



UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OCT 22 2007

MEMORANDUM FOR: NOAA Executive Council
NOAA Executive Panel

FROM: Conrad C. Lautenbacher, Jr. 
Vice Admiral, U.S. Navy (Ret.)
Under Secretary of Commerce for Oceans
and Atmosphere

SUBJECT: Legal Review for Events Concerning NOAA

This is a reminder that legal clearance regarding ethics issues is required whenever any Line or Staff Office in the National Oceanic and Atmospheric Administration (NOAA): (1) is planning an event with an organization outside of NOAA; (2) is seeking support for an event from an outside organization; (3) becomes aware of an event to which a large number of NOAA officials will be invited (even if NOAA is not sponsoring or actively participating in the event); or (4) becomes aware of an event where there will be prominent references to NOAA (even if NOAA is not sponsoring or actively participating in the event). The lead NOAA office for the event must obtain legal clearance regarding ethics issues well in advance of the event. The appropriate office for legal review is the Office of the Assistant General Counsel for Administration in the Department of Commerce's Office of the General Counsel (DOC OGC/Admin).

DOC OGC/Admin is responsible for providing NOAA with legal advice on the use of appropriated funds, joint projects, charging fees, and use of the NOAA name and logo. DOC OGC/Admin is also responsible for providing NOAA legal advice regarding ethics-related issues, including acceptance of gift funds by the agency, acceptance of invitations by employees, and general issues regarding the possible appearance of impropriety. In order to provide advice concerning these issues with regard to NOAA events, it is important that you notify an attorney in DOC OGC/Admin during the early planning stages of an event and provide as much information as possible, including information on how the event will be funded, who will participate as speakers or organizers, and who will be invited to the event.

Similarly, if you learn of an event being held by a private sector organization that is intended to support a NOAA program or activity, or is being held to recognize NOAA accomplishments or milestones, you should notify DOC OGC/Admin as soon as possible. Often such events may be perceived as official government activities, which may raise legal questions or appearance issues. DOC OGC/Admin attorneys can advise on ways to avoid such problems, but such advice is most effective if they are consulted as early as possible, preferably in the planning stages.

DOC OGC/Admin attorneys may be reached at (202) 482-5834. They can also be reached by e-mail through the Ethics Law and Programs Division at ethicsdivision@doc.gov.

THE ADMINISTRATOR

