

discriminates among government employees on the basis of type of official responsibility, rank, or pay is a gift. These types of discounts (limited or targeted discounts) may only be accepted if an exception applies. There are several specific exceptions that would allow government employees to accept discounts (e.g., reduced membership fees) offered to limited groups or classes of government employees (e.g., employee associations) under certain circumstances. You should seek an ethics official's advice prior to applying any of these exceptions.

Q. I sometimes receive invitations of free attendance for professional events hosted by private companies, such as DoD contractors, and other sponsors. Often, these events have registration fees upwards of \$200.00. May I accept free attendance to attend these events?

A. You may be able to accept the offer free attendance based on the exception for widely attended gatherings. A gathering is widely attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present. For example, if it is open to members from throughout the interested industry or profession, or, if those in attendance represent a range of persons interested in a given matter, and there will be an opportunity to exchange ideas and views among the invited persons. A determination that an event is a widely attended gathering must be in writing from an agency designee (e.g., ethics official). Your supervisor or ethics official will also determine whether the agency's interest in your attendance outweighs the concern that you may be, or may appear to be, improperly influenced in the performance of your official duties.

Attendance at a widely attended gathering is in a personal capacity. Therefore, you must be in an authorized leave or liberty status to attend and you may not use government resources. Free attendance does not include travel and lodging expenses. It does include food, refreshments, entertainment, instruction or materials furnished to all attendees as an integral part of the event.

## Gifts to the Air Force

Q. My unit was offered a block of tickets in general seating at a baseball game. The donor would like us to distribute it among the members of my unit. Can we accept the tickets and select who will attend?

A. Gifts offered to the Air Force for distribution to Air Force members and employees must be accepted or declined by the Secretary of the Air Force, or designee, in compliance with AFI 51-506. Gifts offered to the Air

Force for distribution (including blocks of admission tickets to sporting and entertainment events) should be distributed in a manner that does not favor military members and civilian employees of a higher grade or official position.

Q. I recently participated in an event with Foreign Attaches. As a thank you, they presented me with a gift basket containing items representative of their individual countries. May I accept this gift?

A. You may accept if the fair market value is \$415 or less. If it is more than \$415, it is a gift to the Air Force and must be properly accepted IAW AFI 51-506.

## Disposition of Gifts

Q. What do I do with a gift I cannot accept?

A. You may return the gift or pay its market value, or, in the case of a tangible item with a market value of \$100 or less, destroy the item. For perishable items, you may, at the discretion of your supervisor or ethics official, gift the item to a charity, share it with your office, or destroy it. For intangible gifts, you must promptly reimburse the donor the market value for any entertainment, favor, service, benefit, or other intangible.

## References

10 USC § 2601  
5 CFR Subpart B  
DoDoD 5500.7-R; Joint Ethics Regulation,  
CH-7, 17 November 2011  
AFI 51-506 Gifts to the Department of the Air Force  
from Domestic and Foreign Sources

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This handout provides general information. It is not a substitute for obtaining advice from an ethics counselor on the application of the ethics laws and regulations to a specific set of facts and circumstances. Please contact us at:

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# GIFTS

## FROM OUTSIDE SOURCES

*"Integrity First"*

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## FROM OUTSIDE SOURCES

This provides a brief overview of the gift rules by answering some of the most frequently asked questions (FAQ) concerning gifts from outside sources.

### The General Rule

**An employee may not solicit or accept a gift from a prohibited source or given because of the employee's official position.**

### Definitions

**A prohibited source** is a person who is (1) seeking official action from your agency; (2) does business or seeks to do business with your agency; (3) conducts activities regulated by your agency; (4) has interests that may be affected by the performance or non-performance of your duties; **or**, (5) is an organization a majority of whose members are described above.

**A gift** is anything of monetary value, including any gratuity, favor, discount, entertainment, hospitality, loan, or forbearance. It includes services as well as gifts of training, transportation, local travel, lodgings, and meals.

