

**Coin for Coins:
Federal Agency Spending on
Promotional and Commemorative Items**



**CAUSE
of ACTION**
Advocates for Government Accountability

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I. Executive Summary

A six-month investigation of thirty-two United States federal agency offices reveals spending patterns and decisions by numerous agencies that potentially violate President Obama's Executive Order 13589, which instructs agencies to "limit the purchase of promotional items (e.g., plaques, clothing and commemorative items), in particular where they are not cost-effective."

Cause of Action, a nonprofit, nonpartisan organization that uses investigative, legal, and communications tools to educate the public on how government accountability and transparency protects taxpayer interests and economic opportunity, submitted Freedom of Information Act (FOIA) requests to multiple agencies regarding their spending on items categorized as commemorative.

Using FOIA productions from nine different agency offices as well as publicly available government spending data, Cause of Action found a wide spectrum of taxpayer dollar expenditures on items considered "promotional" and/or "commemorative." These findings are presented in this report. In determining which agencies to scrutinize, investigators at Cause of Action examined Government Accountability Office (GAO) reports, department Inspectors General reports, and investigations by members of Congress. Based on those sources and Cause of Action's investigation, it was determined that numerous agencies have a history of questionable decisions in their procurement of promotional items and that their expenditures should be further examined.

Nine federal agency offices are analyzed in this report:

1. USDA, Rural Development (RD)
2. United States Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS)
3. United States Department of Homeland Security (DHS), Office of Inspector General (OIG)
4. United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS)
5. United States Department of the Interior (DOI), Fish and Wildlife Service (FWS)
6. USDA, Forest Service (FS), Alaska Region
7. USDA, FS, Southwestern Region
8. Department of Energy (DOE), OIG
9. United States Department of Defense (DOD)

Among the \$1,123,118 of spending revealed in this report:

- DOJ COPS spent over \$12,000 on commemorative items for a single conference.
- DHS OIG offices spent nearly \$700,000 on awards in fiscal year 2010.
- DOI FWS spent over \$86,000 on commemorative items between 2009 and 2012.

Among the types of items that were purchased:

- For each of the Kansas USDA RD office's 120 employees, their choice of a Garmin GPS system, Nook 3G digital reader, or Apple iPod
- 1,025 USB flash drives shaped like police cars
- 300 official game use hockey pucks with the DOJ COPS logo on both sides
- 500 "Hamburger Yo-Yos"
- 256 engraved Leatherman knives

Cause of Action also determined that in some instances agencies were exercising fiscal responsibility by purchasing items from more economical vendors or choosing products that were cost-effective. However, spending swings from responsible to excessive without reason. Overall, a pattern emerges from the data that demonstrates a spending problem in multiple agencies including failures to track and document spending on promotional items, making accountability impossible.

From the nine agency offices examined in this report, all of them are found to be in potential violation of agency rules, ethics standards, and/or President Obama's Executive Order on spending.

II. Investigative Timeline

On April 2, 2012, the General Services Administration (GSA), Office of Inspector General (OIG) released a report concerning the GSA's Public Buildings Service's 2010 Western Regions Conference (WRC). The OIG report identified evidence of excessive spending on conference planning, meals, and entertainment; improper contracting; and several other impermissible and questionable expenses.¹ In addition, not only were taxpayer dollars spent directly on costs related to the conference but, according to the OIG report, an excessive amount of funds was spent on mementos commemorating the conference.² The GSA spent at least \$6,325 on commemorative coins (including velvet-lined boxes to hold each coin) not just for all WRC conference participants but even for those regional employees who did not attend the conference—supposedly as a "reward" for their work on projects associated with the American Recovery and Reinvestment Act of 2009.³ Furthermore, on top of the thousands of dollars' worth of commemorative coins, the GSA also purchased souvenir canteens and carabiners (costing over \$2,780 total) and commemorative T-shirts for participants in a team-building activity (at a cost of approximately \$3,750).⁴ As a result, the OIG determined that the WRC-

¹ OFFICE OF INVESTIGATIONS, OFFICE OF INSPECTOR GENERAL, *Mgmt. Deficiency Report: 2010 W. Regions Conference* 1, 3 (Apr. 2, 2012), <http://www.gsaig.gov/?LinkServID=908FFF8C-B323-14AD-270C38936310AEBD&showMeta=0>.

² *Id.* at 2.

³ *Id.* at 12.

⁴ *Id.* at 11.

related expenditures were “excessive, wasteful, and in some cases impermissible.”⁵ Amid the release of the OIG report, GSA Administrator Martha Johnson resigned.⁶

On April 4, 2012, following the GSA OIG’s discovery of excessive spending on gifts and tokens, Cause of Action wrote to numerous federal agencies and departments regarding their spending on promotional and commemorative items such as those purchased by the GSA. These Freedom of Information Act (FOIA) requests sought records from January 2009 to the present concerning the agencies’ acquisition or use of commemorative items, including but not limited to coins, trophies, certificates, or any other form of token or award; expenditures for commemorative items per fiscal year, the purpose of such commemorative items, and whether the award was deemed permissible; for non-government recipients of awards, communications between any employee of the agency and a non-federal employee recipient of a commemorative item; and, for federal employee award recipients, records relating to the criteria used to determine whether a federal employee qualified for a commemorative item.

FOIA requests were initially sent to sixteen federal agencies, departments, and their OIGs. Following these initial submissions, some agencies referred the respective FOIA request to other agencies, sub-agencies, and regional offices within their departments. Currently, at least 112 entities are in receipt of Cause of Action’s FOIA requests regarding promotional and commemorative items. Twenty-five entities have produced at least some documents responsive to Cause of Action’s FOIA request, while eight entities have sent “no-records” responses (i.e., there were no documents relating to the acquisition of promotional or commemorative items during the relevant time period). Over 2,000 pages of documents have been produced to Cause of Action to date. Investigators are presently awaiting responses from at least seventy-five federal entities and will be updating this report in the coming months based on additional findings from within the outstanding FOIA productions.

III. Current Federal Spending on Promotional Items

On September 21, 2011, the Office of Management and Budget (OMB) issued Memorandum M-11-35, emphasizing the President’s priority to ensure that the federal government operates with the utmost efficiency and eliminates unnecessary or wasteful spending.⁷ The OMB’s guidance was followed by Executive Order 13576 on “Delivering an Efficient, Effective, and Accountable Government” and Executive Order 13589 on “Promoting Efficient Spending.”⁸ In November 2011, President Obama advised federal agencies on how to promote efficient spending, including an instruction that “[a]gencies should limit the purchase of

⁵ *Id* at 1.

⁶ Lisa Rein and Joe Davidson, *GSA chief resigns amid reports of excessive spending*, WASH. POST, Apr. 2, 2012, http://www.washingtonpost.com/politics/gsa-chief-resigns-amid-reports-of-excessive-spending/2012/04/02/gIQABLNNrS_story.html.

⁷ Memorandum from Jacob J. Lew, Director, Office of Management and Budget to Heads of Executive Department and Agencies (Sept. 21, 2011), <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-35.pdf>.

