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## Rules on Gifts in the Federal Government

Government ethical rules restrict giving and accepting gifts among employees and from outside interests. Policies on exchanges of gifts among employees—as well as on acceptance of gifts or hospitality from other sources—are set by government-wide rules found in the Code of Federal Regulations at 5 CFR 2635 201–205 and 301–304. Employees with questions regarding whether the giving or acceptance of a gift, gratuity or anything else of value should contact their supervisors and designated agency ethics officials. Also see information from the Office of Government Ethics at [www.oge.gov](http://www.oge.gov) (<http://www.oge.gov>).

### Gifts Among Employees

An employee may not give, or solicit a contribution for, a gift to an official superior, and may not accept a gift from an employee receiving less pay if the employee is a subordinate.

On annual occasions where gifts are traditionally given, such as birthdays, Christmas, Boss's Day, an employee may give the following to an official superior:

- items, other than cash, valued at \$10 or less;
- items such as food and refreshments to be shared in the office; and
- personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends.

On special, infrequent occasions, such as marriage, illness, or the birth of a child, or an occasion that terminates the superior/subordinate relationship, an employee may give an official superior a gift that is appropriate to the occasion. In addition, an employee may solicit voluntary contributions of nominal amounts from fellow employees, but not subordinates, to contribute to the gift.

### Gifts from Outside Sources

Generally speaking, an employee may not solicit or accept a gift given because of his official position or from a prohibited source to include anyone who:

- has or seeks official action or business with the agency;
- is regulated by the agency;
- has interests that may be substantially affected by the performance of an employee's official duties; or
- is an organization composed mainly of persons described above.

A "gift" under these policies generally does not include items such as publicly available discounts and prizes, commercial loans, food not part of a meal such as coffee and donuts, and items of little value such as plaques and greeting cards.

Unless the frequency of the acceptance of gifts would appear to be improper, an employee generally may accept:

- gifts based on a personal relationship when it is clear that the motivation is not his official position;
- gifts of \$20 or less per occasion, not to exceed \$50 in a year from one source (note: this exception does not apply to gift cards, certificates and promotional codes that function as cash, although it does apply to those redeemable only at limited places, for example only at one store or at a group of affiliated stores such as those in a particular shopping center);
- discounts and similar benefits offered to a broad class, including a broad class of government employees;
- most genuine awards and honorary degrees, although in some cases an employee will need a formal determination;

- free attendance, food, refreshments and materials provided at a conference or widely attended gathering or certain other social events which an employee attends in his official capacity, with approval; and
- gifts based on an outside business relationship, such as travel expenses related to a job interview.

An employee should return gifts not meeting the exceptions or contact his or her supervisor on how to dispose of them. Perishable items may be given to charity or shared by the office, with approval.

Policies governing gifts of entertainment also are issued by individual agencies.

**Conferences and Other Events**—When an employee is participating in his official capacity as a speaker or panel member at a conference or other event, he or she generally may accept an unsolicited offer of free attendance, including a meal or refreshments, on the day of his presentation. The employee’s participation in the event on that day is viewed as a customary and necessary part of his duties and is not considered a gift.

This policy also applies to agency personnel whose presence at the event is deemed essential under agency procedures to the speaker’s participation at the event, for example members of security details, representatives of the agency’s public affairs division, or aides to assist with presentations. Under limited circumstances, free attendance for a spouse or other guest on that day may be allowed.

**Virtual Events**—Under OGE Legal Advisory 20-10 at [www.oge.gov](http://www.oge.gov) (<http://www.oge.gov>), ethical rules for federal employees governing gift acceptance for events such as conferences also apply to virtual events. If event organizers charge a fee to participate, employees may not accept free or discounted participation if the invitation is from a prohibited source—a party with a financial interest in an agency’s actions or the employee’s duties—or offered because of the employee’s official position, unless an exception or exclusion to the gift rules applies, such as the widely attended gatherings exception. Events that are free, or that involve “free informational presentations that are livestreamed or on-demand and open to the public” would not be considered gifts although even then gift-acceptance policies could arise if the event involves items such as books that have monetary value but are presented free to participants.

## **Widely Attended Gatherings**

There is an exception to general restrictions on acceptance of gifts that applies to “widely attended gatherings.” The exception permits a waiver of all or part of any attendance fee, as well as food, refreshments, entertainment, instruction and materials “furnished to all attendees as an integral part of the event.”

An agency designee must determine that the employee’s attendance at the event “is in the interest of the agency because it will further agency programs and operations.” A higher standard must be met if the donor has interests that may be substantially affected by the performance of the employee’s official duties, or if the donor is an organization a majority of whose members have such interests.

All authorizations to accept such free attendance have to be in writing and before accepting, an employee must consider whether the government is also providing persons with views or interests that differ from those of the donor.

## **Rules for Presenters**

The “speaking and similar engagements” exception allows acceptance of free attendance on the day of an event where an employee will be presenting information on behalf of the agency. An employee’s presentation at an event need not come from a dais or stage, but the employee must nonetheless communicate the agency’s message in a deliberate, substantive presentation. The exception applies only to the day on which the employee is presenting and does not apply to purely social events even if business matters are discussed. The same policies apply as described above regarding a separate meal or reception at such an event.

## **Social Invitations**

An employee generally may accept food, refreshments and entertainment, not including travel and lodging, at a social event attended by several people where the invitation is from someone who is not a prohibited source and no fee is charged to anyone in attendance.

## **Free Events**

Attendance even at an event for which no fee is charged to any attendee can implicate gift policies. To determine the effective value of the event, employees should add the value of any food, beverages, entertainment, or other tangible benefits offered to attendees, but do not need to consider the cost incurred by the sponsor for the venue where the event is held. Employees who are considering attending such an event are encouraged to seek advice from their agency ethics office. See OGE Legal Advisory 15-05 at [www.oge.gov](http://www.oge.gov) (<http://www.oge.gov>).

## Reporting Gifts

While employees may not accept gifts from prohibited sources or gifts given because of their official positions, there are exceptions, for example where individual items are valued at less than \$20 per occasion and a total of \$50 from one source in a calendar year.

Gifts must be reported when the total value of all such gifts from one source exceeds \$415 in a calendar year; individual gifts worth less than \$166 do not count toward that threshold. Filers are required to identify the source of the gift, the value of the gift, and a brief description of the gift – excluding items such as food and beverages which are not consumed in connection with overnight lodging.

(Note: Separate rules apply to gifts and various types of awards from foreign sources; see 41 CFR 102-42.)

For federal employees using someone else’s luxury accommodations (such as a skybox or private suite) when attending an activity such as a concert or sporting event, the guidance states that when reporting the value of such entertainment, employees should add the market value of the most expensive publicly available ticket to the event to the market value of the food, parking and other tangible benefits provided in connection with the gift of attendance. Each tangible benefit included in the gift of free admission is not a separate gift that may be excluded from the filer’s report based on its individual market value.

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