



United States Department of Agriculture  
**USDA Office of Ethics – Science Ethics Branch**

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

USDA Supplemental Standards of Conduct  
 (5 CFR 8301.101-102)

<input type="checkbox"/> Initial Request	<input type="checkbox"/> Revised Request	<input type="checkbox"/> Renewal	DATE
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**Part I - EMPLOYEE INFORMATION**

1. EMPLOYEE'S NAME (Last, First, MI)		
2. AGENCY/PROGRAM (Address)	TELEPHONE, FAX & E-MAIL Phone: _____ Fax: _____ E-Mail: _____	
3. TITLE OF POSITION	4. GRADE/STEP	5. SALARY \$
6. FINANCIAL DISCLOSURE FILING STATUS <input type="checkbox"/> Public (SF 278) <input type="checkbox"/> Confidential (OGE 450)		
7. NAME OF IMMEDIATE SUPERVISOR	SUPERVISOR'S TELEPHONE, FAX & E-MAIL Phone: _____ Fax: _____ E-Mail: _____	

**Part II - OUTSIDE ACTIVITY INFORMATION**

**1. Nature of Outside Activity** - Indicate the type of activity for which you request prior approval, and describe the specific duties or services to be performed:

- Professional or Consultative Activity   
  Teaching, Speaking, Writing or Editing   
  Board Service  
 Expert Witness   
  Other (e.g. Fellowship)

Describe:

If you will provide personal services directly to multiple clients, customers, or others, as a self-employed individual or as an independent contractor, alone or jointly with others, check the box below and specify the type of activity or business in which you propose to be engaged. Identify any partners or others with whom you will provide services to. Estimate the total number of clients, customers, or others, to whom you would provide services during the activity period.

Self-Employed Activity

If a written invitation was received for this activity, attach a copy. For activities involving teaching, speaking, or writing, provide a syllabus, outline, summary, synopsis, draft, or similar description of the content and subject matter involved in the course, speech, or written product (including, if available, a copy of the text of any speech) and the proposed text of any disclaimer that indicates *the views expressed do not necessarily represent the views of USDA or the United States*. Check the applicable boxes indicating that these materials are attached. If you are unable to provide this information or will be delayed in submitting the attachments, please explain below.

- Written Invitation (includes e-mail)
  Subject Matter of Activity
  Text of Disclaimer

Explain:

**2. Outside Employer or Other Entity** - Identify the outside employer or entity and the nature of the entity's business for which the proposed activity will be performed. Provide the name and title of a contact person. In Items 3 and 4, provide address and contact information for the outside employer or entity.

OUTSIDE EMPLOYER OR ENTITY NAME AND NATURE OF BUSINESS

CONTACT PERSON

TITLE

**3. Outside Employer or Entity Address and Phone Number**

STREET ADDRESS

STATE

ZIP CODE

TELEPHONE NUMBER

**4. Location** - Indicate the location(s) where the activity or service will be performed.

**5. Travel** - Indicate whether travel is involved, and if so, whether the transportation, lodging, meals, or per diem will be at your own expense or provided by the outside employer or entity in-kind or through reimbursement. Describe arrangements and provide estimated costs of items to be furnished or reimbursed by the outside employer or entity.

Yes:    \_\_\_ At Own Expense    \_\_\_ In-Kind or Reimbursed    Estimated Amount: \$ \_\_\_\_\_

No

Describe:

**6. Time** - Provide details with respect to the duration of the activity. If your request is granted, the approval is effective for a period not to exceed three years from the date of approval. This request must be resubmitted for approval upon a significant change in the nature of the outside activity or in your official position.

**a. Period Covered**

From (mm/dd/yy):

To (mm/dd/yy):

**b. Estimated Time Devoted to the Proposed Activity**

Hours per day

Days Per Week

Weeks Per Year

**c. Will work be performed entirely outside of your normal tour of duty?**

Yes  No (If "no," estimate the number of hours or days that you will be absent from work and indicate the type of leave to be requested.)

**7. Compensation**

Indicate whether the activity is compensated, and if so, answer the questions below.