⁸ See EXEC. ORDER NO. 13576, 76 Fed. Reg. 35,297 (June 13, 2011) available at <http://www.whitehouse.gov/the-press-office/2011/06/13/executive-order-delivering-efficient-effective-and-accountable-governmen>; See EXEC. ORDER NO. 13589, 76 Fed. Reg. 70,863 (Nov. 9, 2011), available at <http://www.whitehouse.gov/the-press-office/2011/11/09/executive-order-promoting-efficient-spending>.

promotional items (e.g., plaques, clothing and commemorative items), in particular where they are not cost-effective.”⁹

Cause of Action’s investigation revealed many instances of federal agency promotional item spending that complied with Executive Order 13589’s mandate that federal agencies spend in a cost effective manner.¹⁰ Federal agencies have respected the mandate by refraining from purchasing items from high-end merchants, abstained from expensive customizations or optional additions to standard items, and by spending the fair market value for promotional items. For example, the Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) procured 1,500 lapel pins with their logo in red and blue for \$2,448, just over \$1.63 per pin.¹¹ The agency had the option of purchasing different flashing lapel pins from The Promo Touch, a distributor often used by the GSA, the DOJ COPS, and other federal agencies, for over \$20 each.¹² In another instance, the USDA FSIS purchased 500 twenty-ounce survival stainless steel sports water bottles for less than \$6 per bottle from the Delaware Industries for the Blind,¹³ even though Delaware Industries for the Blind sold special thermal bottles, with agency logos, at a cost of nearly \$30 per bottle.¹⁴ Despite the many purchases that comply with President Obama’s Executive Order, many agencies continue to spend in a wasteful manner.

According to publicly available records, the federal government has spent at least \$87 million since the fiscal year 2000 on commemorative items, including such items as commemorative coins, pouches, watches, and spoons,¹⁵ but that amount could be well over \$125 million.¹⁶ And while promotional items tend to be tangible, federal agencies may engage in expenditures on non-tangible promotions as well. An April 2012 report by the Congressional Research Service found that federal agencies spent \$750.4 million on advertising services in FY 2011.¹⁷

Some of the more prominent examples of recent promotional item spending include, in FY 2010, \$97,400 by the DOD for “Various Promotional Items for Employee to Employee

⁹ EXEC. ORDER NO. 13589, at Sec. 7.

¹⁰ *Id.*

¹¹ Commemorative Items Document Prod., DOJ COPS at 000024 (May 14, 2012) (Ex. 1).

¹² THE PROMO TOUCH,

<http://thepromotouch.com/ProductResults/?SearchTerms=flashing+lapel&referrerPage=Home&refPgId=500800800&referrerModule=QKSCHB> (last visited Sept. 1, 2012); GEN. SERVICES ADMIN., <http://gsa.federalschedules.com/gsa-schedule.aspx?gclid=CKaXmKPkobICFc2b7QodvFkAYg> (last visited Sept. 1, 2012).

¹³ Commemorative Coins Responsive Records, USDA, FSIS at 000015 (Aug. 2012) (Ex. 1A).

¹⁴ DELAWARE INDUSTRIES FOR THE BLIND, <http://www.promoplacel.com/dib/> (last visited Aug. 30, 2012). It should also be noted that Delaware Industries for the Blind is a non-profit that, as the name suggests, fosters independence for the blind by providing employment opportunities. See DELAWARE INDUSTRIES FOR THE BLIND, <http://www.promoplacel.com/dib/about.htm> (last visited Aug. 30, 2012).

¹⁵ USA SPENDING,

http://usaspending.gov/explore?tab=By%20Agency&productorservicecode=9915&psc_name=COLLECTORS%20AND/OR%20HISTORICAL%20ITEMS&comingfrom=searchresults&fiscal_year=all (last visited Sept. 27, 2012).

¹⁶ See note 28, *infra*.

¹⁷ Kevin R. Kosar, CONG. RESEARCH SERV., R41681, *Advertising by the Federal Government: An Overview*, 4 (Apr. 6, 2012) <http://www.fas.org/sgp/crs/misc/R41681.pdf>.

Award Incentive Program”;¹⁸ \$57,546 on promotional gloves at the USDA;¹⁹ \$12,705 by the Department of Veterans Affairs (VA) on “Promotional Items Including Umbrellas, Pens, Totes, notebooks, Lanyards, [and] Post-it Notes”;²⁰ \$12,782 by the VA Ann Arbor Healthcare System (VAAAHS) on “Backpacks, Totes, [and] Promotional Items with VAAAHS Logo”;²¹ and \$6,223 spent on golf shirts by the VA.²²

In fact, many private companies have received extensive revenue from supplying promotional items to the federal government. Consider the following examples: in 2010, Jensen Promotional Items received over \$650,000 to provide “promotional items” clothing to the DOD,²³ while in 2011 Logobranders received over \$160,000 to provide special-purpose clothing to the DOD.²⁴ Also in 2011, Jus N’ Tyme Promos received \$136,632 from the VA to procure “personal toiletry articles” as promotional items.²⁵ In 2011, the VA also paid a print broker \$127,807 for promotional items classified as “games, toys, and wheeled goods.”²⁶ Some companies now provide dedicated online stores for federal agencies to order agency-specific

¹⁸ USA SPENDING,
http://www.usaspending.gov/explore?fiscal_year=all&comingfrom=searchresults&piid=HQ042311P0035&typeofview=complete (last visited Sept. 17, 2012).

¹⁹ USA SPENDING,
http://www.usaspending.gov/explore?fiscal_year=all&comingfrom=searchresults&idvpiid=GS07F5632P&piid=AG3K06D110393&typeofview=complete (last visited Sept. 17, 2012).

²⁰ USA SPENDING,
http://www.usaspending.gov/explore?fiscal_year=all&comingfrom=searchresults&idvpiid=GS07F9626S&piid=VA538P13172&typeofview=complete (last visited Sept. 17, 2012).

²¹ USA SPENDING,
http://www.usaspending.gov/explore?fiscal_year=all&comingfrom=searchresults&idvpiid=GS03F0144V&piid=VA506A10818&typeofview=complete (last visited Sept. 17, 2012).

²² USA SPENDING,
http://www.usaspending.gov/explore?frompage=contracts&contractorid=808082668&contractorname=GOLF+SHIRTS+AND+MORE%2C+LLC&fiscal_year=all&tab=By%2BPrime%2BAwardee&typeofview=transactions&piid=V580A11662&agencyid=3600&agencyname=VETERANS+AFFAIRS%2C+DEPARTMENT+OF (last visited Sept. 17, 2012).

²³ USA SPENDING,
http://www.usaspending.gov/?fiscal_year=2011&typeofview=transactions&contractorid=173386087&contractorname=JENSEN%20PROMOTIONAL%20ITEMS%20INCORPORATED&tab=By%20Location&q=explore&pop_state=VA (last visited Sept. 17, 2012).

²⁴ USA SPENDING,
http://www.usaspending.gov/explore?frompage=contracts&contractorid=849430355&contractorname=LOGOBRANDERS%2C+INC.&fiscal_year=all&tab=By%2BPrime%2BAwardee&typeofview=transactions&piid=W911SD11P0329&agencyid=2100&agencyname=DEPT+OF+THE+ARMY (last visited Sept. 17, 2012).

