

Tagging Form for Ethics Guidance

Document Citation (Ex. DO-10-002, 10x1, LA 11-01): LA-16-XX

Date of Issuance (mm/dd/yyyy):

Title: Publication of the Final Rule Revising Subpart B of the Standards of Conduct, Gifts from Outside Sources

Description (3 to 4 lines of summary text):

The U.S. Office of Government Ethics (OGE) has issued a Legal Advisory discussing the recent amendments to the provisions of the Standards of Ethical Conduct that govern gifts from outside sources, found at 5 C.F.R. 2635, Subpart B. This Legal Advisory highlights the major substantive changes set forth in the final rule.

TOPICS AND SUB-TOPICS. CHECK ALL THAT APPLY.

<input type="checkbox"/>	Financial Conflicts of Interest & Impartiality
<input type="checkbox"/>	Employees Entering Government
<input type="checkbox"/>	Current Government Employees
<input type="checkbox"/>	Employees Leaving Government
<input type="checkbox"/>	Resolving Conflicts of Interest

<input checked="" type="checkbox"/>	Gifts & Payments
<input type="checkbox"/>	Gifts between Employees
<input checked="" type="checkbox"/>	Gifts from Outside Sources
<input checked="" type="checkbox"/>	Invitations from Outside Sources
<input type="checkbox"/>	Awards & Honors
<input type="checkbox"/>	Outside Pay for Government Duties
<input type="checkbox"/>	Limitations on Outside Income
<input type="checkbox"/>	Bribery
<input type="checkbox"/>	Travel

<input type="checkbox"/>	Use of Government Position & Resources
<input type="checkbox"/>	Remaining Impartial
<input type="checkbox"/>	Endorsing Organizations, Products or People
<input type="checkbox"/>	Use of Government Equipment or Property
<input type="checkbox"/>	Use of Title or Agency's Name
<input type="checkbox"/>	Use of Government Time
<input type="checkbox"/>	Use of Government Information

<input type="checkbox"/>	Outside Employment & Activities
<input type="checkbox"/>	Outside Employment Limitations
<input type="checkbox"/>	Volunteering & Other Unpaid Activities
<input type="checkbox"/>	Teaching, Speaking & Writing
<input type="checkbox"/>	Fundraising
<input type="checkbox"/>	Testimony
<input type="checkbox"/>	Communications with the Government
<input type="checkbox"/>	Political Activities

<input type="checkbox"/>	Post Government Employment
<input type="checkbox"/>	Before Leaving Government
<input type="checkbox"/>	After Leaving Government

<input type="checkbox"/>	Selected Employee Categories
<input type="checkbox"/>	Political Appointees
<input type="checkbox"/>	Special Government Employees
<input type="checkbox"/>	Advisory Committee Members
<input type="checkbox"/>	Detailees

<input type="checkbox"/>	Enforcement
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CITATION AND FOCUS. CHECK ALL THAT APPLY.

<input type="checkbox"/> 18 U.S.C. § 202
<input type="checkbox"/> Definition of "SGE"
<input type="checkbox"/> Other Definitions
<input type="checkbox"/> Application of Laws (and Regulations) to SGEs
<input type="checkbox"/> Applicability of laws to President and VP
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 18 U.S.C. § 203
<input type="checkbox"/> Applicability
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> Receipt of Compensation
<input type="checkbox"/> Representational Services
<input type="checkbox"/> Rendered Personally or By Another
<input type="checkbox"/> Before Agency or Other Specified Entity
<input type="checkbox"/> Particular Matter
<input type="checkbox"/> U.S. Is Party or Has Interest
<input type="checkbox"/> Discharge of Official Duties
<input type="checkbox"/> Exceptions
<input type="checkbox"/> Post-Government Employment Effect
<input type="checkbox"/> Payor Offense
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 18 U.S.C. § 205
<input type="checkbox"/> Applicability
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> Claims Against the U.S.
<input type="checkbox"/> Acting as Agent or Attorney
<input type="checkbox"/> For Anyone
<input type="checkbox"/> Before Agency or Other Specified Entity
<input type="checkbox"/> Particular Matter
<input type="checkbox"/> U.S. Is Party or Has Interest
<input type="checkbox"/> Discharge of Official Duties
<input type="checkbox"/> Exceptions
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 18 U.S.C. § 207
<input type="checkbox"/> Purpose
<input type="checkbox"/> Advice
<input type="checkbox"/> Applicability
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> Commencement and Length
<input type="checkbox"/> Communication or Appearance
<input type="checkbox"/> Intent to Influence

