

# A WORD ABOUT ETHICS

## TRAVEL GIFTS

### **May an agency accept a payment for official travel?**

- Yes, provided that the travel gift:
  - was not solicited,
  - is not for first-class travel,
  - it not for the travel of a Senate-confirmed Presidential appointee (unless approved by the Deputy Secretary), and
  - acceptance will not create an appearance of loss of impartiality.

### **When is an appearance of loss of impartiality likely?**

- Although this is determined on a case-by-case basis, generally a travel gift will create an appearance problem if:
  - it is from an agency contractor,
  - it is from an agency grantee,
  - it is from a member of an industry regulated by the agency,
  - it is from someone with an interest in a controversial matter before the agency.

### **What is an “agency” for purposes of a travel gift analysis?**

- The operating unit of the traveling employee or, for NOAA, the line office.

### **May an honorarium be accepted?**

- No.

### **What procedures apply for accepting a travel gift?**

- Any payment for travel must be approved by a senior agency official. A traveling employee may also seek prior review from the Ethics Law and Programs Division, which will advise on whether the gift meets statutory and regulatory requirements and whether acceptance is consistent with Department policy. However, even if a gift meets these standards, an agency management official must make the final decision on whether to accept the travel gift.

### **Are there any reporting requirements for a travel gift?**

- Yes, a payment for official travel, like all gifts to an agency, must be reported on a form CD 210, Record of Gift or Bequest, and, if greater than \$250, on a form SF 326, Acceptance of Payment from a Non-Federal Source for Travel Expenses (unless it is payment for expenses entirely overseas paid for by a foreign government, in which case it is reported on a form CD 342, Record of Gifts and Decorations from Foreign Governments.

UNITED STATES DEPARTMENT OF COMMERCE  
Ethics Law and Programs Division, Office of the Assistant General Counsel  
for Administration – [www.ogc.doc.gov/ethics.html](http://www.ogc.doc.gov/ethics.html)  
202-482-5384 – [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov) – January 2, 2009