

GENERAL GUIDANCE – GIFTS FROM FOREIGN GOVERNMENTS

GENERAL PROHIBITION OF GIFTS FROM OUTSIDE SOURCES	
General Rules	<ul style="list-style-type: none"> ➤ An employee shall not solicit or accept, directly or indirectly, a gift from a prohibited source OR given because of the employee’s official position. ➤ Employees may accept a gift of “minimal value (currently \$350 or less), tendered by and received from foreign government as a souvenir or mark of courtesy
“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 or discussion with staffs of anticipated gift givers and consideration of ALL four key questions outlined below allow prudent decision making. ➤ Sometimes gifts are offered in situations where the senior leader or the staff must decide on the spot regarding acceptance of a questionable gift offered by a foreign government <ul style="list-style-type: none"> ○ Where it is questionable whether the gift can be accepted (e.g. value clearly exceeds the limits), the recipient should politely decline with an explanation that U.S. law will not allow acceptance. HOWEVER, a gift should be declined <u>only</u> when doing so is cleared <u>in advance</u> by SAF/AA and the State Department (who assess foreign relations impact) ○ In order to avoid offending or embarrassing the gift giver, the recipient may accept the gift in which case it becomes US property and the recipient should seek guidance from SAF/AA if he/she wishes to retain for official purposes or, if not, he/she should seek guidance on disposition through SAF/AA to GSA ➤ REFER TO AFI 51-901, for more detailed guidance when determining whether to accept or decline a gift and the proper procedures for processing such gifts by the Air Force
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 – if so, use analysis below ➤ Is a foreign individual offering the gift in a personal capacity (e.g., purchased with personal funds) – see the separate paper for rules regarding gifts from individuals or other entities
QUESTION 2: IS THE ITEM OFFERED ACTUALLY A GIFT?	
“Gift” includes:	<p>Any tangible or intangible, monetary or non-monetary present offered by or received from a foreign government</p> <ul style="list-style-type: none"> ➤ Does not include “decorations” (such as an order, device, medal, badge, insignia, emblem or award). Contact your Ethics Official for particular rules relating to foreign decorations ➤ Monetary gift includes anything that may commonly be used in a financial transaction
QUESTION 3: IS THIS A GIFT WHICH CAN BE ACCEPTED?	
“Minimal Value”	GSA sets / adjusts “minimal value” every 3 years based on the Consumer Price Index. Currently “\$350 or less” for the 3-year period 2011 thru 2013, retroactively effective to January 1, 2011
Calculating “minimal value” [JER 2-300a]	<ul style="list-style-type: none"> ➤ Aggregate the value of multiple gifts presented by the same donor during the same presentation/event – treat all as a single gift for purposes of applying the “minimal value” rules. If gifts at a single presentation are received from different government levels (city, state, or national), aggregate those levels separately ➤ Where gifts are received from the same donor/government level but at separate presentations (even if from the same official on the same day), the gifts from each presentation can be aggregated separately ➤ Gifts to an employee's spouse from any agent or representative of a foreign government are deemed to be gifts to the employee (including for aggregation at that presentation)
Gifts of Medical Treatment, Educational Scholarships or Travel / Travel Expenses	May be accepted from foreign government in limited circumstances. Contact your Ethics Official with the details as various particular rules may apply. NOTE: Travel benefits that may be accepted under 31 USC §1353 should be handled/approved separately
QUESTION 4: IS ACCEPTING THIS GIFT THE RIGHT THING TO DO?	
How will acceptance impact the perception of Government integrity?	<ul style="list-style-type: none"> ➤ Even if a gift falls within an exception, acceptance of the gift also must not violate any of the basic obligations of public service set forth in 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 not to retain a gift from a foreign government – must assess case-by-case ➤ Gifts that are accepted which cannot be retained by the recipient: <ul style="list-style-type: none"> ○ Are accepted on behalf of the US and become property of the US ○ Must be reported to and processed deposited with AF (processed through SAF/AA) for official use or disposal (return to donor or forward to GSA) ○ That are retained as AF property are not to be used for the benefit of or personal use by any individual employee

NOTE: An employee (Presidential appointee) who has signed the Ethics Pledge should contact their Ethics Office for advice on acceptance of a gift or decoration from a foreign government.