

# Reclamation Manual

## Policy

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### Gifts

1. **Purpose.** To provide a general overview of gifts from prohibited and non-prohibited sources.
2. **Definitions.**
  - A. **Gift.** Under the ethics regulation, a gift is anything that has monetary value which you obtain for less than “market value”. The gift might be tangible or intangible. A gift may include, but is not limited to, a gratuity, favor, discount, cash, gift certificate, gift card, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services, training, transportation, travel, lodging, and meals. *Reference: [5 CFR 2635.203\(b\)](#).*
  - B. **Market Value.** Market value is the cost that a member of the general public would reasonably expect to pay 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 items of similar quality. If a ticket entitles you to food, refreshments, entertainment, or any other benefit, the market value is the face value printed on the ticket.
  - C. **Prohibited Source.** A prohibited source is any person or entity who:
    - (1) does business with Reclamation or is seeking to do business with Reclamation;
    - (2) is seeking official action by Reclamation;
    - (3) conducts operations which are regulated by Reclamation;
    - (4) has interests which may be substantially affected by the performance or non-performance of an employee’s official duties; or
    - (5) any professional, technical or trade associations, the majority of whose members represent prohibited sources.
3. **General Rule.** Gifts may not be accepted if they are only offered or given because of an official position, status, or duty title, or given by a prohibited source. A stakeholder is an individual or group that has an interest in any decision or activity of BOR. All Stakeholders are prohibited sources regardless of whether they are a non-profit, state entity, educational institution, Native American Tribe, or professional society.

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#### 4. Gifts from Prohibited Sources.

- A. As a general rule, employees may not, directly or indirectly, solicit or accept a gift from a prohibited source or given because of their official position. This includes gifts intended for personal or organizational use.
- B. Regardless of any exceptions that allow an employee to accept a gift, it is never permissible for any employee to solicit or coerce the offering of a gift, accept a gift in return for being influenced in the performance of an official act (i.e. accept a “bribe” or other similar “gift” made in “appreciation” of performance of official duties), accept a gift in violation of Federal or state statutes, or accept gifts from the same source or different sources so frequently that it would cause a reasonable person to believe that the employee is using his or her public office for private gain.
- C. Gifts do not include the following.
  - (1) Modest items of food and non-alcoholic refreshments, such as soft drinks, coffee and donuts, not offered as part of a meal.
  - (2) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended primarily for presentation.
  - (3) Loans from banks and other financial institutions on terms generally available to the public.
  - (4) Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations.
  - (5) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the employee’s entry into the contest or event is required as part of the employee’s official duties (employees generally may not accept prizes from a contest entered into while on official travel; see example 3).
  - (6) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a current or former employer.
  - (7) Anything which is paid for by the Government or secured by the Government under Government contract (Department of the Interior Policy limits items purchased for personal use as an award with appropriated funds – see 370 DM 451.5, Non-Monetary Awards).

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- (8) Speaking engagements. This is a limited exemption and employees should check with their ethics official prior to accepting. Employees may be required to get approval in advance. Employees speaking at a conference, seminar, or training session may accept waived or discounted attendance fees if they are attending only on the day(s) they are speaking and no other benefits (meals, transportation, lodging, etc.) will be accepted. All other benefits accepted for speaking engagements, including discounted registration, must be approved in writing, in advance of the event. (*Refer to Appendix 2a – Gifts of Travel and Transportation for more information on conference fee waivers.*)

**D. Common Exceptions to Prohibition against Accepting Gifts from Prohibited Sources or Given Because of Your Official Position.** On occasion, an individual may be offered a gift in the course of his or her official duties from a non-Federal source, contractor, or other outside entity. Under normal circumstances, the gift must not be accepted. There are, however, certain exceptions that allow gift acceptance where the acceptance would not adversely impact the reputation or esteem of the Federal Government.

