE	POSITION TITLE	CHECK IF SUPERVISORY POSITION	RELATIVE RESIDES WITH ME (check)	
						Yes	No

D. The following circumstances may also present a conflict of interest (e.g., inspected product, stock ownership, personal financial or employment interests, immediate family member having financial interest in the food industry, etc.)

I fully understand that it is my continuing responsibility to comply with the policies of FSIS pertaining to conflict of interest, and certify that this statement is true, complete and correct to the best of my knowledge and belief.

SIGNATURE OF EMPLOYEE

DATE

**PART IV- Agency Reviewing Official's Opinion**

The information contained in this statement discloses no conflict of interest under applicable rules and regulations.

COMMENTS OF REVIEWING OFFICIAL:

SIGNATURE OF DESIGNATED AGENCY REVIEWING OFFICIAL

DATE RECEIVED

DATE REVIEWED

**TO SUBMIT FORM FOR REVIEW PLEASE MAIL TO:** USDA, FSIS, OM, Ethics Office  
 1400 Independence Ave., S.W.  
 Room 3806-S Mail Stop 3709  
 Washington, DC 20250  
 or by fax @ (202) 205-9309

**SAMPLE FORM FSIS 4735-3**

<p>U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE</p> <p><b>REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT OR ACTIVITY</b> <i>(Refer to FSIS Directive 4735.9)</i></p> <p><b>INSTRUCTIONS:</b> <u>Employee:</u> Complete Part I &amp; submit request to your supervisor. <u>Supervisor/Agency Reviewing Officials:</u> Complete Part II (Page 2)</p>	<p><b>FOR OFFICE USE ONLY</b></p> <p><input type="checkbox"/> Veterinarian Practice <input type="checkbox"/> Livestock Owner <input type="checkbox"/> Sales <input type="checkbox"/> Self-Employed <input type="checkbox"/> Teaching/Speaking/Writing <input type="checkbox"/> Retail/Hospitality/Restaurant <input type="checkbox"/> Other: _____</p>	
<p><b>PART I - Identifying Employee Data (completed by employee)</b></p>		
<p>1. NAME (last, first, middle initial)</p>		
<p>2. POSITION TITLE</p>	<p>3. SERIES/GRADE</p>	<p>4. DISTRICT OR PROGRAM AREA</p>
<p>5. NAME AND LOCATION OF ESTABLISHMENT OR DUTY STATION:</p>		
<p>6. PLEASE PROVIDE A DETAILED DESCRIPTION OF THE OUTSIDE EMPLOYMENT IN WHICH YOU WISH TO ENGAGE (attach any additional information)</p>		
<p><b>SAMPLE</b></p>		
<p><b>I UNDERSTAND THIS APPROVAL IS SUBJECT TO THE FOLLOWING RESTRICTIONS:</b></p>		
<ul style="list-style-type: none"><li>(1) My outside employment or activity will be entirely confined to non-working hours;</li><li>(2) My outside employment or activity will not in any way interfere with my service to FSIS;</li><li>(3) Government equipment will not be used;</li><li>(4) My outside employment activity will not imply official sanction, support or participation in a private undertaking;</li><li>(5) My outside employment activity will not cause embarrassment to USDA or FSIS;</li><li>(6) The business connections to be established or property interests acquired, will not result in conflict between private or official interests, or bias my judgment;</li></ul>		
<p><b>I understand that should this approval be granted, it will apply to this particular activity only. New approval must be requested for any other activity or when a change occurs in an approved activity.</b></p>		
<p>7. SIGNATURE OF EMPLOYEE</p>	<p>DATE</p>	
<p>FSIS FORM 4735-3 (07/05/2007)      REPLACES FSIS FORM 4735-3 (05/30/2001), WHICH IS OBSOLETE.</p>		

**PART II - Review and Recommendations (completed by Supervisor/Agency Reviewing Officials)**

**INSTRUCTIONS:** Complete Part II by reviewing the request, then signing and giving your recommendation. The following criteria **MUST** be considered before recommending approval or disapproval.

- (1) Provisions of applicable law;
- (2) General attendance record of the employee;
- (3) Nature of the employee's official duties in relation to the duties which would comprise the outside employment or activity;
- (4) Amount of time and hours of work required by the outside employment or activity; and
- (5) The possibility of conflict of interest or appearance thereof. Actions taken or decisions made by the employee in carrying out duties of outside employment or activities must not:
  - a. Affect or influence actions taken or decisions made in connection with FSIS duties, whether or not the effect is adverse.
  - b. Give the employee an advantage in federally-sponsored programs not equally available to other FSIS employees or private citizens.
  - c. Permit use of the employee's position for personal gain or influence.
  - d. Involve use of official FSIS information not generally available to the public.

<i>IMMEDIATE SUPERVISOR (Print name)</i>	<i>(Signature)</i>	DATE	RECOMMENDATION: <input type="checkbox"/> Approval <input type="checkbox"/> Disapproval
<i>DISTRICT MANAGER/ LAB DIRECTOR (Print name)</i>	<i>(Signature)</i>	DATE	RECOMMENDATION: <input type="checkbox"/> Approval <input type="checkbox"/> Disapproval
<i>ETHICS REVIEWING OFFICIAL (Print name)</i>	<i>(Signature)</i>	DATE	RECOMMENDATION: <input type="checkbox"/> Approval <input type="checkbox"/> Disapproval
<i>ASSISTANT ADMINISTRATOR (Print name)</i>	<i>(Signature)</i>	DATE	RECOMMENDATION: <input type="checkbox"/> Approval <input type="checkbox"/> Disapproval
<i>COMMENTS (Attach additional sheets, as needed)</i>			

SAMPLE

**DISTRIBUTION:**

- Supervisor:** Forward request form to the next level of review (*i.e.*, District or Lab Director).
- District or Lab Director:** Forward request form to the Ethics Office. (*See address below*).
- Ethics Reviewing Officer:** Take the appropriate action on the recommendations received with this request. (*i.e.*, A request received with recommendations of approval is given to the Assistant Administrator for final recommendation).
- Assistant Administrator:** Submit your final recommendation to the Ethics Office (*See address below*).

**TO SUBMIT REQUEST TO ETHICS OFFICE, MAIL TO:** USDA, FSIS, OM, Ethics Office  
 1400 Independence Ave., S.W.  
 Room 3806-S Mail Stop 3709  
 Washington, DC 20250

or by fax @ (202) 205-9309