²⁵ USA SPENDING,
http://www.usaspending.gov/explore?frompage=contracts&contractorid=828130224&contractorname=JUS+N%27TYME+PROMOS+INC.&fiscal_year=all&tab=By%2BPrime%2BAwardee&typeofview=transactions&piid=VA26012F0171&agencyid=3600&agencyname=VETERANS+AFFAIRS%2C+DEPARTMENT+OF (last visited Sept. 17, 2012).

²⁶ USA SPENDING,
http://www.usaspending.gov/explore?frompage=contracts&contractorid=829569586&contractorname=POCAN%2CLYNN&fiscal_year=all&tab=By%2BPrime%2BAwardee&typeofview=transactions&piid=VA362G10111VBA08L20319&agencyid=3600&agencyname=VETERANS+AFFAIRS%2C+DEPARTMENT+OF (last visited Sept. 17, 2012).

items like apparel, drinkware, and plaques that could be acquired for promotional or commemorative purposes.²⁷

Unfortunately, there are many problems that arise in trying to examine federal promotional item expenditures. First, although “promotional items” may be a term used by the executive branch, it is not an official North American Industry Classification System (NAICS) code (the codes used to classify businesses by their type of economic activity or industry), leaving limited transparency in oversight of promotional item spending. A search on USA Spending for “promotional items” for the fiscal years 2009, 2010, 2011, and 2012 reveals that \$124.5 million has been spent on 729 transactions.²⁸ Several NAICS codes may refer to the types of business organizations that provide “promotional items” to the federal government, including “Gift, Novelty and Souvenir Stores,” “Clothing, Accessories Stores,” “Jewelry, Watch, Precious Stone and Precious Metal Merchant Wholesalers,” “Sporting and Athletic Goods Manufacturing,” “Costume Jewelry and Novelty Manufacturing,” “Pen and Mechanical Pencil Manufacturing,” and “Other Apparel Accessories and Other Apparel Manufacturing.” A search on USA Spending using the aforementioned NAICS categories reveals that, in fiscal years 2011 and 2012 alone, almost \$2.2 million of federal money has been spent on promotional items.²⁹

However, USA Spending provides only an overview of federal spending, without the details necessary to fully understand the nature of promotional and commemorative item expenditures. Thus, for the examples of promotional items spending provided above, it is not possible to use USA Spending to determine either the recipients of the items or the context in which promotional items may have been purchased or disbursed. It is therefore necessary to rely on tools like FOIA to understand a full picture of the state of promotional and commemorative item spending in the federal government to ensure that agencies are complying with the President’s Executive Order.

Cause of Action’s six-month-long investigation has revealed that large amounts of taxpayer dollars have been spent on a wide range of promotional and commemorative items—from commemorative coins, desktop clocks, lapel pins, luggage tags, and laptop bags to hockey pucks, yo-yos, paperweights, and hand-blown glass sailboat statues. This initial report includes a selection of some of the more prominent examples of spending on promotional and commemorative items uncovered by Cause of Action so far.

This report examines Cause of Action’s review of federal promotional item spending from the Department of Agriculture (USDA), Rural Development (RD); DOJ COPS; Department of Homeland Security (DHS) OIG; USDA Food Safety and Inspection Service (FSIS); Department of the Interior (DOI), Fish and Wildlife Service (FWS); two regional offices of the

²⁷ WESTERN HERITAGE, <http://www.westernheritage.com/orderonline.php> (last visited Aug. 30, 2012).

²⁸ USA SPENDING, http://www.usaspending.gov/search?form_fields=%7B%22search_term%22%3A%22%22promotional+items%22%2C%22fyear%22%3A%5B%222009%22%2C%222011%22%2C%222012%22%2C%222010%22%5d%7d&sort_by=dollars&per_page=25 (last visited Sept. 17, 2012).

²⁹ USA SPENDING, http://www.usaspending.gov/search?form_fields=%7B%22search_term%22%3A%22%5C%22promotional+items%5C%22%22%2C%22fyear%22%3A%5B%222011%22%2C%222012%22%5D%2C%22naics_code%22%3A%5B.%22453220%22%2C%22448150%22%2C%22423940%22%2C%22339920%22%2C%22339914%22%2C%22339941%22%2C%22315999%22%5D%7D&sort_by=dollars&per_page=100 (last visited Sept. 17, 2012).

USDA Forest Service; Department of Energy (DOE) OIG; and Department of Defense (DOD). In determining which agencies to specifically target in our investigation, Cause of Action staff examined Government Accountability Office (GAO) reports, department OIG reports, and investigations by members of Congress in order to identify these aforementioned nine agencies for their history of questionable decisions in the procurement of promotional and commemorative items, warranting further examination of their expenditures.

Specifically, the DOJ COPS expenditures drew the interest of Cause of Action investigators because the DOJ's own OIG criticized the agency's spending on conferences after it examined all of the costs of general support, programming, and travel associated with conferences.³⁰ Former DOJ Deputy Attorney General James Cole advised DOJ agencies on October 5, 2011 to "suspen[d] all purchasing of . . . 'trinkets,' logo-supplies, and message-related items."³¹ Cause of Action investigators also followed up on a recent GAO report that cited the DHS OIG for not following proper acquisition policies.³² The lack of adherence to agency policies led to significant cost increases for the DHS OIG. The USDA FSIS was labeled by the GAO as a "high risk" for wasteful spending based on its inconsistent oversight of spending.³³ Furthermore, the USDA has a history of questionable spending, including almost \$50,000 for the marketing of brand-name whiskey.³⁴ Finally, the DOI FWS was subjected to investigative scrutiny because of its dramatic increase in non-grant spending in recent years, which increased from \$331.8 million in 2009 to \$590 million in 2010.³⁵

A. United States Department of Agriculture, Rural Development

USDA RD produced 1,356 pages of documents detailing promotional item expenditures in response to Cause of Action's FOIA request.³⁶ These documents illustrate excessive spending on public outreach programs and employees by many regional offices.³⁷ For example, in late September 2009 the USDA RD office in Hawaii purchased 2,500 magnifying rulers and calendar

³⁰ AUDIT DIV., U.S. DEP'T OF JUSTICE, *Department of Justice Conference Expenditures*, 07-42 (Sept. 2007) <http://www.justice.gov/oig/reports/plus/a0742/final.pdf>.

³¹ Memorandum for Heads of Department Components, James M. Cole, Deputy Attorney General, *Cost Controls and Executive Order on Promoting Efficient Spending* (Nov. 21, 2011), <http://www.justice.gov/oip/docs/dag-costs-memo.pdf> ("Please pay particular attention to Section 7 regarding promotional items, i.e. plaques, clothing and commemorative items, or, in Department of Justice terms, the purchasing of "trinkets," logo-supplies, and message-related items. You will recall that I suspended all purchasing of such items in my October 5, 2011 guidance to Component Heads (attached).").

³² U.S. GOV'T ACCOUNTABILITY OFFICE, *Immigration Benefits: Consistent Adherence to DHS's Acquisition Policy Could Help Improve Transformation Program Outcomes*, 15 (Nov. 2011), <http://www.gao.gov/assets/590/586460.pdf>.

³³ U.S. GOV'T ACCOUNTABILITY OFFICE, *High Risk Series, An Update*, 111 (Feb. 2011), <http://www.gao.gov/new.items/d11278.pdf>.

³⁴ Press Release, Rural Development, U.S.D.A., Nebraska Farmers, Ranchers, Small Bus. and Coop. Through U.S.D.A. Rural Dev. Funding (Feb. 3, 2012), <http://www.rurdev.usda.gov/STELPRD4014575.html>.