<input type="checkbox"/> 18 U.S.C. § 207 (continued)
<input type="checkbox"/> To U.S., Former Agency, or Specified Officials
<input type="checkbox"/> On Behalf of Any Other Person
<input type="checkbox"/> Particular Matter involving Specific Parties
<input type="checkbox"/> Same Particular Matter
<input type="checkbox"/> Participate Personally and Substantially
<input type="checkbox"/> U.S. Is Party or Has Interest
<input type="checkbox"/> Official Responsibility
<input type="checkbox"/> Matter on which Seeks Official Action
<input type="checkbox"/> 18 U.S.C. § 207(b)
<input type="checkbox"/> 18 U.S.C. § 207(f)
<input type="checkbox"/> 18 U.S.C. § 207(l)
<input type="checkbox"/> Exceptions and Waivers
<input type="checkbox"/> Component Designations
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 18 U.S.C. § 208
<input type="checkbox"/> Applicability
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> Participate Personally and Substantially
<input type="checkbox"/> Particular Matter
<input type="checkbox"/> Direct and Predictable Effect
<input type="checkbox"/> Personal or Imputed Financial Interest
<input type="checkbox"/> Negotiating or Arrangement for Employment
<input type="checkbox"/> Serving Outside Entities in Official Capacity
<input type="checkbox"/> Disqualification, Documentation, Screening
<input type="checkbox"/> Regulatory Exemptions
<input type="checkbox"/> Individual Waivers
<input type="checkbox"/> Divestiture and CD's
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 18 U.S.C. § 209
<input type="checkbox"/> Applicability
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> Receipt of Salary
<input type="checkbox"/> From Source other than Government
<input type="checkbox"/> For Services as Government Employee
<input type="checkbox"/> Intent of Parties
<input type="checkbox"/> Exceptions
<input type="checkbox"/> Payor Offense
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 U.S.C. app. 4 §§ 101-111
<input type="checkbox"/> Public Financial Disclosure
<input type="checkbox"/> Confidential Financial Disclosure
<input type="checkbox"/> Ethics Agreements
<input type="checkbox"/> Certificates of Divestiture

<input type="checkbox"/> 5 U.S.C. app. 4 §§ 401-408
<input type="checkbox"/> Office of Government Ethics
<input type="checkbox"/> Agency Ethics Program Management
<input type="checkbox"/> Agency Ethics Training Requirements
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 U.S.C. app. 4 §§ 501-505
<input type="checkbox"/> Definition of "Covered Noncareer Employee"
<input type="checkbox"/> Other Definitions
<input type="checkbox"/> Outside Earned Income Limitation
<input type="checkbox"/> Professions Involving Fiduciary Relationship
<input type="checkbox"/> Compensation for Service on Boards
<input type="checkbox"/> Advance Authorization for Compensated Teaching
<input type="checkbox"/> Advisory Opinions
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2634
<input type="checkbox"/> Public Financial Disclosure
<input type="checkbox"/> Confidential Financial Disclosure
<input type="checkbox"/> Ethics Agreements
<input type="checkbox"/> Certificates of Divestiture

<input type="checkbox"/> 5 C.F.R. Part 2635, Subpart A
<input type="checkbox"/> General Standards
<input type="checkbox"/> Definitions
<input type="checkbox"/> Applicability
<input type="checkbox"/> Supplemental Agency Regulations
<input type="checkbox"/> Ethics Advice
<input type="checkbox"/> General Discussion

