

§5501.103

(2) Administration for Children and Families;

(3) Agency for Health Care Policy and Research;

(4) Agency for Toxic Substances and Disease Registry;

(5) Centers for Disease Control and Prevention;

(6) Food and Drug Administration;

(7) Health Care Financing Administration;

(8) Health Resources and Services Administration;

(9) Indian Health Service;

(10) National Institutes of Health;

(11) Office of Consumer Affairs;

(12) Program Support Center; and

(13) Substance Abuse and Mental Health Services Administration.

(b) *Definition*—(1) *Employee of a component* includes, in addition to employees actually within a component, an employee in a division or region of the Office of the General Counsel that principally advises or represents that component.

(2) *Remainder of HHS* means employees in the Office of the Secretary and Staff Divisions, employees of the Office of the General Counsel with Department-wide responsibility, and any HHS employee not in one of the 13 components designated as separate agencies in paragraph (a) of this section.

(c) *Applicability of separate agency designations.* The designations in paragraph (a) of this section identify an employee's "agency" for purposes of:

(1) Determining when a person is a prohibited source within the meaning of 5 CFR 2635.203(d) for purposes of applying:

(i) The regulations at subpart B of 5 CFR part 2635 governing gifts from outside sources; and

(ii) The regulations at §5501.106 requiring prior approval of outside employment and other outside activities; and

(2) Determining whether teaching, speaking or writing relates to the employee's official duties within the meaning of 5 CFR 2635.807(a)(2)(i).

§5501.103 Gifts from federally recognized Indian tribes or Alaska Native villages or regional or village corporations.

(a) *Tribal or Alaska Native gifts.* In addition to the gifts which come within

5 CFR Ch. XLV (1–1–03 Edition)

the exceptions set forth in 5 CFR 2635.204, and subject to all provisions of 5 CFR 2635.201 through 2635.205, an employee may accept unsolicited gifts of native artwork or crafts from federally recognized Indian tribes or Alaska Native villages or regional or village corporations, provided that the aggregate market value of individual gifts received from any one tribe or village under the authority of this paragraph shall not exceed \$200 in a calendar year.

(b) *Limitations on use of exception.* If the donor is a tribe or village that has interests that may be substantially affected by the performance or non-performance of an employee's official duties, the employee may accept the gifts authorized by paragraph (a) of this section only where there is a written finding by the agency designee that acceptance of the gift is in the agency's interest and will not violate any of the limitations on the use of exceptions contained in 5 CFR 2635.202(c).

§5501.104 Prohibited financial interests applicable to employees of the Food and Drug Administration and the Office of the Chief Counsel.

(a) *General prohibition.* Except as permitted by paragraph (b) of this section, no employee or spouse or minor child of an employee, other than a special Government employee or the spouse or minor child of a special Government employee, of the Food and Drug Administration or of the Office of the Chief Counsel shall have a financial interest in a significantly regulated organization.

(b) *Exceptions.* Notwithstanding the prohibition in paragraph (a) of this section:

(1) An employee or spouse or minor child of an employee may hold a pension arising from employment with a significantly regulated organization.

(2) An employee who is not required to file a public or confidential financial disclosure report pursuant to 5 CFR part 2634, or the spouse or minor child of such employee, may hold a financial interest in a significantly regulated organization if:

(i) The total cost or value, measured at the time of acquisition, of the combined interests of the employee and the