

Office of Government Ethics
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Letter to the Head of a Consulting Firm
dated August 20, 1991

Thank you for your letter of August 9, 1991, concerning the standards of ethical conduct as they would apply to a senior official at [a] Department if invited to serve as the Honorary Chairman of [a charitable event].

The Office of Government Ethics (OGE) recently published proposed executive branch-wide standards which address a number of issues that arise under the Federal conflict of interest and ethics laws, including issues relating to the use of public office for private gain and the misuse of Government title or position in connection with fundraising or to endorse products, services, or enterprises. These standards were published in the Federal Register on July 23, 1991, at 56 Fed. Reg. 33778-33815. However, these standards were published as a proposed rule, requesting public comment, and will not become effective until some time after the close of the 60-day comment period. As we anticipate receiving a large number of comments from both the public and private sector, we do not currently anticipate publication of the final rule any sooner than the end of this year.

Until OGE's executive branch-wide regulations become final, existing departmental and agency standards of conduct regulations remain in force. These individual agency regulations implement general principles of ethical conduct that are very similar to those that serve as the foundation for OGE's proposed standards. Thus, for example, the Department's standards of conduct regulation provides that [Department] employees shall not use public office for private gain and shall avoid any action which might result in the appearance of doing so. While [the Department's] standards of conduct regulation does not specifically address serving as an honorary chairperson of a charitable event, we are aware that the Department has developed policies over the years in this area that are quite similar to the standards that OGE proposed on July 23. Staff ethics attorneys assigned to the Department's Office of General Counsel are familiar with these policies. Until our proposed standards of conduct become final, we will defer to the Department's established policies.

Although not yet final, you may wish to review relevant sections of OGE's proposed executive branch-wide standards of ethical conduct regulation. See especially section 2635.702 concerning the misuse of Government title or position and section 2635.808 concerning fundraising activities. These sections are discussed in the preamble on pages 33788 and 33791, respectively. If you have thoughts on our proposal, please share them with us.

I hope this information will be of assistance.

Sincerely,

Stephen D. Potts
Director