There are exclusions and exceptions to the general rule.

### Exclusions to the General Rule

Exclusions are items that are not gifts as defined above. There are 10 exclusions to the general rule. The most common are discussed below.

Q. I have been assigned by my supervisor to speak at a one-day symposium on cybersecurity challenges in government. I will be speaking in the afternoon; however, the sponsor of the symposium offered me the opportunity to attend the whole event free of charge. Is this a gift?

A. No. Free attendance to an event provided by the sponsor of the event to an employee who is assigned to present information on behalf of the agency at the event on **any day when the employee is presenting** is not a gift.

The key here is on the day of the presentation. It does not allow for multi-day free attendance if you are only presenting on one day.

Q. I entered an online raffle through a national beverage website and won a free, all expense trip to the Kentucky Derby. The online raffle was open to the public and available by scanning a QR code off the side of the beverage carton. May I accept the prize?

A. Yes. Rewards and prizes given to competitors in contests or events, including random drawings, **open to the public** are not gifts unless the employee's entry into the contest or event is required as part of the employee's official duties.

Q. I attended a morning meeting with a Department of Defense (DoD) contractor and they offered a selection of beverages and fruit or donuts. I accepted but now wonder if this was a gift. Do I need to reimburse the DoD contractor?

A. No. Modest items of food and non-alcoholic refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal, are not gifts.

Q. I received an award from my local chamber of commerce for my years of public service. It was a short morning ceremony where I received a plaque. May I accept the plaque?

A. Yes. Greeting cards and items of little intrinsic value, such as plaques, certificates, and trophies, intended primarily for presentation purposes, are not gifts. Be mindful, however, of items with a utilitarian purpose. For example, pens, trays, clocks, or calendars. These may be considered gifts and you may not be able to accept them unless an exception applies.

### Exceptions to the General Rule

Exceptions allow for acceptance of a gift that would otherwise be prohibited. Even though acceptance of a gift may be permitted by an exception, it is never inappropriate and frequently prudent for an employee to decline a gift if acceptance would cause a reasonable person to question the employee's integrity or impartiality.

There are 13 exceptions to the general gift rule. The most common are discussed below.

Q. I understand that I may accept any gift as long as it is not worth more than \$20, correct?

A. Yes, but you may not accept more than \$50 from the same source per year. The exception allows acceptance of gifts with an aggregate market value of \$20 per source, per occasion but not more than \$50 from the same source in a calendar year.

You may also not accept gifts of cash, including gifts cards from credit card companies or other financial institutions (e.g., Visa gift cards), but you may accept merchant gift cards (e.g., Starbucks gift card) provided the value is \$20 or less.

Market value is the cost that a member of the public would reasonably expect to incur to purchase the gift. If you cannot readily determine the retail value of a gift, you may estimate its value by reference to the retail cost of similar quality. If a ticket entitles you to buy food, refreshments, entertainment, or any other benefit, the market value is the face value printed on the ticket.

Q. After speaking at an event, I received a t-shirt from the sponsor as a thank you. The t-shirt sells in the gift shop for \$25. May I pay the sponsor \$5 so that I may keep the t-shirt?

A. No. You may not pay the excess value over \$20 in order to accept that portion of the gift worth \$20.

Q. My college roommate recently started a position with a DoD contractor. For my birthday, they gave me a one-year wine of the month subscription. In years past, we've exchanged similar gifts. Can I still accept this gift now that they work for a DoD contractor?

A. Yes. Another exception to the general rule is gifts based on personal relationships. Provided that the gift is motivated by a family or personal friendship rather than your official position, you may accept the gift.

Q. May I accept discounts offered to the public or offered to all government employees, like the 10% off for all government employees at my local hardware store? What about discounts offered only to a certain class of employees? Like all of the computer specialists at my agency?

A. Yes, you may accept discounts offered to the public or to all government employees. This is actually an exclusion to the gift rules. However, a discount that