Yes  No

**a. Method or Basis of Compensation** (Check all boxes that apply)

Fee  Honorarium  Retainer  Salary  Advance  Royalty  Stock  Stock Options  Other (describe)  
 Non-Travel Related Expenses (describe)

**b. Compensation Amount**

Indicate the total amount of compensation to be received for the proposed activity for the period covered by this request. Do not include the amount of any travel expenses to be provided by the outside entity that were reported in Part II, Item 5.

\$ \_\_\_\_\_

**c. Payor**

If any compensation will be received from a payor other than the employer or entity to which personal services will be provided, identify the payor and explain.

**d. Funding Source**

Indicate whether any compensation is derived from a USDA grant, contract, cooperative agreement, or other source of federal funding or if the services to be performed are related to an activity funded by USDA regardless of the specific source of the compensation.

Yes (If "yes," describe)  No

**e. Grantee, Contractor or Other Status**

For activities involving the provision of consultative or professional services (including teaching), indicate whether the client, employer, or other person on whose behalf the services are performed is receiving, or intends to seek, a USDA grant, contract, cooperative agreement, or other funding relationship.

Yes (If "yes," describe)  No

**Part III - OFFICIAL DUTY INFORMATION**

**1. Nature of Official Duties**

Describe the principle duties and responsibilities of your current position. Attach a copy of your current position description.

- Position Description Attached

**2. Relationship of Official Duties to Outside Activity**

Do any of your official duties relate in any way to the proposed activity?

- No, none of my official duties relate in any way to the proposed outside activity.
- Yes, my official duties relate to the proposed activity in the following manner:

**3. Effect of Official Duties on Outside Employer or Entity**

In performing your official duties, could either your actions or the matters upon which you may be called upon to work affect the interests of the employer or entity for which the proposed activity will be performed?

- No, performance of my official duties will not have any effect upon the interests of the employer or entity.
- Yes, performance of my official duties will have the following effect upon the interests of the employer or entity:

**4. Assignments Involving Outside Employer or Entity**

Have you performed official duty assignments or had other official interactions that involved the employer or entity for which the proposed activity will be performed?

- No, I have performed no such official duty assignments and have had no such other official interactions.
- Yes, I have either performed such official duty assignments or have had such other official interactions. These assignments and interactions are as follows [indicate approximate dates of assignments and interactions]:

**5. Certification**

I certify that I have read and understand the notice provided in Part VI and that the statements made and information provided on this form are complete and accurate to the best of my knowledge. I understand that I am performing this activity in my personal capacity and that my participation is not derived from my Federal position, title or authority; does not entail official positions or policies of USDA; and will not occur on official time nor involve the expenditure of appropriated funds.

I understand that approval of this request is effective for a period not to exceed three years from the date of approval. If I wish to continue an activity beyond the three year approval period, I will renew my request no later than thirty days prior to the expiration date of the period authorized. I acknowledge that I must resubmit a request for prior approval upon a significant change in the nature of the outside activity or in my official position. I will also provide written notification to my Immediate Supervisor and Agency Ethics Official if this activity is terminated prior to the period authorized.

**EMPLOYEE SIGNATURE**

**DATE**

## Part IV - SUPERVISOR REVIEW/RECOMMENDATION

### 1. Summary of Applicable Law

As a supervisor, your obligation and the duty of the employee seeking the outside arrangement are first and foremost to USDA and the successful accomplishment of its mission. If the outside activity is approved, it is part of your supervisory responsibilities to monitor the employee's compliance with applicable ethics laws and regulations.

An outside activity conflicts with official duties if it is prohibited by statute or regulation; or it would require the employee's recusal from matters so central or critical to the performance of his or her official duties that the employee's ability to perform the duties of his or her position would be materially impaired. Such a recusal would likely be required where the outside activity involves an employer or entity that is regulated by, does business with, receives grants or other benefits from, or is otherwise substantially impacted by the programs, policies and operations of the employee's agency.

