



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 7, 2006
DO-06-034

AMENDED MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Marilyn L. Glynn
General Counsel

SUBJECT: Amended Memorandum on Provisions Regarding
Soliciting Gifts of Travel

The Office of Government Ethics (OGE) issued a DAEOgram on March 31, 2006 (DO-06-008) that was intended to address the narrow question of whether it ever is permissible for an employee to *solicit* a gift of travel, whether personal or official. We also discussed, however, a few points about the applicable rules on accepting *unsolicited* gifts of travel. It has come to our attention that, by doing so, we inadvertently may have created the impression that we intended the memorandum to be a comprehensive discussion of travel reimbursement generally. Because this was not our intention, and because the March 31, 2006 memorandum contained citation errors, we are issuing this amended memorandum to discuss only the issue of *soliciting* gifts of travel.

The Standards of Ethical Conduct for Executive Branch Employees (Standards) govern the solicitation and acceptance of *personal* gifts, including gifts of personal (unofficial) travel. Generally, a Federal employee may not, in a personal capacity, accept gifts from "prohibited sources," or gifts given because of his official position. Prohibited gift sources include persons and entities that seek official action by the employee's agency, do business or seek to do business with that agency, are regulated by that agency, or have interests that can be substantially affected by the employee's official activities (as well as any organization the majority of whose members are prohibited sources). Although there are several exceptions

to this general rule, the gift exceptions may never be used "to solicit or coerce the offering of a gift," including a gift of personal travel, from a prohibited source. 5 C.F.R. § 2635.202(c)(2).

Gifts of *official* travel are not covered by the Standards because they are gifts to the agency rather than to the traveling employee. Gifts of official travel are regulated either under the authority of the accepting agency's gift-acceptance statute or under other appropriate statutory authority. Thus, the question whether a gift of official travel properly may be solicited turns on the language of the particular gift acceptance authority. Absent appropriate statutory authority, an employee of that agency may not solicit gifts of official travel.¹

Please feel free to share this memorandum with any agency employee who is involved in the process of planning, approving, or accepting reimbursement for official travel.

¹ Although another statutory authority, 31 U.S.C. § 1353, authorizes executive branch agencies to accept travel gifts from non-Federal sources for an employee to attend meetings and other similar functions, the General Services Administration's implementing regulations provide that travel gifts (including upgrades) accepted pursuant to this statute may not be solicited. See 41 C.F.R. § 304-3.5.