³⁵ USA SPENDING, http://www.usaspending.gov/search?form_fields=%7B%22search_term%22%3A%22U.S.+Department+of+Interior+Fish+and+Wildlife%22%2C%22spending_cat%22%3A%5B%22c%22%2C%22d%22%5D%7D&sort_by=dollars&per_page=25 (last visited Sept. 17, 2012).

³⁶ Letter from Lolita Ellis, FOIA Specialist, USDA RD, to Cause of Action Staff (Sept. 13, 2012) (on file with author).

³⁷ *Id.*

magnets, 80 T-shirts, 100 visor caps, and 10,000 pens, all customized with USDA and RD logos, for over \$8,600.³⁸ In Arkansas, USDA officials spent \$20,000 on a variety of promotional items including ballpoint pens, string backpacks, and tape measurers.³⁹ These purchases were often made in the final days of the federal fiscal year. Other highlights of USDA RD expenditures on promotional and commemorative items include:

- **\$12,600 for 6,682 promotional items, including “flexi clocks”, water bottles, first aid kits, and calculators purchased by the New Mexico office⁴⁰**
- **\$25,754 spent on Garmin GPS systems, Nook 3G digital readers, and Apple iPods in October 2010 by the Iowa office⁴¹**
- **\$13,300 spent on forty-three Garmin GPS systems, fifteen engraved Apple iPod Nanos, and seventeen Nikon Coolpix cameras by the Kansas office in September 2010⁴²**
- **\$5,520 spent by the Arizona office on 2,250 custom stress balls shaped like school buses, fire trucks, and police cars⁴³**
- **\$5,500 spent over the course of three years on 7,600 toothpick dispensers by the Colorado office⁴⁴**
- **\$5,500 spent by the Pennsylvania office for 1,442 items, including \$21 travel clocks, \$16 flash lights, and \$10 beach towels⁴⁵**
- **\$17,664 spent by the Wisconsin office over two years on 18,806 pens, tote bags, folding chairs, sticky notes, and carabineers⁴⁶**
- **\$13,000 for 145 squall jackets purchased by the Arkansas office⁴⁷**
- **\$7,725 spent on 140 shirts, sweatshirts, and jackets by the Idaho office⁴⁸**
- **\$8,000 spent on eighty-four Kodak digital cameras purchased by the Maine office⁴⁹**
- **\$5,200 for 240 leather folders purchased by the California office⁵⁰**
- **\$4,815 for an unspecified amount of jackets and bags purchased by the New Jersey office⁵¹**

³⁸ USDA RD Promotional Items Prod. at 000642 (Sept. 2012) (Ex. 1B); *Id.* at 000647 (Ex. 2); *Id.* at 000650 (Ex. 3).

³⁹ *Id.* at 000138 (Ex. 4).

⁴⁰ *Id.* at 001464 (Ex. 5); *Id.* at 001485 (Ex. 6).

⁴¹ *Id.* at 000816 (Ex. 7).

⁴² *Id.* at 000847 (Ex. 8); *Id.* at 000855 (Ex. 9); *Id.* at 000863 (Ex. 10).

⁴³ *Id.* at 000042 (Ex. 11).

⁴⁴ *Id.* at 000368 (Ex. 12).

⁴⁵ *Id.* at 002458-002459 (Ex. 15).

⁴⁶ *Id.* at 003600-003601 (Ex. 16); *Id.* at 003608-003609 (Ex. 17).

⁴⁷ *Id.* at 000133 (Ex. 18).

⁴⁸ *Id.* at 000736-000738 (Ex. 19).

⁴⁹ *Id.* at 001014 (Ex. 20).

⁵⁰ *Id.* at 000331 (Ex. 21).

While a high level of expenditure on promotional items was common in many USDA RD offices, it was by no means ubiquitous. The USDA RD office in Delaware spent less than \$1,600 on promotional and commemorative items between 2009 and 2012.⁵² No other office was quite as frugal, but many managed to successfully complete their duties without resorting to the excessive expenditures catalogued above.

Additional noteworthy spending at USDA RD offices concerned the purchase of items to reward employee performance. Nearly every office recognized individual employees reaching service milestones or retirement with plaques and other commemorative items. These items did not entail excessive spending, as most plaques cost around \$50, with few surpassing \$100. However, many offices also purchased cost-excessive items as rewards for their employees. Wishing to recognize their workers for “significant contributions in FY 2010 delivering all program funding to customers across the state,” the USDA RD office in Kansas bought each of its 120 employees their choice of a Garmin GPS system, Nook 3G digital reader, or Apple iPod, for a total expenditure of \$25,770.⁵³ This came one month after \$6,167 had already been spent on 180 duffel bags for employees.⁵⁴ Again, these expenditures frequently occurred during the last few days of the fiscal year.

Not all offices chose to routinely purchase commemorative items for each of their employees; but even amongst those who did, not all splurged in the irresponsible manner noted above. For example, the USDA RD office in Arizona purchased seventy shirts for its employees at a total cost of just \$1,389.⁵⁵

In total, the most profligate spenders at the USDA RD were the Arkansas and Iowa offices, which respectively spent nearly \$33,000⁵⁶ and \$32,000⁵⁷ in promotional and commemorative expenditures over the investigative timeframe. Because an additional 2,090 pages were withheld from Cause of Action’s FOIA pursuant to FOIA exemptions, further misuse of federal funds may exist within the USDA’s RD program.

B. United States Department of Justice, Office of Community Oriented Policing Services

DOJ COPS, in response to Cause of Action’s April 6, 2012 FOIA request, produced 111 pages of documents referring or relating to promotional and commemorative items acquired by the agency.⁵⁸ The documents included purchase orders, invoices, estimates, and other similar documentation for promotional items purchased from January 2009 through April 2012. Review of these documents revealed that during this time period, DOJ COPS spent in excess of \$50,000 on items for agency employees and outside parties.⁵⁹ For one conference in 2011, DOJ COPS

⁵¹ *Id.* at 001462 (Ex. 22).

⁵² *Id.* at 000393 (Ex. 23).

⁵³ *Id.* at 000816 (Ex. 7).

⁵⁴ *Id.* at 000817 (Ex. 24).

⁵⁵ *Id.* at 000048 (Ex. 25).

⁵⁶ *Id.* at 000138 (Ex. 4); *Id.* at 000133 (Ex. 18).

⁵⁷ *Id.* at 000816 (Ex. 7); *Id.* at 000817 (Ex. 24).

