

# GIFTS FROM OUTSIDE SOURCES

---

## Background

---

During the year, especially during the holiday season, individuals and companies who do business with the Department of Agriculture (USDA) often send or offer unsolicited gifts to employees.

## Prohibition

---

Overall, the Standards of Ethical Conduct at [5 CFR 2635, Subpart B](#) prohibit an employee from soliciting or accepting gifts from individuals and/or organizations doing business, or seeking to do business, with USDA (see **Prohibited Source** definition below). The acceptance of gifts given because of employee's official position is also prohibited.

## Definitions

---

### GIFT:

any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.

PROHIBITED SOURCE means any person/organization (a majority of whose members are):

- Seeking official action by USDA;
- Conducting business or seeking to do business with USDA;
- Conducting activities regulated by USDA; or
- Having interests that may be substantially affected by performance or nonperformance of the employee's official duties.

## Exclusions

---

Gifts do not include:

- Coffee, donuts and similar modest items of food and refreshments when offered other than as part of a meal;
- Greeting cards and most plaques, certificates and trophies;
- Prizes in contests open to the public;
- Commercial discounts available to the general public or to all Government or military personnel;
- Commercial loans, and pensions and similar benefits;
- Anything paid for by the Government, secured by the Government under Government contract or accepted by the Government in accordance with a statute; or
- Anything for which the employee pays market value.

## Disposition of Gifts Received

---

When a gift cannot be accepted, the employee can:

- Pay the donor the market value of the gift;
- Return the gift with a polite declination; or
- If a perishable item, the employee may obtain approval to:
  - Donate the gift to a charity;
  - Destroy; or
  - Share the gift within the office.

## Exceptions

---

There are [exceptions](#) to the prohibition for receiving gifts from entities seeking to do business with USDA. Employees may accept:

NUMBER	EXCEPTION
1	Gifts with a market value of \$20 or less per occasion provided that the aggregate market value of individual gifts received from any one person/organization does not exceed \$50 in a calendar year. Cash may not be accepted as a gift. Cash may only be accepted in connection with awards. (See <b>Special Note</b> below.)
2	Gifts clearly motivated by a family relationship or personal friendship.
3	Commercial discounts and similar benefits offered to groups in which membership is not related to Government employment, or if membership is related to Government employment, where the same offer is broadly available to the public through similar groups or by persons who are not prohibited sources.
4	Certain awards and honorary degrees (see <b>Special Note</b> below).
5	Gifts resulting from the outside business activities of employees and their spouses.
6	Travel and entertainment in connection with employment discussions.
7	Free attendance provided by the sponsor of an event for the day on which an employee is speaking or presenting information at the event.
8	Free attendance provided by the sponsor of a widely attended gathering of mutual interest to a number of parties where the necessary determination of agency interest has been made.
9	Invitations to social events extended by persons who are not prohibited sources, provided no one is charged a fee to attend the event.
10	Certain gifts of food and entertainment in foreign areas (see <b>Special Note</b> below).
11	Gifts accepted by the employee under a specific statute, or pursuant to a supplemental agency regulation.

### Special Note

All external awards of cash and gifts with an aggregate market value greater than \$200 (except those awards announced through the Agency's Awards Program) may be accepted *only after a written determination* is made the USDA Office of Ethics. (External awards announced through the Agency's Awards Program do not require a written determination from the USDA Office of Ethics because they were reviewed by the Department.)

For further discussion of foreign gifts, see the Standards of Ethical Conduct at [5 CFR 2635.204](#) & [5 CFR 2635.205](#).