

## **Office of Government Ethics**

**92 x 9 -- 03/11/92**

### **Letter to an Employee dated March 11, 1992**

This is in response to your letter of January 21, 1992, which was recently referred to my general counsel staff for analysis and comment. You have asked whether the Office of Government Ethics (OGE) would consider welcome packets from [an association] to be prohibited gifts for Government employees who have been moved by [members of the association]. Your regional counsel's office for the General Services Administration (GSA) has concluded that GSA employees should not accept these welcome packets, but you have forwarded the issue to OGE for guidance as to non-GSA Government employees.

From the materials which you have provided, we understand that the welcome packets are part of a marketing and research program to distribute consumer coupons for sample household products, as well as relocation information and survey materials, to those who have been moved by [association members]. According to the [association], the value of each packet is less than \$25. The [association] characterizes this program, for which it obtained approval from the Interstate Commerce Commission, as designed to say thank-you and generate positive relations for the industry. The [association] also describes this packet distribution as a marketing technique which has been successful and popular with the public.

Based on this information, your regional counsel's office concluded that GSA employees could not accept welcome packets from this association, since [its members] are prohibited sources of gifts for GSA and the packets do not fall within any exceptions recognized by GSA gift regulations. We do not take issue with that conclusion, particularly given the special concerns about appearances of impropriety which might result for GSA employees. It is worth noting that OGE's proposed uniform standards of conduct which were published on July 23, 1991, at 56 Federal Register 33778-33815, suggest a possible future rule permitting acceptance of unsolicited gifts worth \$25 or less from otherwise prohibited sources, absent other concerns such as appearances. However, that proposal has not yet been finalized.

For non-GSA Government employees, the analysis must be made

on an agency-by-agency basis. Although the [association] and its member[s] may be prohibited sources of gifts for employees of GSA and certain other Government agencies, they would not be prohibited sources for employees of an agency with which the [members] do not seek official action or have business, do not conduct activities subject to the agency's regulatory authority, and have no interests which may be substantially affected by the agency's employees. In that case, Government employees who are moved by an [association] member could accept a welcome packet, absent other agency concerns. Even for an agency which does consider the [association] and [its] members to be prohibited sources, it might determine that the gift packets qualify under its regulatory exceptions for items available to the public or for advertising and promotional materials of nominal value.

We recommend that the [association] be advised accordingly. While we see no rigid Government-wide bar to employees accepting these welcome packets, individual employees must avoid acceptance where the [association] or its members are prohibited sources of gifts for their agency, absent a regulatory exception.

Sincerely,

Stephen D. Potts  
Director