- (1) The \$20/\$50 Rule. Government contractors and other prohibited sources may, on occasion, offer unsolicited gifts to Government personnel. Accepting unsolicited gifts in-kind (not cash), which have a market value of \$20 or less per source, per occasion, is permissible so long as the total value of all gifts received from a single source during a calendar year does not exceed \$50. (Note: this includes acceptance of meals. For instance, a business lunch may not exceed \$20 per occasion, and employees may not accept more than a total of \$50 in free meals per year from the same source.) Employees may not pay the difference when gifts have a Fair Market Value (FMV) over \$20. Should the gift exceed the \$20 limit, the individual must pay the full FMV in order to keep the gift or may give the gift back. Employees may never accept cash or gift cards that can be treated as cash (e.g., Visa, MasterCard, and American Express gift cards) even if the amount is \$20 or less. Where the aggregate value of tangible items offered on a single occasion exceeds \$20, the employee may decline any distinct and separate item in order to accept those items aggregating \$20 or less (see example 1).
- (2) Gifts based on a personal relationship. Normally, you may accept gifts from friends or a relative. However, you must take caution that the gifts are coming only from your friend or relative and are not being paid for by their company. “Friendships” that are a result of your work at Reclamation may not qualify as a personal relationship for purposes of this rule (see example 2).
- (3) Discounts and similar benefits. Favorable rates and commercial discounts are acceptable even when they are offered to a limited class of employees, provided

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the class is defined so as not to discriminate among government employees on a basis that favors those of a higher rank or rate of pay (see example 4).

- (4) Awards and honorary degrees. Awards and honorary degrees may be accepted if they meet certain conditions as determined by an ethics official (see paragraph 2-7.2). The acceptance of an award may include free attendance and travel expenses by the employee and the employee's family members in some situations (see example 5).
- (5) Gifts based on outside relationships. These are gifts offered to you because of your outside employment or activities, or because of your spouse's outside employment or activities. Unlike gifts based on a personal relationship, you may accept something paid for by a prohibited source if it is based exclusively on your outside relationship (see example 9).
- (6) Widely Attended Gatherings (WAGs). WAGs require advance approval in writing from your supervisor with consultation from the Ethics Office on the DI Form 1958 (see paragraph 2-7.1). WAGs are meetings, conferences, or other events attended by a large number of people representing a wide range of interests where attendance is free or the fee to attend is less than the benefit of attending. WAGs include events where the event is free to all attendees and not just free for employees, unless the entire public is invited (see examples 6 and 7).
- (7) Social Invitations. Employees may accept social invitations that do not include travel or lodging when the invitation is based on their official position as long as it is not from a prohibited source. If the invitation is from an entity and not an individual the employee should consult with their ethics official (see example 8).
- (8) Foreign Gifts. Gifts of minimal value may be accepted from a foreign government. Minimal value is defined by the General Services Administration (GSA) every 3 years (Refer to GSA website <https://www.gsa.gov/policy-regulations/policy/personal-property-management-policy/foreign-gifts>). Employees receiving a gift from a foreign government should request a review from an ethics official. A foreign government includes any foreign governmental authority, including foreign national, state, local, and municipal governments. Foreign government also includes any international or multinational organization whose membership is composed of any unit of a foreign government authority and agents or representatives of such organizations. Native American tribes do not fall within the definition of foreign governments or international organizations. Therefore, another exemption or exception to the gift rules must apply. If you receive a gift from a tribe, you are encouraged to reach out to an ethics official to determine if an exemption or exception applies that would allow you to accept the gift.

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- E. **Travel Gifts in Non-Duty Status.** Prohibitions on accepting gifts apply to travel in a non-duty status when the source of the travel gift is from a prohibited source. In addition, you are prohibited from accepting compensation, including transportation, lodging, and meals, for teaching, speaking, or writing that is related to your official duties. Employees may accept reimbursement of travel and accommodation expenses from a non-prohibited private source if the travel is not duty related. Participation in a function as a private citizen must occur on one's own time, such as while on leave.
- F. **Process for Ethics Official Review of Gifts.**
- (1) Widely Attended Gatherings (WAGs). To attend a WAG, follow these steps.
    - (a) Review information for the event and the DI-1958.
    - (b) If you have enough information to fill out the DI-1958, complete the form and submit it to your ethics official with any additional documentation regarding the event. If you do not have enough information about the event to complete the form, contact your ethics official to assist you in getting additional information.
    - (c) The ethics official will provide a written determination whether the event meets the requirements as a WAG. If it does, the ethics official will sign and return the DI-1958 to you.
    - (d) Once ethics review and guidance are obtained, submit the DI-1958 to your supervisor. Your supervisor must approve or disapprove the DI-1958 request based on whether or not attendance at the event is in the agency's interest because it will further agency programs or operations.
    - (e) You must return the approved or disapproved version of the DI-1958 to your ethics official. If approved, you must provide the DI-1958 to the ethics official prior to attending the event.
    - (f) Your ethics official will retain a copy of the DI-1958 in official files
  - (2) Awards and Honorary Degrees. To accept an award or honorary degree follow these steps:
    - (a) Gather as much information as possible regarding the source and criteria for the award or honorary degree along with market value of the award or any other benefits and information regarding your official interaction with the entity providing the benefits.
    - (b) Provide all information to your ethics official.