⁵⁸ Commemorative Items Document Prod., DOJ COPS (May 14, 2012)

⁵⁹ *Id.*

purchased mouse pads, lanyards, luggage tags, and post-it notes at a total cost of \$16,750.⁶⁰ Other instances of promotional and commemorative item spending include:

- **\$11,605 for 1,225 USB flash drives shaped like police cars⁶¹**
- **\$2,500 for 785 “light-up” pens with the DOJ COPS logo⁶²**
- **\$1,283 for 300 official game use hockey pucks with the DOJ COPS logo on both sides⁶³**
- **\$4,325 for 2,500 mouse pads⁶⁴**
- **\$2,525 for 500 luggage tags with the DOJ COPS logo⁶⁵**
- **\$2,000 for 5,000 Post-it notepads⁶⁶**
- **\$2,360 for 2,500 yellow highlighters⁶⁷**
- **\$2,600 for 3,000 DOJ COPS logoed plastic conference bags⁶⁸**
- **\$2,950 for 180 desktop clocks⁶⁹**
- **\$685 for an undisclosed number of bookmarks for the annual International Association of Chiefs of Police conference⁷⁰**
- **\$992 for an undisclosed number of posters for DOJ COPS’s anniversary⁷¹**

Additionally, on multiple occasions, DOJ COPS requested expedited service for its purchases and thus incurred extra costs for the accelerated production of those items. For example, in October of 2011, DOJ COPS paid a \$723 fee for expedited shipping and production costs.⁷² On other occasions, DOJ COPS opted to purchase custom designed items at a significantly higher cost rather than functionally-similar stock versions of the items. For example, as noted above, DOJ COPS purchased 1,255 customized USB flash drive resembling cop cars for \$11,200.⁷³ A custom USB flash drive with just a logo from the same company would have cost as low as \$1 per flash drive- a savings of close to \$10,000.⁷⁴ This purchase thus seems questionable in light of the agency’s general prohibition on wasteful spending.

⁶⁰ *Id.* at 000032 (Ex. 37A).

⁶¹ *Id.* at 000105 (Ex. 26).

⁶² *Id.* at 000029 (Ex. 27).

⁶³ *Id.* at 000071 (Ex. 28).

⁶⁴ *Id.* at 000083 (Ex. 29).

⁶⁵ *Id.* at 000082 (Ex. 29).

⁶⁶ *Id.* at 000083 (Ex. 29).

⁶⁷ *Id.* at 000042 (Ex. 30).

⁶⁸ *Id.* at 000078 (Ex. 31).

⁶⁹ *Id.* at 000003 (Ex. 32).

⁷⁰ *Id.* at 000085 (Ex. 33).

⁷¹ *Id.* at 000090 (Ex. 34).

⁷² *Id.* at 000083 (Ex. 29).

⁷³ *Id.* at 000105 (Ex. 26).

⁷⁴ iPROMO, <http://www.ipromo.com/> (last visited Aug. 30, 2012) [Hereinafter “iPROMO”].

DOJ COPS does show apparent fiscal restraint on some other occasions. For example, instead of purchasing gold lapel pins, which would have easily cost over \$200 per pin, DOJ COPS decided to order simple lapel pins from a common supplier of promotional items.⁷⁵ DOJ COPS spent roughly \$2,500 for 1,500 Promo Touch lapel pins, or \$1.67 per lapel pin.⁷⁶ Procurement decisions made by DOJ COPS like this one would appear to comply with the Executive Order mandating executive agencies spend efficiently and effectively.⁷⁷

C. United States Department of Homeland Security, Office of Inspector General

In response to a Cause of Action FOIA request, the DHS OIG produced three documents totaling forty-one pages.⁷⁸ As the document production showed, items purchased by DHS OIG include custom paperweights, plaques, shadow boxes, leather portfolios, pens, mugs, golf balls, and custom-designed curved tumbler glasses.⁷⁹ “Document 1” the DHS OIG’s Office of Audits’ expenditures on “commemorative item awards” for the years 2009 through 2012, amounted to over \$2,250. The justifications for DHS OIG’s acquisition and distribution of these awards ranged from a tribute to the enactment of the American Recovery and Reinvestment Act, employee retirements, guest speakers, volunteering at summer picnics, and the departures of interns.⁸⁰ “Document 2” revealed that a total of almost \$700,000 was spent on “awards” by eight DHS OIG departments in just the 2010 fiscal year alone. These departments were the DHS OIG’s Front Office, Office of Administration, Office of Audits, Counsel to the Inspector General, Office of Emergency Management Oversight, Office of Inspections, Office of Investigations, and the Office of Information Technology Audits.⁸¹ “Document 3” contained a further \$27,905 worth of expenditures on “other commemorative items” by the DHS OIG’s Office of Management (OM) between the years 2009 through 2012.⁸² The OM even awarded gifts to non-OM employees, including employees with the Pennsylvania State Police, United States Attorney Offices, Pelham Security Training, the Denver Police Department, the Federal Emergency Management Agency, the Federal Air Marshal Service, the Federal Bureau of Investigation, the Minneapolis Police Department, the Chicago Police Department, the Department of Housing and Urban Development, and a former Immigration and Customs Enforcement employee.⁸³ Some of the more notable DHS OIG expenditures in the years 2009 through 2012 include:

- \$19,000 spent between 2009 and 2011 by the OMB on plaques⁸⁴

⁷⁵ iPROMO, *supra* note 74 at *id.*

⁷⁶ Commemorative Items Document Prod., DOJ COPS at 000065 (May 14, 2012) (Ex. 34A).

⁷⁷ EXEC. ORDER NO. 13589 (Nov. 9, 2011).

⁷⁸ Email from Aneet Thind, Office of Counsel, Office of Inspector Gen., Dep’t of Homeland Sec., to Cause of Action Staff (July 31, 2012).

⁷⁹ *Id.*

⁸⁰ Commemorative Items, Document 1, Commemorative Item Awards, Dep’t of Homeland Sec., Office of Inspector Gen., Office of Audits (July 2012).

⁸¹ Commemorative Items, Document 2, Dep’t of Homeland Sec., Office of Inspector Gen. (July 2012).

⁸² Commemorative Items, Document 3, Dep’t of Homeland Sec., Office of Inspector Gen. (July 2012).

⁸³ *Id.* at 000035-000036 (Ex. 35).

⁸⁴ *Id.* at 000032-000033 (Ex. 36).

- \$6,300 on DHS OIG commemorative coins alone, plus an additional \$450 to ship the coins⁸⁵
- \$6,750 for 2,000 honorary “Recognition” coins on March 8, 2011, including an additional \$450 shipping fee⁸⁶
- \$160 each for a “shadow box” awarded to five separate individuals upon their retirement from the federal government at a total price of \$800⁸⁷
- \$750 spent on fifty custom paperweights to award “work with Recovery Act Audits”⁸⁸

Document 3 also lists OM awards given for “Recognition and Appreciation (2009-2012)” and “Retirement Awards (2009-2012),” along with some of the dates these awards were given.⁸⁹ Seventy-eight “plaque/trophy” awards were given for “Recognition/appreciation,” with dates given for forty-six of the awards. Twenty-nine “plaque” awards were given for “Retirement,” but dates were only provided for seventeen of the awards, as Document 3 referred to the expenditure information contained in the “Other Commemorative Items” section. However, the “Other Commemorative Items” section contains expenditure information for only 23 awards of the 107 awards listed under “Recognition and Appreciation (2009-2012) and “Retirement Awards (2009-2012).” Thus, the information produced reveals DHS OIG procured many awards for which it failed to account.