Consider the following when reviewing this request:

- Do the circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of their official position rather than inherent expertise on the particular subject matter? How was this expertise acquired?
- Was the invitation to engage in the activity extended to the employee, directly or indirectly, by a person or entity who has interests that may be affected substantially by the performance or nonperformance of the employee's official duties?
- Will the information conveyed through the activity draw substantially on ideas or official data that are nonpublic information?
- Does the subject matter relate to any matter(s) to which the employee is presently assigned or has been assigned during the previous one-year period; or to any ongoing or announced policy, program or operation of the agency?
- Is the employee being asked to apply previously published work to specific scenarios posed by a private entity? In this circumstance, it is important to consider whether the employee is continuing to conduct research in the same area as his or her published findings.

If you determine that the subject area of the activity is too closely related to the employee's official duty, and the activity is not appropriate as an outside activity, a separate analysis must be conducted before consideration should be given to whether or not the activity would be more appropriately performed as an official duty. You must conclude that the employee seeking approval to engage in the activity in their official capacity is the appropriate person to represent USDA with respect to that subject matter. It is part of USDA's mission to disseminate information; however, agencies must be careful not to give preferential treatment to one entity, allowing that entity to have an advantage because of the exclusive receipt of government information. Consult your Agency Ethics Official for additional guidance.

If you have determined that this activity would benefit the mission of your agency and more appropriately performed as an official duty, you should disapprove this outside activity request and require the employee to complete form SEB-106, Request for Approval of Official Duty Activity.

### 2. Supervisor's Statement

Describe the extent to which the employee's official duties are related to the proposed activity. If not related, explain:

**3. Recommendation**

The undersigned supervisor, identified in Part 1, Item 7, has reviewed the employee's responses, obtained additional information where appropriate, and recommends the following action:

**Recommend Approval**

If this box is checked, the supervisor understands that if the outside activity is approved, the employee may be disqualified from performing official duties that involve or affect any outside entity with which the employee has an outside employment, consulting, or similar relationship. If the activity constitutes employment or service as an officer, director, or trustee, or in another fiduciary role, the recusal obligation may extend not only to government matters that specifically involve or affect the outside entity, but to those matters that affect generally the industry or economic sector in which the outside entity operates. The supervisor understands that any work assignments involving specific or general matters from which the employee will be recused must be reassigned to another employee and are not so central or critical to the performance of the employee's official duties that the employee's ability to perform the duties of his or her position would be materially impaired.

**Recommend Disapproval**

If this box is checked, explain the reason(s) for disapproval in the space provided below.

**SUPERVISOR'S SIGNATURE**

**DATE**

**Part V - AGENCY ETHICS OFFICIAL REVIEW**

**1. Name of Agency Ethics Official**

**2. Title of Agency Ethics Official**

**3. Ethics Review**

Review the employee's answers and the supervisor's recommendation. Indicate whether the activity can be approved or permission must be denied. Explain your reason(s) in the space below and describe any actions deemed necessary to ensure compliance with applicable ethics laws.

- Request as described may be approved
- Request may be approved subject to conditions noted in Comments section
- Request as described must be denied
- Other disposition noted in Comments section

**AGENCY ETHICS OFFICIAL SIGNATURE**

**DATE**

**4. Comments**

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

**Conflict Resolution.** An approved SEB-101 form does not signify that you need not be concerned about conflicts of interest. Under the law, conflicts of interest arising out of outside employment or service in a fiduciary position can be resolved in advance in only three ways: (1) you can inform your supervisor and disqualify yourself from participating in a conflicting government matter (recusal); (2) you can seek, only if certain legal requirements are satisfied, a separate legal document from your agency designee that specifically permits you to work on the government matter (waiver), or (3) you can resign from either your government or outside position. Outside relationships that fall short of actual employment or a fiduciary role also pose similar appearance concerns.

**Effect of Prior Approval.** The outside activities prior approval process has very limited purposes. When a reviewer approves a SEB-101 for your outside activity, two fundamental assessments are being made, which are discussed below. You reasonably may rely on these specific determinations only if you provided all relevant information on the form and the circumstances under review do not change. You remain responsible for the legal and ethical consequences of any change in personal or business affairs or a change in your government duties.

