



United States Fish & Wildlife Service

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Memorandum

03/09/2004

From Director
Title Advisory on Microsoft Software Computer Gifts

The Department of Interior's Ethics Office has advised that they have become aware from information received by Department of Defense and the Department of Interior Office of Inspector General that Microsoft is sending out cards to various government employees announcing that two types of software would be arriving "in the coming weeks." The software referred to in these cards are full versions of Microsoft Office Professional Edition 2003 (valued at \$500) and Microsoft Office OneNote 2003 (valued at \$200). The cards state that the software products are being sent "without obligation."

The DOI Ethics Office has concluded that these items meet the definition of gifts from a prohibited source under 5 CFR 2635.202, which states that an employee shall not directly or indirectly, solicit or accept a gift: (1) from a prohibited source; or (2) given because of the employee's official position.

A prohibited source is defined as including persons/entities who: (1) are seeking official action by the employee's agency; (2) do business or seek to do business with the employee's agency; (3) conduct activities regulated by the employee's agency; (4) have interests that may be substantially affected by performance or nonperformance of the employee's official duties; or (5) comprise an organization a majority of whose members are described in (1) - (4).

The Service has gift acceptance authority; however, because the gift from Microsoft is offered as a form of marketing, the software should not be accepted under this authority.

If you have received these gifts of software, they should be returned to Microsoft.

If you have questions, please contact your [servicing ethics counselor](#).

Our mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.