D. United States Department of Agriculture, Food Safety and Inspection Service

In response to Cause of Action’s FOIA request, the USDA FSIS produced 143 pages of documents.⁹⁰ The produced documents consisted mainly of procurement requests, solicitations, contracts, and order forms.⁹¹ The majority of the promotional and commemorative items purchased by the USDA FSIS were used for employee recognition and achievement awards or used as marketing materials. A few of the items, such as luggage, umbrellas, and coolers, do not appear to be routine promotional or commemorative item purchases by federal government agencies. The most notable purchases of promotional and commemorative items included:

- \$10,140 for 500 steel water bottles, 500 engraved USB drives, and 500 “Enviro-Shopper” bags⁹²
- \$1,548 for 100 “padfolios”⁹³

⁸⁵ Commemorative Items, Document 1, Commemorative Item Awards, Dep’t of Homeland Sec., Office of Inspector Gen., Office of Audits at 000002-000004 (July 2012) (Ex. 37).

⁸⁶ *Id.*

⁸⁷ Commemorative Items, Document 3, Dep’t of Homeland Sec., Office of Inspector Gen. at 000032 (July 2012) (Ex. 37A).

⁸⁸ Commemorative Items, Document 1, Commemorative Item Awards, Dep’t of Homeland Sec., Office of Inspector Gen., Office of Audits at 000003-000004 (July 2012).

⁸⁹ Commemorative Items, Document 3, Dep’t of Homeland Sec., Office of Inspector Gen. (July 2012).

⁹⁰ USDA FSIS Final Production (Aug. 9, 2012).

⁹¹ *Id.*

⁹² *Id.* at 000015-000016 (Ex. 38).

- **\$5,900 for 153 polo shirts**⁹⁴
- **\$2,000 for 20 Stinger LED flashlights**⁹⁵
- **\$13,465 for 300 “Compu-Overnigher on Wheels” laptop bags**⁹⁶
- **\$12,100 for 852 mechanical wax pencils**⁹⁷
- **\$301 for a hand-blown glass statue of a sailboat**⁹⁸
- **\$350 for 500 “Hamburger Yo-Yos”**⁹⁹

The USDA FSIS’s stated rationale for the purchases of promotional and commemorative items included retirements, award incentives for completion of a manager’s financial training class, successful graduation from the “Office of Program Evaluation, Enforcement and Review’s Succession Planning Training” program, a diversity outreach program, the Agricultural Ambassador program, the Equal Employment Opportunity Advisory Committee, and in honor of Women’s History Month.¹⁰⁰ “Recognition and Retirement” were also the justifications for many other awards.¹⁰¹ Furthermore, not all of the USDA FSIS awards went to employees or agency-related activities. The USDA FSIS spent a total of \$152 for the engraving of plaques for three Assistant United States Attorneys.¹⁰² Other fees incurred by the agency included additional costs for last minute production, costs for adding custom logos, and charges for engraving.

Although many of the purchases by the USDA FSIS reviewed by Cause of Action were excessive, FSIS procured a number of items at reasonable cost. The Stinger LED Flashlights purchased by the USDA FSIS were not excessive, considering the low purchase price and added features such as LED technology and fast charging capability. A large selection of the LED flashlights and chargers sold by Southwest Public Safety, a supplier to the USDA FSIS, are in the \$130 range while including many of the same functions as those actually purchased.¹⁰³ The purchase of twenty-ounce survivor stainless sports water bottles at \$5.70 per bottle for 500 bottles is another example where a purchase was made within the average price range for bottles purchased by government entities examined this investigation.¹⁰⁴ The USDA FSIS could have purchased from the same supplier, Delaware Industries for the Blind, special thermal bottles with

⁹³ *Id.* at 000025 (Ex. 39).

⁹⁴ *Id.* at 000028-29 (Ex. 40).

⁹⁵ *Id.* at 000053 (Ex. 41).

⁹⁶ *Id.* at 000113-000114 (Ex. 42).

⁹⁷ *Id.* at 000017 (Ex. 43).

⁹⁸ *Id.* at 000040 (Ex. 44).

⁹⁹ *Id.* at 000125 (Ex. 45).

¹⁰⁰ USDA FSIS Final Production (Aug. 9, 2012).

¹⁰¹ *Id.*

¹⁰² *Id.* at 000141 (Ex. 46).

¹⁰³ SOUTHWEST PUBLIC SAFETY,

http://www.swps.com/?utm_nooverride=1&gclid=CK2R5KKh5bICFQKCnQodZQgAYA (last visited Oct. 3, 2012).

¹⁰⁴ Commemorative Coins Responsive Records, USDA, FSIS at 001462 (Aug. 2012) (Ex. 22).

agency logos costing nearly \$30 per bottle.¹⁰⁵ Instead, the agency purchased functional bottles for a fraction of the price.¹⁰⁶

E. United States Department of the Interior, Fish and Wildlife Service

The DOI FWS produced thirty-five pages detailing promotional and commemorative item expenditures in response to Cause of Action's FOIA request.¹⁰⁷ These documents show that a frequent expenditure of the DOI FWS was the purchase of trophies and plaques for both DOI FWS employees and non-government employees.¹⁰⁸ Other common purchases by the DOI FWS include retirement plaques as well as trophies for fishing tournaments.¹⁰⁹ Most regional offices of the DOI FWS participated in the purchase of promotional and commemorative items.¹¹⁰ Notably, the DOI FWS Headquarters office spent over \$15,000 on just seventy-six purchases in the years 2009 through 2012.¹¹¹ Other highlights of DOI FWS expenditures include:

- **\$10,000 on twelve plaques given as “Regional Directors Annual Employee Awards” between 2009 through 2012 in the Alaska Regional office¹¹²**
- **\$1,950 in 2009 on just one plaque, meant to explain a solar power system (presumably to the public) in the Northeast Regional office¹¹³**
- **\$1,000 in 2009 on taxidermy expenses for salmon and steelhead fish mounts by the Pacific Regional office to decorate the lobby of its office¹¹⁴**
- **\$1,050 for three wooden plaques for a Special Agent, Wildlife Inspector, and a Refuge Officer in the Pacific Regional office¹¹⁵**
- **\$1,600 in the Pacific Regional office on plaques for “Private Landowner Appreciation,” presumably indicating that the award plaques were given to private (non-governmental) landowners¹¹⁶**
- **\$635 spent by the Southeast Regional office on “Endangered Species Day Art Contest” plaques (requiring name engraving in a very short turnaround time) for the non-governmental employee winners of the contest¹¹⁷**

¹⁰⁵ DELAWARE INDUSTRIES FOR THE BLIND, <http://www.promoplace.com/dib/> (last visited Aug. 30, 2012).

¹⁰⁶ Commemorative Coins Responsive Records, USDA, FSIS at 001462 (Aug. 2012) (Ex. 22).

¹⁰⁷ DOI FWS Commemorative Coins, Prod. 1 (July 2012).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.* at 000025-26 (Ex. 47).

¹¹³ *Id.* at 000020 (Ex. 48).

¹¹⁴ *Id.* at 000005 (Ex. 49).

¹¹⁵ *Id.*

¹¹⁶ *Id.* at 000006 (Ex. 50).

¹¹⁷ *Id.* at 000012-13 (Ex. 51).