<input checked="" type="checkbox"/> 5 C.F.R. Part 2635, Subpart B
<input checked="" type="checkbox"/> General Rules
<input type="checkbox"/> Relationship to Other Authorities
<input checked="" type="checkbox"/> Definitions
<input checked="" type="checkbox"/> Limitations on Use of Exceptions
<input checked="" type="checkbox"/> Exceptions
<input checked="" type="checkbox"/> Proper Disposition of Prohibited Gifts
<input checked="" type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2635, Subpart C
<input type="checkbox"/> General Rules
<input type="checkbox"/> Definitions
<input type="checkbox"/> Limitations on Use of Exceptions
<input type="checkbox"/> Exceptions
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2635, Subpart D
<input type="checkbox"/> Participate Personally and Substantially
<input type="checkbox"/> Particular Matter
<input type="checkbox"/> Direct and Predictable Effect
<input type="checkbox"/> Personal or Imputed Financial Interest
<input type="checkbox"/> Serving Outside Entities in Official Capacity
<input type="checkbox"/> Disqualification, Documentation, Screening
<input type="checkbox"/> Regulatory Exemptions
<input type="checkbox"/> Individual Waivers
<input type="checkbox"/> Divestiture and CD's
<input type="checkbox"/> Prohibited Financial Interests
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2635, Subpart E
<input type="checkbox"/> Purpose
<input type="checkbox"/> Affecting Member of Household
<input type="checkbox"/> Involving Covered Relationship
<input type="checkbox"/> Other Circumstances of Concern
<input type="checkbox"/> Procedures
<input type="checkbox"/> Disqualification and Documentation
<input type="checkbox"/> Agency Authorization
<input type="checkbox"/> Extraordinary Payments
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2635, Subpart F
<input type="checkbox"/> General Disqualification Requirement
<input type="checkbox"/> Relationship to 18 U.S.C. § 208
<input type="checkbox"/> Definition of "Seeking Employment"
<input type="checkbox"/> Other Definitions
<input type="checkbox"/> Documentation of Disqualification
<input type="checkbox"/> Waivers and Authorizations
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2635, Subpart G
<input type="checkbox"/> Public Office for Private Gain, Generally
<input type="checkbox"/> Inducement of Benefits
<input type="checkbox"/> Appearance of Government Sanction
<input type="checkbox"/> Endorsements
<input type="checkbox"/> Use of Nonpublic Information
<input type="checkbox"/> Use of Government Property
<input type="checkbox"/> Use of Official Time
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2635, Subpart H
<input type="checkbox"/> Prior Approval
<input type="checkbox"/> Conflicting Outside Employment/Activities
<input type="checkbox"/> Outside Earned Income Ban
<input type="checkbox"/> Service as Expert Witness
<input type="checkbox"/> Teaching, Speaking, Writing
<input type="checkbox"/> Fundraising
<input type="checkbox"/> Just Financial Obligations
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2636
<input type="checkbox"/> Definition of "Covered Noncareer Employee"
<input type="checkbox"/> Other Definitions
<input type="checkbox"/> Outside Earned Income Limitation
<input type="checkbox"/> Professions Involving Fiduciary Relationship
<input type="checkbox"/> Compensation for Service on Boards
<input type="checkbox"/> Advance Authorization for Compensated Teaching
<input type="checkbox"/> Advisory Opinions
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2637
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<input type="checkbox"/> 5 C.F.R. Part 2638
<input type="checkbox"/> Office of Government Ethics
<input type="checkbox"/> Agency Ethics Program Management
<input type="checkbox"/> Agency Ethics Training Requirements
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2640
<input type="checkbox"/> Participate Personally and Substantially
<input type="checkbox"/> Particular Matter
<input type="checkbox"/> Direct and Predictable Effect
<input type="checkbox"/> Personal or Imputed Financial Interest
<input type="checkbox"/> Serving Outside Entities in Official Capacity
<input type="checkbox"/> Disqualification, Documentation, Screening
<input type="checkbox"/> Regulatory Exemptions
<input type="checkbox"/> Individual Waivers
<input type="checkbox"/> Divestiture and CD's
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> General Discussion

<input type="checkbox"/> 5 C.F.R. Part 2641
<input type="checkbox"/> Purpose
<input type="checkbox"/> Advice
<input type="checkbox"/> Applicability
<input type="checkbox"/> Applicability to SGEs
<input type="checkbox"/> Commencement and Length
<input type="checkbox"/> Communication or Appearance
<input type="checkbox"/> Intent to Influence
<input type="checkbox"/> To U.S., Former Agency, or Specified Officials
<input type="checkbox"/> On Behalf of Any Other Person
<input type="checkbox"/> Particular Matter involving Specific Parties
<input type="checkbox"/> Same Particular Matter
<input type="checkbox"/> Participate Personally and Substantially
<input type="checkbox"/> U.S. Is Party or Has Interest
<input type="checkbox"/> Official Responsibility
<input type="checkbox"/> Matter on which Seeks Official Action
<input type="checkbox"/> 18 U.S.C. § 207(b)
<input type="checkbox"/> 18 U.S.C. § 207(f)
<input type="checkbox"/> 18 U.S.C. § 207(l)
<input type="checkbox"/> Exceptions and Waivers
<input type="checkbox"/> Component Designations
<input type="checkbox"/> General Discussion

