

GENERAL GUIDANCE – GIFTS FROM OUTSIDE SOURCES

[Gifts from Foreign Governments are Covered in a Separate Page]

GENERAL PROHIBITION OF GIFTS FROM OUTSIDE SOURCES	
General Prohibition	An employee shall <u>not</u> solicit or accept, directly or indirectly, a gift from a prohibited source OR given because of the employee's official position.
“QUICK RESPONSE” TO GIFT SITUATIONS	
	<ul style="list-style-type: none"> ➤ Whether AF personnel can accept a gift will vary with the facts of each particular situation. Where possible, some advance notice and consideration of ALL four key questions outlined below allows prudent decision making. ➤ Sometimes gifts are offered in situations where the senior leader or the staff must decide on the spot regarding acceptance. Where a gift is offered by an individual/entity [not a foreign government] because of one's official position or by a "prohibited source" AND it is questionable whether it can be accepted (e.g. value clearly exceeds the limits), a recipient's options are: 1) politely decline the gift indicating that ethics rules preclude acceptance, 2) accept the gift but later tender the donor the fair market value of the gift (it then becomes the recipient's personal property), 3) accept the gift but later arrange for its return to the donor along with an explanation why it cannot be accepted or 4) accept the gift on behalf of the AF and deliver it to the appropriate office for processing as AF property
QUESTION 1: WHO IS THE ACTUAL SOURCE OF THE GIFT?	
Who is offering the "gift"?	<ul style="list-style-type: none"> ➤ Is a foreign government offering the gift – see separate paper for special valuation rules. ➤ Is a foreign individual offering the gift in a personal capacity – if so, use analysis below. ➤ Use analysis below if the gift is offered because of the recipient's official position OR if the gift is offered by a "prohibited source" (a person/entity meeting ANY of the following): <ol style="list-style-type: none"> (1) Is seeking official action by the employee's agency; (2) Does or seeks to do business with the employee's agency; (3) Is regulated by the employee's agency; (4) Has interests that may be substantially affected by the employee's official duties; OR (5) Is an organization a majority of whose members fit into one of the above categories.
QUESTION 2: IS THE ITEM OFFERED ACTUALLY A GIFT?	
"Gift" includes:	Any gratuity, favor, discount, entertainment, hospitality, loan, or other item having monetary value; gifts of training, transportation, local travel, and lodgings and meals. For items not considered gifts see "Exclusions" below. ¹
QUESTION 3: DOES AN EXCEPTION TO THE GIFT LIMITS APPLY?	
Common exceptions when an employee may accept a gift include:	<ul style="list-style-type: none"> ➤ Gifts of \$20 or less per source, per occasion - AS LONG AS the total value of all gifts received from that single source during the last 12 months does not exceed \$50. NOTE: \$20 per occasion cap applies to combined value of gifts to AF personnel and spouse. ➤ Gifts based on a bona fide personal relationship. ➤ Generally available discounts and similar benefits. ➤ Awards/honorary degrees - Contact agency Ethics Official if cash/gifts over \$200 included. ➤ Gifts based on outside business or employment. ➤ Gifts in connection with political activities as permitted by the law [limited]. ➤ Widely attended gatherings (WAGs) and other similar events - If the invitation is extended by a source <i>other</i> than the host, per person cost may not exceed \$335 and more than 100 persons must be attending. NOTE: acceptance is in one's <i>personal</i> capacity and should be screened/approved in advance by an Ethics Official. ➤ Social invitations from persons other than prohibited sources - No person in attendance can be charged a fee. ➤ Meals, refreshments and entertainment in foreign areas - Must meet four criteria: Market value of food must not exceed local per diem rate; non-US citizens or foreign representatives must participate; attendance must be part of official duties; gift of meals must be from a person other than a foreign government. ➤ Gifts authorized by supplemental agency regulation <ul style="list-style-type: none"> ○ Unsolicited gifts of free attendance at events sponsored by state or local governments or other civic organizations ○ Gifts at ship launches and similar ceremonies [NOTE: consult your Ethics Official for information on specific limitations that may apply]
QUESTION 4: IS ACCEPTING THIS GIFT THE RIGHT THING TO DO?	
How will acceptance impact the perception of Government integrity?	Even if a gift falls within one of the exceptions, acceptance of the gift also must not violate any of the basic obligations of public service set forth in the Code of Federal Regulations, including the principle that employees shall avoid creating even the "appearance" of an ethical violation. Further, it is never inappropriate and sometimes it is prudent to decline a gift offered by a prohibited source or given because of one's official position – must assess case-by-case.

¹ Exclusions include: 1) Modest items of food and refreshments when offered other than as part of a meal, i.e. coffee, donuts; 2) Greeting cards; 3) Items with little intrinsic value AND that are intended solely for presentation [i.e. plaques, certificates, and trophies]; 4) Rewards and prizes in contests open to the public; and 5) Commercial discounts available to the general public or to all Government or military personnel

NOTE: AFI 51-601 provides further guidance into whether or not officials may receive certain gifts on behalf of the AF (i.e. real property) as well as the proper procedures/steps to be followed when accepting or declining gifts to the AF.

NOTE: Another factor that must be considered when deciding whether or not a gift may be accepted is whether the government employee who has been offered the gift signed the Ethics Pledge IAW Executive Order 13490. The Pledge has a Lobbyist Gift Ban that does not allow the official to accept gifts from registered lobbyists or lobbying organizations for the duration of his/her appointment. Limited exclusions and exceptions do apply and are found in the EO; however, individuals should be careful to note that the other exceptions in the Government's regulatory ethics prohibition on gifts are not exceptions to the Pledge restriction.