



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Office of Indian Education Programs
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To: Office of Indian Education Program Employees
From: Human Resources Officer *Joann L. Seese*
Subject: Policy on Standards of Conduct - Acceptance of Gifts

References:

Executive Order 12674 – emphasizes that public service is a public trust, and that it requires Federal employees to place loyalty to the Constitution, the laws, and ethical principles above personal gain. Therefore, it prohibits a Government employee from:

Accepting or soliciting a gift, directly or indirectly from prohibited sources or accepting a gift given because of the employee's official position.

A Prohibited source generally means any person or organization that:
Has business with the employee's agency; is seeking to do business with the employee's agency; conducts operations that are regulated by the employee's agency; or has interests that may be substantially affected by performance or nonperformance of the employee's official duties.

The attached pamphlet contains additional information on the acceptance of gifts. For the purposes of this information a gift is defined as gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

Contact Information:

If you have questions concerning the above matter, please contact Rick Menchaca, Human Resources Specialist (ER/LR), at (505) 248-6382.

Attachment

Employee Acceptance of Gifts

Department Ethics Office
Department of Interior



**Department Ethics Office
Department of Interior
Employee Acceptance of Gifts**

As a general rule...

A Department of the Interior employee may not, directly or indirectly, solicit or accept a gift:

- From a prohibited source; or
- Given because of the employee's official position.

Exceptions to the prohibition.

(a) **Gifts of \$20 or less.** An employee may accept unsolicited gifts having an aggregate market value of \$20 or less per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed \$50 in a calendar year. This exception does not apply to gifts of cash or of investment interests such as stock, bonds, or certificates of deposit. Where the market value of a gift or the aggregate market value of gifts offered on any single occasion exceeds \$20, the employee may not pay the excess value over \$20 in order to accept that portion of the gift or those gifts worth \$20.

Example: A National Park Service employee and his spouse have been invited by a representative of a regulated entity to a Broadway play, tickets to which have a face value of \$30 each. The aggregate market value of the gifts offered on this single occasion is \$60, \$40 more than the \$20 amount that may be accepted for a single event or presentation. The employee may not accept the gift of the evening of entertainment. He and his spouse may attend the play only if he pays the full \$60 value of the two tickets.

Example:

A Bureau of Land Management employee has been invited by an association of ranchers to speak about his agency's role in the designation of multi-use lands. At the conclusion of his speech, the Association presents the employee a framed map with a market value of \$18 and a pen set with a market value of \$15. The employee may accept the map or the pen, but not both, since the aggregate value of these two tangible items exceeds \$20.

(b) **Gifts based on a personal relationship.** An employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee.

Example:

An employee of the Minerals Management Service has been dating a secretary employed by a major oil company. For Secretary's Week, the oil company has given each secretary

2 tickets to an off-Broadway musical review and has urged each to invite a family member or friend to share the evening of entertainment. Under the circumstances, the employee may accept his girlfriend's invitation to the theater. Even though the tickets were initially purchased by the oil company, they were given without reservation to the secretary to use as she wished, and her invitation to the employee was motivated by their personal friendship.

(c) Discounts and similar benefits. In most cases, an employee may accept reduced membership or other fees for participation in organization activities offered to all Government employees.

Example:

An employee of the U.S. Geological Survey's contracting office may accept a discount of \$50 on a car rental special offered by a car rental agency to all Government employees. Even though the U.S. Geological Survey's contracting office is currently conducting a study on the services offered by car rental agencies, the \$50 discount is a standard offer that the rental agency has made broadly available to all Government employees.

(d) Awards and honorary degrees. An employee may accept gifts, other than cash or an investment interest, with an aggregate market value of \$200 or less if such gifts are a bona fide award or incident to a bona fide award that is given for meritorious public service or achievement by a person who does not have interests that may be substantially affected by the performance or nonperformance of the employee's official duties or by an association or other organization the majority of whose members do not have such interests.

Gifts with an aggregate market value in excess of \$200 and awards of cash or investment interests offered by such persons as awards or incidents of awards that are given for these purposes may be accepted upon a written determination and approval by the Designated Agency Ethics Official. For more details, refer to Subpart B of 5 CFR 2635.

Example:

Based on a determination by the Designated Agency Ethics Official that the prize may be accepted, a U.S. Fish and Wildlife Service (FWS) employee may accept Mobil Oil Company's annual award for Conservation, including the cash award which accompanies the prize, even though the prize was conferred on the basis of studies and work performed at FWS facilities.

(e) Gifts based on outside business or employment relationships. An employee may accept meals, lodgings, transportation and other benefits resulting from the business or employment activities of an employee's spouse when it is clear that such benefits have not been offered or enhanced because of the employee's official position;

Example:

A National Park Service employee whose spouse is a computer programmer employed by a Concessioner may attend the Concessioner's annual retreat for all of its employees and their families held at a resort facility. However, the employee may be disqualified from performing official duties affecting his spouse's employer.