Education Resource Type	
Check only one, if applicable	
<input type="checkbox"/>	Job Aid
<input type="checkbox"/>	Quick Reference
<input type="checkbox"/>	Pamphlet
<input type="checkbox"/>	Poster
<input type="checkbox"/>	Video
<input type="checkbox"/>	Crossword Puzzle
<input type="checkbox"/>	On-Demand Course
<input type="checkbox"/>	Education Model Practice

Content Category	
Check only one	
<input checked="" type="checkbox"/>	Legal Advisories
<input type="checkbox"/>	Education Advisories
<input type="checkbox"/>	Program Management Advisories
<input type="checkbox"/>	Statutes
<input type="checkbox"/>	Regulations
<input type="checkbox"/>	Agency Supplemental Regulations
<input type="checkbox"/>	Federal Register Issuances
<input type="checkbox"/>	Judicial Opinions
<input type="checkbox"/>	DOJ Office Legal Counsel
<input type="checkbox"/>	Program Management
<input type="checkbox"/>	Workshops & Seminars
<input type="checkbox"/>	Resources
Check one or both, if applicable	
Financial Disclosure	
<input type="checkbox"/>	Confidential
<input type="checkbox"/>	Public

Clear checkboxes on this page ONLY

Master Document Comm Content - Subpart B Amendments Legal Advisory

LISTSERV & AAB PREVIEW ANNOUNCEMENT

OGE to Issue Legal Advisory Discussing Recent Amendments to Subpart B of the Standards of Ethical Conduct, “Gifts from Outside Sources”

On [date], the U.S. Office of Government Ethics (OGE) will issue a Legal Advisory discussing the recent amendments to the provisions of the Standards of Ethical Conduct that govern gifts from outside sources, found at 5 C.F.R. 2635, Subpart B. This Legal Advisory highlights the major substantive changes set forth in the final rule, which OGE published in the Federal Register on November 18, 2016. The Legal Advisory discusses, among other revisions, the following sections: 1) Considerations for declining otherwise permissible gifts, found at 5 C.F.R. § 2635.201(b); and (2) The Widely attended gatherings (WAG) exception, found at 5 C.F.R. § 2635.204(g).

A link to the issuance will be posted on OGE’s Legal Advisories page, <https://www.oge.gov/web/oge.nsf/Legal%20Advisories>.

LISTSERV & AAB ANNOUNCEMENT

OGE Issues Legal Advisory Discussing Recent Amendments to Subpart B of the Standards of Ethical Conduct, “Gifts from Outside Sources”

The U.S. Office of Government Ethics (OGE) has issued a Legal Advisory discussing the recent amendments to the provisions of the Standards of Ethical Conduct that govern gifts from outside sources, found at 5 C.F.R. 2635, Subpart B. This Legal Advisory highlights the major substantive changes set forth in the final rule, which OGE published in the Federal Register on November 18, 2016. The Legal Advisory discusses, among other revisions, the following sections: 1) Considerations for declining otherwise permissible gifts, found at 5 C.F.R. § 2635.201(b); and (2) The Widely attended gatherings (WAG) exception, found at 5 C.F.R. § 2635.204(g).

The Legal Advisory is available on OGE’s website at: [Insert link]. You may access the *Federal Register* issuance by clicking here: <https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>

HOME PAGE HIGHLIGHT

OGE Discusses Recent Amendments to Subpart B of the Standards of Ethical Conduct, “Gifts from Outside Sources”

On [date], OGE issued a Legal Advisory discussing the recent amendments to the provisions of the Standards of Ethical Conduct that govern gifts from outside sources, found at 5 C.F.R. 2635, Subpart B. Subpart B sets prohibits employees from soliciting or accepting gifts from persons who are regulated by the employee’s agency or gifts that are given because of the employee’s government position. This Legal Advisory highlights major substantive changes made in the final rule <https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-27036.pdf>, which OGE published in the Federal Register on November 18, 2016.

The Legal Advisory discusses, among other revisions, the following sections: 1) Considerations for declining otherwise permissible gifts, found at 5 C.F.R. § 2635.201(b); and (2) The Widely attended gatherings (WAG) exception, found at 5 C.F.R. § 2635.204(g).

