



# United States Department of the Interior

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## **ETHICS FAQs ON GIFTS FOR EMPLOYEES IN EMERGENCY SITUATIONS**

While it is the hope that emergency situations such as wildfires and other natural disasters will both be infrequent and have only a limited impact on the employees of The U.S. Department of the Interior (DOI), at times employees find themselves working through an emergency situation or personally impacted by one.

The following FAQs were developed to help employees comply with the ethics laws during emergency situations, particularly when offered gifts from non-Federal sources.

As a reminder, a summary of the ethics requirements can be found on the DOI website at <https://www.doi.gov/ethics> or the DOI Ethics Mobile App. If you have an urgent ethics question during an emergency situation, please send your question to: [doi\\_ethics@sol.doi.gov](mailto:doi_ethics@sol.doi.gov).

Finally, if during an emergency situation, you are concerned that your proposed course of action may violate the ethics statutes, the standards of ethical conduct, or DOI supplemental ethics regulations, then it is best to refrain from taking action or accepting a gift until you can seek ethics guidance.

### ***Do the gift rules apply during an emergency situation?***

Yes. The ethics rules continue to apply to employees during an emergency situation. An employee may not accept a gift during an emergency situation that they could not accept during regular Federal government operations. The general rules concerning gifts from an outside or non-Federal source (versus gifts between employees) is that, as a Federal employee, you:

- must not solicit gifts from a prohibited source
- must not solicit gifts to be given to you because of your official position
- must not accept a gift from a prohibited source, or
- must not accept a gift given because of your official position with the DOI.

A gift is considered to be given because of your official position when the circumstances make it clear that you would not have received the gift, but for your employment status with the Federal government generally and/or the DOI specifically.

A prohibited source is any person, company, or organization that does business with the DOI, is seeking to do business with the DOI, conducts operations or activities that are regulated by the DOI, or has any interests that might be affected by the performance or non-performance of your official duties, or is an organization a majority of whose members are described above, including non-profit friends groups and other organizations, contractors, concessionaires, partners, and entities that receive permits, grants, or other assistance from the DOI, etc.

***How do I determine whether I can accept a gift from a non-Federal source during an emergency situation?***

Your ability to accept a gift will depend upon the value of the gift and who offers it to you. The general rule is that you may not solicit or accept gifts given because of your official position or offered by a prohibited source. A gift is anything that has monetary value which you obtain for less than market value.

- 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.
- Market value is the retail price that a member of the general public would have to pay to purchase it.

However, the ethics regulations provide a few exceptions and exclusions to the general rule and those that have been asked about most frequently are discussed below.

***Do these rules apply if the gift is given to my spouse, child, parent, sibling, dependent relative, or a member of my household?***

It depends. If the gift is given to your spouse, child, parent, sibling, dependent relative, or a member of your household because of that person's relationship to you, then it is considered to be an indirect gift and is treated as a gift to you under the ethics regulations. Therefore, all of the rules, restrictions, and considerations discussed in these FAQs will apply to the gift.

However, if the gift is given to your spouse, child, parent, sibling, dependent relative, or a member of your household for reasons independent of that person's relationship to you, then it is generally not considered a gift to you and will likely not be governed by the rules, restrictions, and considerations discussed in these FAQs. However, please remember that you must all times avoid any actions which would make a reasonable person with knowledge of the relevant facts question your impartiality or create the appearance that you are violating the law or the ethical standards.

***Can I accept a free meal or discount offered to all Federal workers or the general public?***

Yes. As long as the offer is extended to the general public or all Federal employees, even if the offer is restricted by geography, you may accept it. For example, if a free meal or other benefit is made available to any Federal employee in Miami Dade County, Monroe County, and/or Collier County, Florida who shows a Federal employee ID card, then an employee of Everglades National Park could likely accept the meal or benefit. In addition, an employee may ask for and accept assistance from organizations that provide aid to members of the general public, such as food banks.

***Can I accept free meals, discounts or other benefits offered only to a class of Federal employees?***

It depends on who is offering the free meal or other benefit. Employees may accept gifts offered to a class of government employees that does not discriminate on the basis of official duties or rank if given by an organization or person who is not a prohibited source. For example, you could accept a free membership offered to all employees at the Detroit River International Wildlife Refuge as long as the organization making the offer is not a prohibited source.