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- (c) The ethics official will provide a written determination whether the award or honorary degree meets the requirement for acceptance.
  - (d) The ethics official will retain a copy of the written determination in official files.
- (3) Gifts of Travel in Official Duty Status. Please refer to Appendix 2a.
- (4) Other Gifts. Items that are not gifts and gifts that fall under exceptions other than WAGs, gifts of travel in official status, and awards or honorary degrees do not require written approval by an ethics official. However, employees should consult with their ethics official when they are not certain whether to accept a gift.

#### G. Gifts Between Employees.

- (1) General Rules.
- (a) An employee may not give (or contribute toward) a gift for the employee's official superior.
  - (b) An employee may not accept a gift from another employee who receives less U.S. Government pay, unless the employee is not the employee's subordinate and a personal relationship justifies the gift.
  - (c) An employee may not ask another employee for a contribution toward a gift for the employee's own official superior or for the other employee's official superior.
- (2) Exceptions. These rules do not prohibit an employee from giving a gift to another employee or accepting a gift from another employee, as long as a personal friendship justifies the gift and the employees are not in the same supervisory "chain of command". Even if a supervisory relationship exists, the official superior may choose to pay market value for the gift, or an exception may apply:
- (a) On an occasional basis (including for a birthday or annual holiday), an employee may give, and the official superior (or person receiving more pay than the employee) may accept:
    - (i) gifts, other than cash, having a market value of \$10 or less per occasion;
    - (ii) items such as food and refreshments to be shared in the office among several employees;

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- (iii) personal hospitality at a residence which is of a type and value customarily provided by the employee to personal friends;
  - (iv) gifts given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions; or
  - (v) transferred leave, provided it is not transferred to an immediate supervisor.
- (b) On "special infrequent occasions," an employee may give, and his or her official superior (or person receiving more pay than the employee) may accept, a gift appropriate to the occasion. These occasions include:
- (i) infrequently occurring events of personal significance, such as marriage, illness, or the birth or adoption of a child (as distinguished from a birthday or annual holiday) or
  - (ii) occasions that terminate the subordinate-official superior relationship, such as retirement, resignation, or transfer.
- (3) Group Gifts. Notwithstanding the limitations concerning solicitations and contributions, an employee may solicit or contribute--on a strictly voluntary basis--nominal amounts for a group gift to an official superior for:
- (a) items such as food and refreshments to be shared in the office among several employees or
  - (b) a "special infrequent occasion."

#### H. Gift examples.

- (1) Example 1: The conference you are attending has a vendor hall with multiple vendors. Vendor 1 is giving away pens and stickers with their corporate logo. Vendor 2 is giving hats (\$15) and t-shirts (\$10) with their corporate logo. Vendor 3 is giving away \$20 Uber gift cards. The "swag" given away by vendors is considered a gift and because you are attending the conference in your official capacity, there must be an exception to accept these gifts. You may accept the pen and stickers from Vendor 1 since the market value is under \$20 for both. You may not accept both a hat and t-shirt from Vendor 2 because the total market value would be over \$20. You may accept either the hat or t-shirt. You may accept the \$20 gift card from Vendor 3. Gift cards for merchandise to specific vendors are not cash. However, gift cards that have cash value such as Visa, American Express, or MasterCard are considered cash and may not be accepted in any dollar value.

