

# National Science Foundation

Arlington, VA 22230

## Confidential Conflict-of-Interest Statement for NSF Advisory Committee Members

Name of Advisory Committee:

In carrying out your duties as a member of an NSF advisory committee, you will be called upon to give advice on NSF policy deliberations. We do not anticipate that you will ordinarily participate in any "particular matter". However, sometimes policy deliberations focus on the interests of specific persons or organizations or on a discrete class of specific persons or entities. In such cases, your personal financial interests or your affiliations or relationships with other affected persons or entities may raise conflict-of-interest questions. By providing the information requested on this form, you will satisfy a requirement of U.S. Office of Government Ethics regulations and help the Foundation identify and resolve potential (and apparent) conflicts. You must return your completed statement to the NSF official responsible for the Committee before you serve on the Committee.

For each of the three parts below list all interests, positions, arrangements, or relationships you think might reasonably be responsive. If you have none, check the "NONE" box.

### Part 1: Financial Interests

If you, your spouse, or your dependent children hold any stock, securities, or similar financial interests in any nongovernmental entity that could be affected by any NSF policy deliberation likely to come before the Committee -- list all such holdings.

[EXAMPLE: Does your spouse hold stock in a computer company that could be affected by a change in NSF's standards for funding computer centers?] NONE

*(Identify specific business, stock, bond, etc.)*

- 1.
- 2.
- 3.
- 4.
- 5.

### Part 2: Positions and Arrangements

If any entity with which (i) you are now "connected", (ii) you are negotiating to become "connected", or (iii) you have arrangement to become "connected" in the future has financial interests that could be affected by policy deliberations likely to come before the Committee -- describe all such interests. **You are "connected" with any entity if you serve as an employee, officer, director, trustee, general partner, agent, attorney, consultant, or contractor for that entity.**

[EXAMPLES: (1) Is your employer one of NSF's current science and technology center grantees, and the Committee could recommend funding levels for the science and technology center program? If so, name the employer and grant involved.

(2) Are you an officer in a professional association that has directly negotiated with the NSF on an issue the Committee is likely to discuss?

If so, name the association and the issue involved.]

NONE

*(Identify specific organization, or entity)*

*(Type of position, arrangement or other connection)*

*(Interest or issue involved)*

- 1.
- 2.
- 3.
- 4.

<b>Part 3: Other Interests or Relationships</b>	
Are you aware of any other interests, affiliations, or relationships you believe would impair your impartiality in any policy deliberations likely to come before the Committee, or that would cause a reasonable person with knowledge of the relevant facts to question your impartiality in such matter?	
[EXAMPLE: Does your best friend stand to benefit by a change in NSF's administration of the program your committee is advising? If so, briefly describe. ] NONE <input type="checkbox"/>	
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

If your designation as an advisory committee member gives you access to information not generally available to the public, you must not use that information for your personal benefit or make it available for the personal benefit of any other individual or organization. This is to be distinguished from the entirely appropriate general benefit of learning more about the Foundation, learning from other advisory committee members, or becoming better acquainted with the state of a given discipline.

<b>COMMITTEE MEMBER'S CERTIFICATION</b>		
I certify that my answers to the above questions are true to the best of my knowledge. I also understand that I must contact the NSF official responsible for the Committee if a conflict exists or arises during my term of service. I also will not divulge any confidential information I may become aware of during my term.		
Member's Name (Please Print)	Signature	Date

<b>CERTIFICATION BY RESPONSIBLE NSF OFFICIAL</b>	
Based on my review of this form, I certify that:	
<input type="checkbox"/> No conflicts identified. <input type="checkbox"/> Waiver granted pursuant to 18 USC § 208 (b)(3) because the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved. <input type="checkbox"/> Other actions taken (explain.).	
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Signature	Date

