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United States Gift Rules for Executive Branch Employees

Submitted by: United States



**Workshop on Strengthening Integrity Through
Public-Private Partnership: Preventing
Facilitation Payment and Managing Gift Rules
Medan, Indonesia
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U.S. Gift Rules

for Executive Branch Employees

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Gifts

- Gift rules are outlined in *Standards of Ethical Conduct for Employees of the Executive Branch*
 - Issued by U.S. Office of Government Ethics
 - Codified in Code of Federal Regulations (5 C.F.R. Part 2635)

- I. Gifts from Outside Sources
 - II. Gifts between Employees
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Definitions

- **Bribe**—Anything of value that is given/offered/promised in exchange for performing or failing to perform a specific action as a USG official. Illegal for all employees (EEs), no exceptions. *18 U.S.C. § 201(b)(2) and (c)(1)(B); U.S. v. Sin-Diamond Growers of California, 526 U.S. 398 (1999)*
- **Salary Supplementation**—A payment given to a government EE by someone other than the USG for performing government duties. Illegal for almost all EEs, some limited exceptions. *18 U.S.C. § 209(a)*
- **Gift**—Anything of monetary value (including transportation, lodging and meals, invitations to events, discounts, gratuities, favors, loans, and services) that is not related to a specific government action or intended as compensation. May or may not be acceptable, depending on source and circumstances.

I. Gifts from Outside Sources

- **Rules regarding gifts from outside sources:**
 - General prohibitions—prohibited sources
 - Definition of a gift
 - Exceptions
 - Proper disposition of prohibited gifts
- EEs are prohibited from soliciting gifts.
 - Gifts that would otherwise be acceptable are not acceptable if solicited.

I. Gifts from Outside Sources

A gift is not acceptable if:

- The gift is offered because of an EE's official position, or
 - The gift is from a "*prohibited source*"—someone:
 - With business (or seeking business) before the EE's agency/ministry;
 - Whose activities are regulated by the EE's agency/ministry; or
 - With interests that could be affected by performance of the EE's duties;
 - *Unless* acceptance is permitted under exceptions in ethics gift regulations.
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I. Gifts from Outside Sources

A gift *may* be acceptable if the gift:

- Is from relatives and/or friends;
- Is worth \$20 or less (if not in cash and limited to \$50 per year from the same donor);*
- Is an invitation to a "widely-attended" event;* or
- Is from a foreign government and is \$350 or less (if above \$350, an EE may accept only on behalf of the U.S. government).

**But, an EE cannot use this exception if he/she is a political appointee and the gift is from a lobbying organization that is not a 501(c)(3) organization or a media company [Obama Ethics Pledge].*

II. Gifts between Employees

An employee may **not** give a gift to a supervisor or accept a gift from a subordinate, **unless** the gift is:

- \$10 or less (on an occasional basis);
- For a major life event, such as a wedding, birth/adoption of a child, or retirement;
- Food shared in the office; or
- Personal hospitality at one's home or a gift to a host or hostess (of appropriate value).

Supervisors can give gifts to subordinates.

House and Senate Gift Rules

See

- <http://ethics.house.gov/gifts/house-gift-rule>
 - <http://www.ethics.senate.gov/public/index.cfm/ethicsrules>
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Challenges & Best Practices

- *Challenges*
 - Identifying when an EE has accepted a prohibited gift
 - > Anonymous reporting hotlines
 - > Financial disclosure forms
 - > Inspector General audits
 - *Best practices*
 - Training, training, training
 - Counseling—On-demand ethics advice
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Thank you.
Terima kasih.

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