



U. S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

February 4, 2013

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: James M. Cole 
Deputy Attorney General

SUBJECT: Updating Restrictions on Commemorative Items and Trinkets

On October 5, 2011, I issued a memorandum entitled "Continued Restrictions on Non-Essential Spending" which directed components to suspend all non-essential travel, training, and conferences. The memorandum also specifically required components to "[s]uspend purchases of all trinkets, including logo-supplies, logo-portfolios, 'message-related' items, clothing, etc., until further notice (this applies to conference-related purchases as well as those that are not associated with a conference)." The only exception to this prohibition was for items properly purchased with Representation Funds pursuant to the guidelines in DOJ Order 2110.31B. On November 16, 2012, the Attorney General issued a memorandum entitled "Continued Freeze of Hiring and Non-Essential Spending/Exemption Process Modification" which stated, in the context of discussing my memorandum, that components "must completely suspend trinket and commemorative item spending." The Attorney General's memorandum continued the restrictions in my memorandum and was not intended to prohibit legitimate purchases of Representation Fund items or reasonable purchases of commemorative items for use as honorary awards.

To ensure the institutionalization of proper limits and controls on purchases of commemorative items and trinkets, the Justice Management Division (JMD) Finance Staff has issued the attached policy, "Restricted Use of Department Funds to Purchase Commemorative Items and Trinkets" (DOJ Policy Statement 1400.02). This policy applies to all components and generally reiterates, with some modifications to clarify permissible awards purchases, leadership restrictions on the purchase of trinkets and commemorative items. Any purchase of trinkets or commemorative items that is not permitted by the attached policy is prohibited.

The policy provides that, subject to certain limitations and requirements, commemorative items and trinkets may be purchased only (1) for use as honorary awards, consistent with fiscal prudence and good judgment; or (2) to promote goodwill towards the Department when properly purchased with Representation Funds pursuant to DOJ Order 2110.31B. Exceptions will be

Subject: Updating Restrictions on Commemorative Items and Trinkets

made only for compelling mission needs and require approval of the Assistant Attorney General for Administration or his designee, even where a component has specific statutory authority to make such purchases.

Adherence to DOJ Policy Statement 1400.02 is necessary to ensure that our scarce resources are devoted to our core mission responsibilities. If you have any questions please contact Lee Lofthus, Assistant Attorney General for Administration, at 202-514-3101, or have your staff contact Chris Alvarez, Deputy Director, JMD Finance Staff, at 202-616-5234.

Attachment

cc: Executive Officers
Bureau Chief Financial Officers
Chiefs of Staff



JANUARY 30, 2013

DOJ POLICY STATEMENT

RESTRICTED USE OF DEPARTMENT FUNDS TO PURCHASE COMMEMORATIVE ITEMS AND TRINKETS

PURPOSE: This Policy Statement updates Department of Justice (Department or DOJ) policy on the restricted use of Department funds to purchase commemorative items and trinkets and requires that all such items must, to the extent possible, be manufactured, produced or assembled in the United States, its territories or possessions. This Policy Statement applies to all procurement mechanisms used to obtain commemorative items and trinkets, including purchase cards and purchase orders.

SCOPE: This Policy Statement applies to all DOJ Components regardless of funding source.


ORIGINATOR: Justice Management Division (JMD), Finance Staff (FS)

CATEGORY: (I) Administration, (II) Financial Management

AUTHORITY: DOJ Order 2110.31B; Section 507 of Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Title V, Division B, Public Law 112-55); OMB Circular A-87.

CANCELLATION: JMD FS Financial Management Policies and Procedures Bulletin No. 11-04, *Restrictions on Using Department of Justice Funds to Purchase Trinkets*.

DISTRIBUTION: This Policy Statement is distributed electronically to all components listed in the Scope Section as well as posted to the DOJ Directives Management website <https://portal.doj.gov/dm/Pages/Home.aspx>.

APPROVED BY: 
Melinda Morgan
Director
JMD Finance Staff

RESTRICTED USE OF DEPARTMENT FUNDS TO PURCHASE
COMMEMORATIVE ITEMS AND TRINKETS

ACTION LOG

All DOJ directives are reviewed, at minimum, every five years and revisions are made as necessary. The action log records dates of approval, recertification, and cancellation, as well as major and minor revisions to this directive. A brief summary of all revisions will be noted. In the event this directive is cancelled, superseded, or supersedes another directive, that will also be noted in the action log.

Action	Authorized by	Date	Summary
Initial Document	Melinda Morgan	1/30/2013	Approval of Policy Statement

RESTRICTED USE OF DEPARTMENT FUNDS TO PURCHASE
COMMEMORATIVE ITEMS AND TRINKETS

TABLE OF CONTENTS

I.	POLICY.....	4
II.	OVERSIGHT RESPONSIBILITIES.....	6
III.	QUESTIONS AND COMMENTS.....	6

DEFINITIONS

Commemorative Item	Commemorative item means a plaque, certificate, picture (framed or unframed), or other type of item typically given to an individual or group to acknowledge particular achievements or exceptional contributions.
Trinket	Trinket means an item (typically of nominal value) such as a hat, mug, t-shirt, or coin.
Component	Component means an Office, Board, Division or Bureau of the Department of Justice as defined in 28 C.F.R. Part 0 Subpart A, Paragraph 0.1.
Department	Department means the Department of Justice

