

ethics COMPASS



Ethics Announcements • Hot Topics • Trainings • Updates • Tidbits, Tips & More

Ethics Mailbox*

I'M GOING ON OFFICIAL TRAVEL. HELP!



From: Doc, John
[mailto:JDoc@doc.gov]
Sent: Tuesday, April 18, 2017
11:06 AM
To: Division, Ethics
<EthicsDivision@doc.gov>
Subject: CD210 and Ethics approval

Good Morning,

I was reading in the summary PDF on travel gifts that an agency "May seek prior approval" from you. We have always been working under the assumption that it was required. Do CD210s and other gifts have to go through the Ethics Division before they can be accepted?

Thanks,
John

** actual questions received by ethics officials of general interest—edited to maintain confidentiality, of course.*

From: Division, Ethics (Federal)
Sent: Tuesday, April 18, 2017 11:40 AM
To: Doc, John <JDoc@doc.gov>
Subject: RE: CD210 and Ethics approval

Good morning, John,

There is no requirement that you seek prior approval from our office for gifts of official travel. However, we are required to review all travel gifts accepted by the Department on a semi-annual basis. During those reviews, we occasionally notice that agencies that do not consult with us beforehand accept impermissible travel gifts. When that happens, the agency must reimburse the donor for the cost of the impermissible gift. To avoid those issues and the associated unexpected expenses, we recommend that agencies submit travel gift offers to us for review prior to accepting those gifts. Please let me know if you have any further questions.

MAY REMINDERS

- New employees have **3 months** to complete ethics training
- Form 278 Filers must file transaction reports within **30 DAYS** of the sale or purchase of securities
- Form 278 Filers must file written notice within **3 DAYS** of beginning non-Federal employment negotiations

Ethics Spotlight: TRAVEL GIFTS

There are three types of gifts you may encounter as a Government employee: personal gifts offered by someone outside the Government, gifts between employees, and a donation offered for use by your agency for agency programs or operations, including for official travel, also known as a "travel gift." Each of these types of gifts is covered by different rules.

You may accept a gift or donation for your agency if: it is a gift of services (other than for travel); it will not further an agency mission; acceptance will create an appearance of undue influence on agency activities, which in most cases bars acceptance of a gift from: an agency contractor (or bidder), agency licensee (or applicant), or someone with an interest in a controversial matter before Commerce; or it is for Government travel and it was solicited or it is for first-class travel.

**Ethicus
Asks:
What should
you do?**

A university invites you to give a talk at its one-day conference, which includes a lunch. The university will pay transportation and lodging and waive registration fees. You are

also invited to a speaker's dinner the night before and a reception after for university staff and VIPs. What are the 3 things you should do and the one thing you shouldn't do? (see p.2)



*An Ode to an Unsolicited Travel Payment
from a Donor that Is Not a Contractor,
Grantee, or Regulated Entity*

Travel for free—
can it be?
No cost to DOC?
Trav'l gifts rock!

Ethicus Asks

(cont'd from p. 1)

What you should do:

1. After consulting with an ethics official, get approval from agency management to accept the travel gift, including the speaker's dinner. This probably will not present a problem unless the university is a contractor or grantee of your agency.
2. After you consult an ethics official, you also need to get approval from your supervisor to attend the reception under the "widely-attended event" provision in the gift regulations.
3. Finally, be sure to report the travel payments on a form CD 210 and SF 326.

What you should NOT do:

You cannot claim *per diem* for the speaker's dinner and conference lunch. Meals paid for by a non-Federal source during travel are considered travel gifts to the agency and, therefore, the agency is considered to have provided the meals. You cannot then ask the agency to also pay your *per diem* for the meals, because a reception is not a meal that would be covered by travel expenses. Attending the reception is a personal gift and does not require any further reduction in your *per diem*.

Ethics questions?

Contact the Ethics Attorney of the Day:

EthicsDivision@doc.gov or 202-482-5384

TRUTH IS STRANGER THAN FICTION: True Tales of Ethics Fails

This story comes from the Department of Defense's all-too-true *Encyclopedia of Ethical Failure*. In this case, a former Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) committed numerous ethics violations by allowing his nephew to use ATF resources in connection with a high school video project. The Director also instructed ATF staff to comply with the nephew's requests for information and materials. ATF staff spent dozens of hours

conducting research on publicly-available information, providing the nephew with stock footage, and providing tours of ATF facilities in DC and Philadelphia. The Director also had his speechwriter draft talking points for the Director to use in filmed interviews with his nephew. Even after the nephew submitted his project and received an "A," the nephew made repeated requests of ATF staff to improve the video. Ultimately, the Inspector General determined that the Director violated several ethics regulations, including those prohibiting an employee from using his public office for private gain, from using Government resources for other than authorized purposes, and from encouraging or requesting a subordinate to use official time for unauthorized duties.

OFFICE OF THE MONTH: FEDERAL ASSISTANCE LAW DIVISION

Many programs are carried out by Federal employees. But at times Federal agencies encourage and support compatible activities conducted by state, local and Indian tribal governments, universities, research foundations, nonprofit organizations and commercial entities. This is usually accomplished by awarding money or other things of value such as equipment. The various statutes, regulations, executive orders and policies applicable to these awards address how they are selected, issued, monitored, and ended. Percy Robinson and his staff in the [Federal Assistance Law Division \(FALD\)](#), part of OGC/ADTRAX, help Commerce employees work through the myriad issues to help ensure award funds are spent legally and efficiently.



Rosie found a purr-fectly comfortable spot without misusing her position.

Pets of the Month

ETHICAL ANIMALS

These diligently ethical animals live with **Kathleen Stephens, Program Specialist in the Ethics Law & Programs Division.**

We want to see your pets! Please submit photos of your pets' adorable antics by emailing us [here](#).



Mittens counts rolling in the grass among her favorite outside activities.