<b>Privacy Act Statement</b> required by section (e)(3) of the Privacy Act	<b>Public Burden Information</b>
<small>Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674, and 5 CFR Part 2634, Subpart I, of the Office of Government Ethics regulations require the reporting of this information before you may serve on a Federal advisory committee. The primary use of the information on this form is for review by officials of this agency, to determine compliance with applicable Federal conflict of interests laws and regulations. This confidential report will not be disclosed to any requesting person unless authorized by law. Failure to file this form will preclude your service on the advisory committee. Knowing and willful falsification of information required to be reported could subject you to criminal prosecution.</small>	<small>This collection is estimated to take an average of a half hour per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Gail A. McHenry, Reports Clearance Officer, NSF, 4201 Wilson Blvd., Arlington, VA 22230; and to the Office of Management and Budget, Paperwork Reduction Project (3209-0006), Washington, DC 20503. Do not send your completed statement to these addresses. Return your completed statement to the NSF Committee official who sent it to you.</small>

- NSF FORM 1230A (4/98)
- 1 - File in Advisory Committee File
  - 2 - Send a copy to the OGC Conflicts Official

NATIONAL SCIENCE FOUNDATION

OFFICE OF THE GENERAL COUNSEL

**Advisory Committee Ethics Law Summary**

As a "special" Government employee, most Federal ethics laws and regulations apply to you. They apply alike to individuals carrying out a wide variety of Government tasks. Thus some rules will inevitably be less relevant to your duties than others. Even so, your careful adherence to the rules should foster public confidence that NSF's decision-making processes are not tainted by improper influences. That is why Executive Order 12674 further cautions all employees to "endeavor to avoid any action creating the appearance that they are violating the law or the ethical standards".

**I. DISQUALIFICATIONS**

- A. Absent a specific written dispensation, a criminal statute bars your participation in your Government capacity in any particular matter, if you have a financial interest in the outcome; or if any of the following individuals or entities have financial interests in the outcome:
- Your spouse or minor child
  - A business partner
  - An organization with which you are employed or affiliated as an officer, director, trustee, or partner
  - An organization with which you have an arrangement for future employment
  - An organization with which you are negotiating for employment.
- B. Regulations also restrict your participation in specific party matters involving:
- Relatives or members of your household
  - Current and former thesis advisors or thesis students
  - Individuals with whom you have collaborated within the past 4 years
  - Individuals or entities with whom you have (or seek) business or financial relationships
  - Entities your spouse, parents, or dependent children work for (or seek to work for) as employees, officers, directors, trustees, consultants, etc.
  - Entities you have served as an employee, officer, director, trustee, consultant, etc. within the past 12 months
  - Organizations in which you are an active participant -- e.g., committee chair or spokesperson.
- C. Questions about potential dispensations should be addressed to the General Counsel's Office.

**II. MISUSE OF POSITION**

- A. Do not use or disclose non-public Government information.
- B. Do not use your public office for private gain (whether your own or another's).

### **III. REPRESENTATION**

A. A criminal statute provides that:

- You must not represent someone else before the Government on any specific party matter in which you have participated as a Government employee.
- If you have been employed by NSF for more than sixty days in a 365-day period, you must not represent anyone in dealings with NSF officials on any specific party matter.

This law also bars you from accepting fees from such representation done by others.

B. Another law bars you from serving as an agent of a foreign principal, as defined in the Foreign Agents Registration Act.

### **IV. RECEIPT OF GIFTS**

A. Basic Rule: Do not solicit or accept gifts and favors from any "prohibited source" -- any individual or organization who:

- Seeks official action from NSF;
- Does, or seeks to do, business with NSF;
- Conducts activities regulated by NSF;
- Has interests that may be substantially affected by the performance of your official duties; or
- Is an organization the majority of whose members are described above.

B. Commonly invoked Exceptions include permission to accept:

- Benefits resulting from your non-NSF business or employment activities (or those of your spouse), when it is clear that the benefits have not been offered or enhanced because of your Government status
- Gifts clearly motivated by family relationship or personal friendship
- Items worth \$20 or less per occasion -- up to \$50 a year from any one source.

Exceptions should not be abused.

Please call Mr. Charles S. Brown, Conflicts Officer, 703 292-8060, if you have questions or email him at [csbrown@nsf.gov](mailto:csbrown@nsf.gov).