ACRONYMS

AAG/A	Assistant Attorney General for Administration
DAG	Deputy Attorney General
DOJ	Department of Justice
FS	Finance Staff
JMD	Justice Management Division

RESTRICTED USE OF DEPARTMENT FUNDS TO PURCHASE
COMMEMORATIVE ITEMS AND TRINKETS

I. POLICY.

The use of Department funds to purchase commemorative items and/or trinkets for distribution to employees or the public is prohibited except as provided for in this policy. Note that trinkets to be used as message conveyors and similar giveaways (whether they are conference-related or otherwise) are generally impermissible unless special approval is granted pursuant to § I(C). Pending further guidance, the following policies and limitations apply to the permissible categories of commemorative items and trinket purchases:

A. Honorary Awards.

It is permissible to give an employee a commemorative item, such as a framed certificate or plaque, as an honorary award in conjunction with a cash award or on its own. Employees must comply with their respective components' guidelines/policies and document the purchases, recipient(s) and their achievements. Honorary awards may be given at the time of an employee's retirement or departure where the employee's service merits such an award. Components may also give honorary award items of nominal value (commemorative items or trinkets, as appropriate) to individuals outside of the Department who have provided a service, such as speaking at a Department-sponsored event.

Fiscal prudence and good judgment must be exercised when purchasing items to be given as awards and typically such items must not cost more than \$100 except when they are to be given in conjunction with a Department or Component-level awards ceremony. Component Head or Principal Deputy¹ approval is required before a component may purchase any award item that costs more than \$100 if it will not be given during a Department or Component-level awards ceremony. To the extent that purchases of such honorary award items are permissible, they must comply with the requirements in §I(D).

B. Representation Fund Purchases.

The purchase of commemorative items and trinkets to promote goodwill towards the Department and its missions is permissible when Representation Funds are properly used pursuant to DOJ Order 2110.31B, *Expenditures of Representation Funds*. To the extent that such purchases are permissible, they must comply with the requirements in §I(D).

¹ In the case of the Federal Bureau of Investigation the Associate Deputy is authorized to approve such purchases. Further, if there is a situation in which a component does not have a Principal Deputy or an individual who has been designated as the Acting Principal Deputy, the AAG/A may delegate approval authority to a senior official in the component until the time at which a Principal Deputy or Acting Principal Deputy is named.

RESTRICTED USE OF DEPARTMENT FUNDS TO PURCHASE
COMMEMORATIVE ITEMS AND TRINKETS

C. Purchases Pursuant to a Compelling Mission Need with AAG/A Approval.

As a general matter, the above two categories (honorary awards and Representation Fund items) are the only permissible justifications for the purchase of commemorative items and/or trinkets. If a component has a compelling mission need to purchase commemorative items and/or trinkets for any other reason it must submit a request to the Director, JMD FS prior to making any such purchases. Note that such a request is required even if a component has specific statutory authority to purchase trinkets for other purposes. Each request must contain the justification (compelling mission need); description, quantity, and cost of the items; and a description of the individuals to whom the items will be distributed. A component must not proceed with any such purchases unless it receives approval from the AAG/A or his designee. To the extent that the purchase of such items is deemed to be permissible, the component must comply with the requirements in §I(D).

D. American-Made Requirement.

Commemorative item and trinket purchases must comply with a provision enacted as part of the Department's appropriations act that such items be "American-made," as follows:

To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.²

Out of an abundance of caution, this policy applies that provision to all purchases of commemorative items and trinkets. Accordingly, components purchasing commemorative items or trinkets must first consider whether there are American-made options for such purchases. Components must buy American-made items unless:

1. American-made items are unavailable,
2. The cost of American-made items is unreasonable, or
3. There is another compelling reason to purchase items made outside the United States.

² Section 507 of Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Title V, Division B, Public Law 112-55). The provision refers to the definition of "promotional items" in Office of Management and Budget Circular A-87, Attachment B, Item (1)(f)(3), which restricts purchases of "promotional items and memorabilia, including models, gifts, and souvenirs."

RESTRICTED USE OF DEPARTMENT FUNDS TO PURCHASE
COMMEMORATIVE ITEMS AND TRINKETS

If a component chooses not to buy American-made items, such a decision must be documented in writing and retained with the purchasing documentation.

E. Component Policies.

Components are permitted to establish their own policies on using Department funds to purchase commemorative items and trinkets. Such policies must not conflict with this Policy Statement, but may be more restrictive, at the discretion of the component. Component policies should include internal controls for such expenditures, such as providing for written approval of such expenditures by designated officials and periodic reporting of expenditures in accordance with Part II of this Policy Statement.

II. OVERSIGHT RESPONSIBILITIES.

The review of commemorative item and trinket purchases is required as part of the Department's existing internal control assessment conducted under Office and Management and Budget Circular A-123, *Management's Responsibility for Internal Control*. Each component is required to include testing of commemorative item and trinket purchases in its A-123 review, to ensure the restrictions on using Department funds are followed. Specific testing procedures will be provided by the JMD Internal Review and Evaluation Office as part of the Sensitive Payment test plan.

III. QUESTIONS AND COMMENTS.

If you have any questions or comments about this policy please contact the JMD FS Quality Control and Compliance Group at QCCG.FINANCIAL.MANAGEMENT.POLICY.QUESTIONS@USDOJ.GOV.