(f) Gifts from a political organization. An employee who is exempt under 5 U.S.C. 7324(d) from the Hatch Act prohibitions against active participation in political management or political campaigns may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, in connection with such active participation, by a political organization described in 26 U.S.C. 527(e). Any other employee, such as a security officer, whose official duties require him to accompany an exempt employee to a political event may accept meals, free attendance and entertainment provided at the event by such a political organization.

Example:

The Assistant Secretary - Water & Science is exempt from the noted Hatch Act restrictions. She may accept an airline ticket and hotel accommodations furnished by the campaign committee of a candidate for the United States Senate in order to give a speech in support of the candidate

(g) Widely attended gatherings and other events

When an employee is assigned to participate as a speaker or panel participant or otherwise to present information on behalf of the agency at a conference or other event, his acceptance of an offer of free attendance at the event on the day of his presentation is permissible when provided by the sponsor of the event. The employee's participation in the event on that day is viewed as a customary and necessary part of his performance of the assignment and does not involve a gift to him or to the agency.

When there has been a determination that his attendance at a particular widely attended gathering is in the interest of the agency because it will further agency programs or operations, an employee may accept a sponsor's unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering of mutual interest to a number of parties. A gathering is widely attended if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a range of persons interested in a given matter.

(g) No Refusal Gift Acceptance Policy

All Department of the Interior employees may accept gifts offered to them by representatives of Indian Tribes, Alaska Native Organizations, Insular and foreign governments when refusal to accept such gifts would be likely to cause offense or embarrassment or otherwise adversely affect relations with the United States.

In such cases, gifts that have a market value that exceed the dollar threshold (\$20 for domestic gifts and \$285 for foreign gifts) for personal acceptance shall be deposited with the bureau's property officer.

Definitions:

A **Gift** is defined as a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

A **Prohibited source** generally means any person or organization that:

- Has business with the employee's agency;
- Is seeking to do business with the employee's agency;
- Conducts operations that are regulated by the employee's agency;
- or
- Has interests that may be substantially affected by performance or nonperformance of the employee's official duties.

For purposes of the rules on the acceptance of gifts, the term "agency" is narrowly defined to mean the organization that employs the individual. If the employee works for one of the Interior organizations listed below, then the employee may accept a gift from a person or organization which has business dealings with any of the organizations except for the organization where the employee is employed.

- (1) Bureau of Indian Affairs, including the Office of Indian Education Programs;
- (2) Bureau of Land Management;
- (3) Bureau of Reclamation;
- (4) Minerals Management Service;
- (5) National Indian Gaming Commission;
- (6) National Park Service;
- (7) Office of Surface Mining Reclamation and Enforcement;
- (8) Office of the Special Trustee for American Indians;
- (9) U.S. Fish and Wildlife Service; and
- (10) U.S. Geological Survey.

If the employee does not work for one of the Interior organizations listed above, then the employee may not accept a gift from a person or organization which has business dealings with any of the organizations within the Department of the Interior.

5CFR § 3501.102

5 CFR § 3501.102 Designation of separate agency components.

(a) Each of the following ten components of the Department is designated as an agency separate from each of the other nine listed components and, for employees of that component, as an agency distinct from the remainder of the Department, for purposes of the regulations in subpart B of 5 CFR 2635 governing gifts from outside sources, 5 CFR 2635.807 governing teaching, speaking and writing, and § 3501.105 requiring prior

approval of outside employment. However, the following ten components are not deemed to be separate agencies for purposes of applying any provision of 5 CFR part 2635 or this part to employees of the remainder of the Department:

- (1) Bureau of Indian Affairs, including the Office of Indian Education Programs;
- (2) Bureau of Land Management;
- (3) Bureau of Reclamation;
- (4) Minerals Management Service;
- (5) National Indian Gaming Commission;
- (6) National Park Service;
- (7) Office of Surface Mining Reclamation and Enforcement;
- (8) Office of the Special Trustee for American Indians;
- (9) U.S. Fish and Wildlife Service; and
- (10) U.S. Geological Survey.

(b) Employees in components not listed in paragraph (a) of this section (including employees within the immediate office of each Assistant Secretary) are employees of the remainder of the Department, which for those employees shall include the components designated in this section as well as those parts of the Department not designated in this section.

Example 1:

A company that conducts activities regulated by the Bureau of Land Management would not be a prohibited source of gifts for an employee of the National Park Service (NPS), unless that company seeks official action by the NPS; does business or seeks to do business with the NPS; conducts activities that are regulated by the NPS; or has interests that may be substantially affected by the performance or nonperformance of that employee's official duties.

Example 2:

A paralegal who works part-time in the Office of the Solicitor wants to take an additional part-time job with a private company that does business with the U.S. Geological Survey. The company is a prohibited source for the paralegal, since the company does business with a component of the Department from which his component has not been listed as separate in § 3501.102(a). The paralegal must obtain prior approval for the outside employment, because § 3501.105 requires employees to obtain such approval before engaging in outside employment with a prohibited source.

Employee Acceptance of Gifts. Department Ethics Office, Department of Interior.
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