The Legal Advisory can be found here: [\[Insert link\]](#).

TWEETS

Want to know what rules apply to federal employees accepting gifts? Read OGE's new advisory to learn more [\[link\]](#)

Ethics rules on accepting gifts from outside sources have been updated. OGE's new advisory discusses key changes [\[link\]](#)

Feds; thinking about accepting a gift? See OGE's new advisory about the updated rules [\[link\]](#)

ADVANCED NOTICE EMAIL

Hello All,

This is advance notice of a pending Legal Advisory. LA-16-XX will be published on [date].

I will email you with posting instructions for the communications once it is ready to be posted. The only actions that need to be taken now are the posting of the Max/AAB and Listserv Preview Announcements.

- MAX/AAB Preview Announcement – **Brandon Bunderson**, please post the attached preview announcement
- Listserv Preview Announcement – **Kaneisha/Patrick**, please send out the attached preview announcement

Thanks in advance to everyone.

DESK OFFICER PREVIEW

Desk Officers:

In accordance with the OGE Legal Advisory Procedures, I wanted to alert you that a new Legal Advisory, LA-16-XX (Discussion of Subpart F Amendments), will be posted on [date]. If you have questions regarding the Advisory, please feel free to reach out to me.

Please remember that this is close-hold (not to be shared externally) until publication.

FINAL POSTING EMAIL

Hello Everyone,

Following up on the e-mail that I sent **insert date**, OGE will post Legal Advisory LA-16-06 today. The PDF can be found here: [link](#)

Please take the following actions:

- Website Posting – **Monica**, please upload the Legal Advisory as soon as possible. I have attached the “Tagging Form” for your reference.
- MAX/AAB Announcement – **Brandon Bunderson**, please post the MAX/AAB announcement today after the LA is posted.
- Listserv – **Kaneisha/Teresa/Patrick**, please transmit the Listserv announcement today after the LA is posted.
- Homepage News Highlight – **Monica**, please amend the News section to include the HOMEPAGE HIGHLIGHT that is attached.

- Tweets— **Brandon Steele**, the attached tweets are good to go whenever.

Please let me know if you have any questions or any issues that arise.

AGENCY-WIDE EMAIL

In accordance with the OGE Legal Advisory Procedures, I wanted to give you a heads-up that a new Legal Advisory, LA-16-XX (discussion of Subpart F amendments), has been posted to the internet. Desk Officers should already have received the advance copy that was circulated on Friday. If you have questions regarding the Legal Advisory, please let me know.

Notes on teleconference from call with Judiciary Committee staffers, December 2, 2016

Slade Bond, Democratic Counsel to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law

Aaron Hiller, Chief Oversight Counsel, House Committee on the Judiciary

David Greengrass, Democratic Counsel to the Subcommittee on Courts, Intellectual Property, and the Internet

For OGE, Jen Matis and Kelsey Phipps

Topic 1.

They have questions about the criminal conflicts of interest laws and OGE's role in enforcing them. How do we work with DOJ? (Jen told them that our role was not in enforcing but in interpreting and providing guidance pursuant to a MOU with DOJ, but said someone else could provide more detail on OGE's authority and role with regard to the CCOI laws.) They referred to a '83 memo and a '74 letter and asked if we knew of any guidance outside of those. They referred to a list of laws compiled by CRS and wanted to know if we could look at it and comment on whether we knew of anything missing. They followed up by sending the document.

They also asked about changes OGE recently made to our regulations, particularly interested in the gift rules.

(b) (5)

A large rectangular area of the document is redacted with a solid black box. The text "(b) (5)" is visible at the top left of this redacted area.

Topic 2.

They wanted to know more about the process of reviewing and resolving incoming executive branch senior officials' potential conflicts of interest. Wanted to know how the process originated, does it originate with the official going directly to OGE? (Jen told them it did not originate that way but said someone else could provide more detail on the process.) What is OGE's role?

Topic 3.

Asked about recent tweets. Is it common practice? (We did not comment on this question at all.)

Topic 4.

What is the policy for removing the Director of OGE? Is it a five year term? Is it only for cause? What power does the President have to remove the Director? (Jen said only that the Director is a PAS with a five year term, and it was her understanding that the intention was that making it a five year term would prevent the Director's position from being open during a transition period, because of the important role that OGE plays in the presidential nominee process.)