- \$4,375 for special recognition awards for the “Jr. Duck Stamp Special” by the Southeast Regional office¹¹⁸

The Pacific Regional office purchased a large supply of retirement plaques, while the Southeast Regional office purchased wall nameplates and volunteer service awards for employees.¹¹⁹ The Southeast Regional office also spent on non-governmental employees, purchasing volunteer service recognition awards, youth fishing trophies, visitor center signs, art contest plaques, and metal nametags for volunteers.¹²⁰ The California and Nevada Regional office purchased retirement plaques for Army Corp of Engineers and county-level state employees but also on commemorative items for its own employees.¹²¹ Plaques and certificates were also awarded in large quantities by the DOI FWS Headquarters office, including for such accomplishments as being a “Champion of Diversity,” as well as for “appreciation” (for government employees) and “distinguishment.”¹²²

The decision to purchase some plaques was clearly lacking in sound fiscal judgment. Three wooden plaques were purchased for a total of \$1,050 from the American Plaque Company.¹²³ The company’s catalog lists other custom wood plaques ranging in price from \$57 to a maximum of \$138 per plaque, at least less than half (and as little as one sixth) the amount paid by the DOI FWS.¹²⁴ Because no further details regarding the wooden plaques were provided, it is unknown how the DOI FWS customized the plaques in such a way as to vastly exceed the publicly listed maximum price for a custom wood plaque from this company. Furthermore, no information was given as to the circumstances surrounding the plaques, such as an unusually impressive accomplishment or length of service, which would provide a rationale for such expensive plaques. Taxpayers thus might raise the question of whether the purchase of wooden plaques was a reasonable purchase given the apparently high price and lack of details surrounding the purchase.

DOI FWS did, however, make commemorative item purchases that were not clearly excessive. The DOI FWS purchased three “certificate plaques” for one formal presentation at a total of \$77.¹²⁵ From the same merchant, the DOI FWS could have purchase many different plaques, including plaques with gold electroplated casting, which would have cost taxpayers \$130 per plaque.¹²⁶

The total amount of money spent on commemorative items by the DOI FWS for the years 2009 through 2012 was over \$86,000. The Pacific Regional office was the largest spender of taxpayer dollars on promotional items, spending just over \$17,750. The DOI FWS Headquarters office was the second most profligate with expenditures in excess of \$15,300, followed by the Southeast Regional office with almost \$13,400. Seven out of nine regions of the DOI FWS

¹¹⁸ *Id.* at 000011-000018 (Ex. 52).

¹¹⁹ DOI FWS Commemorative Coins, Prod. 1 (July 2012).

¹²⁰ *Id.*

¹²¹ *Id.* at 000027-29 (Ex. 52A).

¹²² *Id.* at 000033 (Ex. 53).

¹²³ *Id.* at 000034 (Ex. 50A).

¹²⁴ AMERICAN PLAQUE COMPANY, <http://www.americanplaquecompany.com/> (last visited Aug. 28, 2012).

¹²⁵ DOI FWS Commemorative Coins, Prod. 1 at 000019 (July 2012) (Ex. 54).

¹²⁶ TROPHY CENTRAL, <http://www.trophycentral.com/moneybagplaque.html> (last visited Aug. 28, 2012).

produced documents in response to Cause of Action's FOIA request. Out of the seven regions that produced documents, only the Northeast Regional office spent less than \$11,000 on promotional items, spending just over \$3,700.¹²⁷

F. United States Department of Agriculture, Forest Service, Alaska Region

The USDA FS Alaska Region produced 172 pages of documents to Cause of Action.¹²⁸ The Alaska Region provided purchase receipts, emails, and other vendor materials. However, unlike some other agencies, the documents do not provide the rationale for most of the purchases.¹²⁹ Many of the Alaska Region purchases included types of items other agencies have purchased, including plaques, lapel pins, and duffel bags.¹³⁰ The documents produced by the Alaska Region were so obscure as to be bereft of any justification for the promotional and commemorative item expenditures detailed by the agency items such as belt buckles, pocket planners, and Smokey the Bear-emblem baseballs did not have any described purpose in the documents.¹³¹ Highlights of the production include:

- **\$215 for one backpack¹³²**
- **\$1,535 for thirty Leatherman-brand multi-tools¹³³**
- **\$2,880 for thirteen pairs of binoculars¹³⁴**
- **\$70 per duffel bag for a total of thirteen duffel bags¹³⁵**
- **\$2,200, or over \$40 each, for fifty-three engraved pens¹³⁶**
- **\$150 for one silver belt buckle¹³⁷**

G. United States Department of Agriculture, Forest Service, Southwestern Region

The USDA FS Southwestern Region, provided a partial response to Cause of Action's FOIA request.¹³⁸ The Southwestern Region released 458 pages of responsive documents, of which 165 pages were released in part and 293 pages in their entity.¹³⁹ The records were for the 2009 and 2010 fiscal years.¹⁴⁰ The Southwestern Region provided a wide range of documents,

¹²⁷ DOI FWS Commemorative Coins, Prod. 1 at 000005 (July 2012) (Ex. 49).

¹²⁸ Letter from Beth G. Pendleton, Regional Forester, U.S. Dep't of Agric., Forest Serv., Alaska Region, to Cause of Action Staff (Aug. 17, 2012).

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² USDA FS Alaska Region Prod. 1 at 000019 (Aug. 17, 2012) (Ex. 55).

¹³³ *Id.* at 000035 (Ex. 56).

¹³⁴ *Id.* at 000039 (Ex. 57).

¹³⁵ *Id.* at 000062 (Ex. 58).

¹³⁶ *Id.* at 000063 (Ex. 59).

¹³⁷ *Id.* at 000155 (Ex. 60).

¹³⁸ Letter from Corbin L. Newman, Jr., Reg'l Forester, U.S. Dep't of Agric., Forest Serv., Sw. Region to Cause of Action Staff (Aug. 14, 2012). [hereinafter "Newman Letter"]

¹³⁹ *Id.*

¹⁴⁰ *Id.*

which included receipts, emails, photographs of products, and standard government order forms.¹⁴¹ Recognition for years of service and contributions to the agency were the main reasons cited for promotional and commemorative item purchases.¹⁴² The Southwestern Region awarded blankets, pots, whistles, bowls, trays, lunch coolers, and five-piece place settings as gifts.¹⁴³ These gifts were often more expensive than a typical plaque awarded as a gift by a government agency in similar circumstances.¹⁴⁴ The Southwestern Region also incurred substantial shipping costs on many of the promotional and commemorative items it ordered, which may have been avoided or minimized with better aforesight. Highlights of the production include:

- **\$220 for one custom etched glass award (with a lighted base at additional cost)**¹⁴⁵
- **\$220 for one custom-embroidered wool blanket as retirement gift**¹⁴⁶
- **\$1,161 for 500 commemorative coins**¹⁴⁷
- **\$14,420 for 256 engraved Leatherman knives**¹⁴⁸
- **\$534 for six engraved platters**¹⁴⁹
- **\$13,600 for 200 embroidered jackets**¹⁵⁰
- **\$337 for shipping for Impressa clock organizer**¹⁵¹

Many of the same vendors catering to government agencies, such as the Western Heritage Company, were used by the Southwestern Region to purchase the promotional items.¹⁵² However, the Southwestern Region also purchased items from higher end vendors such as L.L. Bean and Lands' End.¹⁵³ At L.L. Bean alone, the Southwestern Region purchased 200 jackets for almost \$14,000.¹⁵⁴ Other expenditures are perhaps questionable based on their cost rather than their provenance, such as \$220 spent for an

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.* at 000133 (Ex. 61).

¹⁴⁶ *Id.* at 000009 (Ex. 62).