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

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

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

**Recusal Obligations.** When performing your Government duties, you must not participate in any government matter that will affect your own self-interest in continuing your outside activity. For example, you would have to disqualify yourself from participating in any official matter that might put your outside employer out of business or seriously affect its finances, either positively or negatively, so that the odds of your remaining employed are also affected. In addition, when you work for an outside employer or serve in a fiduciary role with an organization, the financial interests of that company or organization are considered to be your own. As a result, if the company or organization has a financial interest in how a government matter will be resolved, you cannot work on that matter. This means that you cannot work on a government matter that involves or affects your outside employer as a specific party, such as a contract, grant, audit, investigation or litigation. The law also requires you to stay away from government matters that are larger in scope, such as deliberations and decisions on developing, implementing, or enforcing statutes, regulations, policies, studies, or proposals, that will have an effect on a large class of employers like the one for which you work on the outside. For example, if you were permitted to have an outside position as an employee of a nonprofit organization, you could not participate personally in any significant way in a policy decision that affects the financial interests of the organizational sector in which these employers operate.

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

## PRIVACY ACT STATEMENT

The Ethics in Government Act, 5 U.S.C. App. § 101, *et. seq.*, Executive Order 12674, as amended by Executive Order 12731, Sections 301 and 7301 of Title 5 of the U.S. Code, and Sections 2635.803 and 8301.101 - 102 of Title 5 of the Code of Federal Regulations authorize the collection of this information. Disclosure of this information is mandatory for employees seeking prior authorization from an agency designee to pursue outside employment or activities. Failure to provide all or part of the requested information may result in denial of the request for approval of the outside employment or activity. Falsification of information or failure to file or report information required to be reported may subject the employee to disciplinary action. Knowing and willful falsification of information required to be reported may subject the employee to criminal prosecution. The primary use of this information is to allow USDA supervisors and agency ethics officials to make necessary determinations concerning employee requests for prior approval of outside employment or activities in order to prevent a conflict of interest or other violations of the statutes, regulations, and executive orders governing employee conduct. The information is also requested for the purpose of evaluating ethics program administration, as well as the Department's supplemental ethics regulations, to determine their continued adequacy and effectiveness in relation to current agency responsibilities and to ensure that prompt and effective action is taken to remedy violations or potential violations, or appearances thereof, of conflict of interest and related ethics provisions. Additionally, this information may be disclosed to: (1) the Office of Personnel Management, Office of Government Ethics, Merit Systems Protection Board, Office of the Special Counsel, Equal Employment Opportunity Commission, Federal Labor Relations Authority, Federal Service Impasses Panel, Federal Mediation and Conciliation Service, and an arbitrator, in carrying out their functions; (2) a Federal, State, or local agency charged with investigating or prosecuting violations of, or implementing, the law, in the event there is an indication of a violation or potential violation of civil, criminal or regulatory law; (3) a Federal, State, or local agency maintaining enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (4) the National Archives and Records Administration or the General Services Administration in records management inspections; (5) the Office of Management and Budget during legislative coordination on privacy relief legislation; (6) Federal agencies with power to subpoena other Federal agencies' records; (7) a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge-issued subpoena; (8) private firms with which the Department may contract for the purpose of collating, analyzing, aggregating or otherwise refining records; (9) a Member of Congress or a Congressional office, pursuant to an inquiry made at the request of the individual who is a subject of the record; (10) the Department of Justice in defense of litigation; and (11) contractors and other non-Government employees working for the Federal Government to accomplish a function related to an Office of Government Ethics Government-wide system of records. This request will not be disclosed to any requesting person unless authorized by law.

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**Submit the original form to your supervisor who will forward this request to your Agency Ethics Official. Originals will be maintained in the Science Ethics Branch.**

**NOTE: Electronic signatures are not acceptable.**

**UNITED STATES DEPARTMENT OF AGRICULTURE  
USDA Office of Ethics – Science Ethics Branch  
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