



Federal Aviation Administration

Memorandum

Date: October 8, 2009
To: The Management Board
From: Deputy Chief Counsel and Deputy Designated Ethics Official
FAA Acquisition Executive
Subject: JUST SAY "NO"

As you know, the ethics rules prohibit agency employees from soliciting or accepting a gift from a prohibited source (for example, contractors, bidders on solicitations, entities regulated by the FAA or anyone seeking to do business with the FAA) valued at more than \$20 per gift or \$50 for the year. Recently there have been several instances where employees, who have been trained on this prohibition, have accepted gifts exceeding \$20 with creative theories as to why accepting the gift was not improper. Just as a point of clarification, in case anyone is confused, it does not avoid the prohibition to consider whether one or more prohibited sources contributed to the gift or to themselves contribute to the cost of the gift to bring the gift portion below \$20. Prohibited sources include contractors who have a valid single source contract with the FAA or are a mandatory source of supply.

More importantly, however, we are concerned that our employees are even considering how to skirt the prohibition on the acceptance of gifts. Employees should not be looking for exceptions to the prohibition on accepting gifts. It is a far better practice both for the agency and our employees to simply refuse any offered gift. Particularly when the entity offering the free meal or camera or training or transportation is an FAA contractor or prospective contractor or an entity regulated by the FAA, the answer should be a polite refusal or at most an offer (that is accepted) to pay for the full market price of the item. It is not worth an employee's career to accept a free dinner nor is it worth tarnishing the agency's image.

We request that you distribute this memo to your employees and take the opportunity to express your preference that your employees just say "no, thank you" to any offered gifts.

A handwritten signature in black ink, appearing to read "J. Whitlow".

James W. Whitlow

A handwritten signature in black ink, appearing to read "James H. Washington".

James H. Washington