



DEPARTMENT OF THE AIR FORCE

WASHINGTON, D.C. 20330-1000

OFFICE OF THE GENERAL COUNSEL

DEC 14 2011

MEMORANDUM FOR MR. DON FOX
ACTING DIRECTOR, U.S. OFFICE OF GOVERNMENT ETHICS

FROM: SAF/GC
1740 Air Force Pentagon
Washington DC 20330-1740

SUBJECT: Proposed Amendments to Part 2635 (RIN 3209-AA04)

We have reviewed the proposed rule and have the following question and comment:

1. Question: Will the ban on accepting gifts from a registered lobbying organization apply to a gift from an employee of that organization when he or she pays for the gift with his or her personal funds (i.e., not company funds)? Note: The question assumes that the two individuals do not have the type of personal relationship that would justify using the gift exception for gifts based on a personal relationship (5 CFR 2635.204(b)).

2. Comment: If a government employee in his or her personal capacity attends a trade show where samples, promotional items, and other small gifts valued at under \$20 are routinely given, in general, due to the \$20 *de minimis* exception, this employee may accept such items without considering whether the donor is a prohibited source. Application of the proposed rule would require this employee to know not only whether each vendor is a prohibited source for his or her agency, but also whether the organization is a registered lobbyist. This result would cause an undue and unnecessary hardship on the employees, their ethics counselors, and the administrative personnel who would be tasked to enforce this proposed rule.

If there are any questions, please contact Ms. Michelle Simms, Acting Director of Ethics, at (703) 693-7320.

A handwritten signature in cursive script that reads "Cheri L. Cannon".

CHERI L. CANNON
Deputy General Counsel
Alternate Designated Agency Ethics Official