If an organization is a prohibited source because it works with the DOI, you may accept tangible, non-cash gifts (such as a meal, hat, book, ticket to a movie, etc.) with a retail market value of \$20 or less, per occasion from that organization so long as the total value of gifts you accept from the organization does not exceed \$50 in a calendar year, and you do not accept gifts so frequently from this organization that a reasonable person would question your impartiality. If the gift has a retail market value in excess of \$20, you may not pay the difference in order to accept the gift, but rather you must either decline the gift or pay the entire market value of the gift to the donor in order to accept it.

***Can I accept a cash gift card from an organization that does business with the DOI?***

No. You may never accept cash, cash gift cards issued by a credit card company or other financial institution (Visa, Mastercard, American Express, etc.) or checks made out to you, in any amount, from a prohibited source or if given because of your official position, under any circumstances. Importantly, the \$20 or less exception does not apply to gifts of cash, as cash gifts are never permissible.

***Can I accept a cash gift card offered to only employees impacted by the emergency situation by a local organization that has no business before the DOI?***

No. You may never accept cash, cash gift cards issued by a credit card company or other financial institution (Visa, Mastercard, American Express, etc.) or checks made out to you, in any amount, given because of your official position (in this case because you are an employee

impacted by the emergency situation) under any circumstances. Importantly, the \$20 or less exception does not apply to gifts of cash, as cash gifts are never permissible.

***Can I accept a grocery store gift card that is offered to me by a local organization that does business with the DOI?***

In this case, it generally will depend on the donor and the amount of the gift card offered to you. The ethics regulations distinguish between gift cards issued by a credit card company or other financial institution, which are viewed as the equivalent of a gift of cash and may not be accepted, and gift cards issued by specific stores such as restaurants and grocery and retail stores, which may be accepted in certain circumstances. In the question above, although the local organization is a prohibited source because it does business with the DOI, you may still accept a gift card to a grocery store offered to employees and valued at \$20 or less per occasion, so long as the total value of these gifts to you from the local organization does not exceed \$50 in a calendar year, and you do not accept gifts so frequently from the local organization that a reasonable person would question your impartiality.

Additionally, if an organization was handing out packets of gift cards issued by specific stores or restaurants to all Federal employees, all Federal employees in a specific geographic area (*e.g.*, all Federal employees who work in Denver, Colorado), or anyone impacted by the emergency situation (and the offer is not limited only to certain Federal employees, such as those employed by DOI), then you can accept the packet of gift cards even if the total amount of the various gift cards exceeds \$20.

Also, if a local organization was to offer packets of gift cards issued by specific stores or restaurants to any family or individual in need in the community as a result of the emergency situation, you could accept the packets of gift cards. Under the gift rules, any opportunities and benefits, including favorable rates and commercial discounts, available to the general public or to a class consisting of all Federal employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations is not considered a prohibited gift and may be accepted.

***Can I accept a commercial discount or benefit offered by a local business?***

Yes, you may accept commercial discounts or benefits available to the general public, to all Federal government employees, or to anyone impacted by the emergency situation (so long as the offered discount or benefit is not limited to a certain group of Federal employees, such as only those employed by DOI).

***May I present my Federal government identification badge to receive a permissible discount or benefit offered to all Federal employees?***

Yes. Employees may show their Federal government ID to prove they are eligible for an existing discount or benefit. Please remember that you may not use your Federal government ID to solicit or encourage a gift or special treatment - this is a misuse of position.

***If an accredited or licensed financial institution, such as a credit union, offers low or no interest loans, can I accept such a loan?***

It will depend on the terms of the loan offer. The ethics regulations exclude from the definition of gifts “loans from banks and other financial institutions on terms generally available to the public.” Additionally, you may accept opportunities and benefits, including favorable loan rates and commercial discounts, available to the general public or to all Federal employees, whether or not restricted on the basis of geographic considerations. The ethics regulations also permit you to accept opportunities and benefits, including favorable loan rates and commercial discounts, offered to members of an organization, such as an employee association or credit union.

***If a local non-profit DOI friends’ group or other partner organization offers to provide DOI employees with interest free loans of \$1,000 during as a result of the emergency situation, can I accept this offer?***

In almost all circumstances, no. Additionally, if you accepted any such offered loan, then you would be required under 18 U.S.C. § 208, a criminal statute, and 5 C.F.R. § 2635.502, to recuse yourself from any official matters involving that entity until the loan was completely repaid. Finally, we urge caution before entering into financial transactions with entities that are not accredited or licensed financial institutions.