¹⁴⁷ *Id.* at 000031 (Ex. 63).

¹⁴⁸ *Id.* at 000059 (Ex. 64).

¹⁴⁹ *Id.* at 000061 (Ex. 65).

¹⁵⁰ *Id.* at 000073-74 (Ex. 66).

¹⁵¹ *Id.* at 000035 (Ex. 67). The purchase order provided by the USDA FS, Southwestern Regional office lists only one Impressa clock, although the shipping price seems extremely excessive for what is generally a relatively inexpensive item. See generally QUALITY LOGO PRODUCTS, available at <http://www.qualitylogoproducts.com/desktop-items/impressa-clock-organizer.htm>, providing Impressa clock organizers at prices between \$7.85 and \$10.50 (last visited Sept. 17, 2012).

¹⁵² Newman Letter.

¹⁵³ *Id.* at 000066 (Ex. 68).

¹⁵⁴ *Id.* at 000073-74 (Ex. 66).

embroidered blanket for a service award.¹⁵⁵ For other similar service awards, the Southwestern Region instead purchased \$7 pins.¹⁵⁶

H. United States Department of Energy, Office of Inspector General

The DOE OIG produced five documents, totaling 136 pages, in response to Cause of Action's FOIA request.¹⁵⁷ The DOE OIG documents included official government purchase orders and requisition documents, and showed that from 2009 to 2012, the DOE OIG spent almost \$10,000 on promotional and commemorative items.¹⁵⁸ Purchases made by the DOE OIG consisted almost entirely of plaques.¹⁵⁹ However, several shadow boxes were also purchased by the DOE OIG.¹⁶⁰ Highlights of the purchases include:

- **\$105 and \$120 for shadow boxes¹⁶¹**
- **\$709 for a wall emblem and shipping¹⁶²**

The DOE OIG did not provide photographs or detailed descriptions of the plaques. From the limited descriptions provided, the most common justifications for the purchases of plaques were for retirements, general excellence, and completion of training.¹⁶³

The DOE OIG records show that it did spend additional sums of money on engraving of the plaques.¹⁶⁴ Engraving costs were minimal, averaging \$15 each.¹⁶⁵ Despite the added costs for engraving, the plaques purchased were well within the range of what most other agencies paid in similar circumstances. Most of the vendors, such as B & A Metal Graphics, focus on federal government sales.¹⁶⁶

I. United States Department of Defense

Although the majority of agencies maintain records on the spending of promotional items, the DOD has admitted to Cause of Action investigators that it does not maintain any records on promotional and commemorative items.¹⁶⁷ Even if the DOD did maintain some records of expenditures on promotional items, the DOD FOIA office stated that it simply "does not have a systematic approach to awarding or notating" promotional and commemorative items and therefore it would be unable to search them.¹⁶⁸ Having both the failure to maintain records

¹⁵⁵ *Id.* at 000009 (Ex. 67A).

¹⁵⁶ *Id.* at 000018 (Ex. 69).

¹⁵⁷ DOE OIG Commemorative Coins Prod. (July 12, 2012).

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ DOE OIG Commemorative Coins Prod. at 000091(Ex. 70).

¹⁶² *Id.* at 000122 (Ex. 71).

¹⁶³ DOE OIG Commemorative Coins Prod. (July 12, 2012).

¹⁶⁴ *Id.*

¹⁶⁵ DOE OIG Commemorative Coins Prod. at 000044 (Ex. 72).

¹⁶⁶ B & A METAL GRAPHICS, Inc., <http://www.bametalgraphics.com/> (last visited Sept. 1, 2012).

¹⁶⁷ E-mail from Brandon Gaylord, OSD/JS FOIA Specialist, Dep't of Def., to Cause of Action Staff (Aug. 22, 2012) (on file with author).

¹⁶⁸ *Id.*

and the inability to conduct an inquiry, it was impossible for the DOD to respond to Cause of Action's FOIA request.¹⁶⁹ The budget for the DOD amounts to over one-half of the total annual federal discretionary budget.

The DOD spending on promotional and commemorative items is only somewhat tracked by USA Spending.¹⁷⁰ On this website, the user has the ability to search for documents relating to contracts for "gift, novelty, and souvenir stores."¹⁷¹ The search enables the user to capture the total number of dollars spent on "promotional items" by DOD and its sub-agencies. Further, the USA Spending website has the capability to provide details on each contract for "promotional items."¹⁷² However, the DOD FOIA Office is unable to search for documents related to "promotional items."¹⁷³ As noted above, Cause of Action was informed by the FOIA Office that "the Department of Defense, to our knowledge, does not have a systematic approach to awarding or notating the items that were referenced in the request. As such, a search could not be commenced."¹⁷⁴ The DOD FOIA office either lacks the technology to search for "promotional items" documents or the DOD does not maintain a system that administratively keeps track of spending on promotional items.

IV. Conclusion

The range of fiscal responsibility is best symbolized by the price range of plaques purchased by agencies. While some agencies purchased standard plaques, other agencies went to great lengths to enhance the plaques with customization and costly features. For instance, the DOI FWS purchased plaques for up to \$455 for "Private Landowner Appreciation" and three wooden plaques for government employees for \$1,050.¹⁷⁵ The DOE OIG, on the other hand, purchased plaques from reputable companies for \$50.¹⁷⁶

Purchases of promotional items made by the government agencies which are a part of this investigation were often prudent business decisions. However, a significant number of purchases were excessive. Instead of purchasing standard items, government agencies instead made a decision to purchase items in excess of agency requirements, often customized, made with maximum features and the highest quality materials. Therefore, these purchases were most likely made in violation of agency rules, ethical standards, and President Obama's Executive

¹⁶⁹ *Id.*

¹⁷⁰ USA SPENDING, <http://www.usaspending.gov/> (last visited Sept. 25, 2012).

¹⁷¹ *Id.* at

http://www.usaspending.gov/explore?fiscal_year=all&comingfrom=searchresults&piid=HQ042311P0035&typeofview=complete (last visited Sept. 17, 2012).

¹⁷² *Id.* at

http://www.usaspending.gov/explore?fiscal_year=all&comingfrom=searchresults&piid=HQ042311P0035&typeofview=complete (last visited Sept. 17, 2012).

¹⁷³ E-mail from, Brandon Gaylord, OSD/JS FOIA Specialist, Dep't of Def., to Cause of Action Staff (Aug. 22, 2012) (on file with author).

¹⁷⁴ *Id.*

¹⁷⁵ DOI FWS Commemorative Coins, Prod. 1 at 000005 (July 2012) (Ex. 49).

¹⁷⁶ DOE OIG Commemorative Coins Prod. 1 at 000072 (July 2012) (Ex. 41).

Order demanding federal government agencies commit “to cutting waste in Federal Government spending and identifying opportunities to promote efficient and effective spending.”¹⁷⁷

¹⁷⁷ EXEC. ORDER NO. 13589 (Nov. 9, 2011).



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Advocates for Government Accountability

For press inquiries and information regarding this report:

Mary Beth Hutchins, Communications Director
(202) 507-5887

For general inquiries or to report waste, fraud or abuse:

Phone: (202) 507-5880
Fax: (202) 507-5881
<http://www.causeofaction.org>
2100 M Street, N.W., Suite # 170-247
Washington, DC 20037