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- (2) Example 2: During your 10 years with Reclamation you have attended meetings with Bob from the Water District on a regular basis and developed a friendly relationship. You see Bob at official meetings and every so often, see him at other community events. You have met his family at these community events, but you don't plan any social outings together. At a community event, you start talking to Bob about fishing, and he says that you are welcome to use his boat at any time. Under these set of facts, you may not accept Bob's offer to use his boat because Bob would be considered a prohibited source, and your relationship is not close enough that this would fit under the exception for "gifts based on a personal relationship".
- (3) Example 3: You are attending a conference on official travel. Reclamation paid the registration fee for the conference. When you pick up your registration packet, there are several raffle tickets that you can turn in at certain points in the conference to be entered to win a prize. The market value of the prizes all exceeds \$20. You may not accept any of the prizes as they are not from a contest that is open to the public since only conference attendees may enter the raffle.
- (4) Example 4: A hotel chain has a "government rate" that is available to all Federal government employees regardless of whether they are on official orders or not. You may accept the discount because the discount is open to all employees.
- (5) Example 5: Project Management Institute (PMI), a professional association, has selected you to receive an award. The award will be presented at PMI's conference in Los Angeles. PMI will cover travel costs for you and your spouse to Los Angeles, hotel accommodations, conference registration cost, and registration cost for five attendees at the awards gala. The approximate value of all expenses is \$5000, and you will receive a plaque and \$500. The award may be accepted with the written approval of an ethics official and must meet specific criteria, such as being part of an established program of recognition and the employee not having duties that affect the financial interests of PMI.
- (6) Example 6: You are getting ready to attend the Hydropower Conference and receive an invitation for a reception sponsored by one of the sponsors of the conference. The reception is in the evening after the conference hours and includes hors d'oeuvres and drinks (including beer and wine). There is no cost to any attendee. This is a gift, and a gift exception must exist for you to accept. It may qualify as a WAG, which requires approval in advance and in writing on the DI-1958 to attend.
- (7) Example 7: You are attending the U.S. Society on Dams Conference and note that there is a networking reception "sponsored by" HDR Engineering on the second day of the conference that includes hors d'oeuvres and drinks. The conference materials do not specifically state that this reception is included in the



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cost of the registration. This may be a gift that requires approval in advance and in writing. In order to determine whether the reception is included in the conference registration fee or is paid for by HDR Engineering, you should contact your ethics official to assist in gathering additional information.

- (8) Example 8: You are the Area Manager. The local mayor has a series of dinners for local business managers, and you are invited to attend one of the dinners because of your position. Reclamation does not have any agreements with the city. You may attend dinner because this is a social invitation and the city is not a prohibited source.
- (9) Example 9: You are the chair of the Dam Safety Committee for the U.S. Society on Dams (USSD) in your personal capacity. You plan to attend the USSD Annual Conference while on leave in your personal capacity. Due to your position with USSD, USSD has offered to pay for your transportation and lodging during the conference and waive your registration fee. Since USSD is a prohibited source, you may not accept a gift from them unless an exception to the gift rules applies. In this case, an exception applies because the gift is based on an outside relationship and not because of the employee's official position and you may accept.
- (10) Example 10: An employee you supervise is having a baby, and you would like to collect money from your staff to throw her a baby shower. The purpose of the gift rules is to protect employees from feeling coerced into giving gifts while permitting some limited, voluntary social exchange between employees. Thus, you, as a supervisor, may not solicit gifts from those you supervise – even if the gift is for another employee. Someone on your staff will have to take the initiative to hold this event. Of course, you may, on your own, give your employee a baby gift.
- (11) Example 11: Your supervisor's 50th birthday is coming up, and you would like to celebrate the event. Employees may bring - or collect voluntary contributions to buy - a cake and other refreshments to share in the office for a birthday party. It is not permissible, however, for the staff to collect money and "chip in" together to buy a birthday gift, although employees individually may give the supervisor a gift valued at \$10 or less. Similarly, because a group gift is impermissible for this type of recurring event, it is not proper for the group to take the supervisor to a restaurant for lunch.