***Can I accept a loan or assistance from a colleague or co-worker?***

It depends. You must consider the colleague’s employer. If, for example, your colleague is employed by a DOI contractor, the loan or assistance will likely be considered a gift from a prohibited source.

If your colleague is a Federal employee or employed by the same agency, you must be mindful of your professional relationship status and your comparative pay as you must not accept a loan or assistance from an employee that receives less pay or an employee whom you supervise. A loan may be permissible under certain limited circumstances and we urge you to seek ethics guidance before accepting a loan from any colleague or co-worker, and particularly for any loan from a subordinate or an employee receiving less pay.

***Can I donate money and other items to other co-workers?***

It depends. The limits on gifts between employees, on fundraising for charitable organizations, and on fundraising in the Federal workplace, including those on gifts between supervisors and subordinates, continue to remain in effect during an emergency situation.

Generally, you may not give, donate to, or solicit contributions for, an official supervisor.

Employees may generally give or accept non-cash gifts of less than \$10 in value; gifts of personal hospitality of a type and value customarily provided; and food and refreshments to be shared in the office. While there are other potential exceptions to the rules on gifts between employees, such as gifts given on the occasion of marriage, illness, or retirement, please contact an ethics official to determine whether an exception applies in your emergency situation. As a general matter, you are also encouraged to discuss offers of financial or other assistance between co-workers with an ethics official.

***Can I, or another coworker, send out a fundraising solicitation at work seeking voluntary contributions for employees impacted by the emergency situation?***

It depends. As a reminder, authorized fundraising in the Federal workplace is generally limited to the Combined Federal Campaign, other special fundraising appeals authorized by the Office of Personnel Management or the President, fundraising that is authorized pursuant to specific statutory authority, and in-kind donation drives.

If you think that an exception might apply, such as a close personal relationship between the people from whom donations would be sought, then please reach out to an ethics official for further ethics guidance. However, please keep in mind there are additional considerations that will apply if you or the employee sending out a fundraising solicitation is a supervisory employee.

***Can I, or someone on my behalf, set up a crowdsourcing campaign such as a GoFundMe page or other online fundraising request to help with expenses during the emergency situation?***

Generally, no. These kinds of online fundraising campaigns raise a variety of ethics concerns, including whether the funds are solicited because of your official position or offered from a prohibited source.

First, you, or someone acting on your behalf (such as a spouse), cannot solicit a gift based on Federal employment. Therefore, you cannot use your agency, title, or status for any such solicitation for your own private gain or the private gain of another under the gift and misuse of position rules. Therefore, any such online solicitation could not reference your employment with the DOI or your employment status with the Federal government. Any online solicitation should also not include images of you (or others) wearing an official uniform or insignia, feature a logo

for the DOI or your Bureau/Office, or include an image publicly identified as DOI property or facilities.

Second, you are prohibited from soliciting or accepting gifts given from prohibited sources. Therefore, even if you do not use your agency, title or status for a solicitation, you would need to be able to identify and reject any donations from prohibited sources. You may not be able to accept anonymous donations or other donations which do not provide sufficient information to determine whether they are from prohibited sources. Due to the high likelihood of violating gift rules, we strongly recommend that you seek guidance from an ethics official before establishing or engaging in any such online fundraising campaigns.

If you limit a crowdsourcing request to close friends and family, you should carefully evaluate the relevant factors to determine the motivation of any donation, such as whether the donor has any reason to be motivated to donate due to your official position, the history and nature of the relationship with the donor, and whether the family member or friend personally pays for the gift. You may solicit or accept a gift from an individual under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than your Federal position.

Regardless of who the crowdsourcing campaign is limited to, you should be cautious about labeling yourself as a Federal employee in any description and should certainly not request that you receive donations *because* you are a Federal employee. Moreover, crowdsourcing funding can create additional reporting requirements if you file a financial disclosure form. If you are a financial disclosure filer, your annual report must include any gifts over the relevant financial disclosure reporting thresholds (which are periodically updated) that you receive from a single source during the reporting period. If you are a financial disclosure filer and accept gifts during the reporting period, please contact your ethics official for additional guidance.

***Can I accept assistance from a crowdsourcing campaign intended to provide assistance to anyone impacted by the emergency situation?***

It depends. Such offers can only be accepted if offered to the general public or to a broad class of government employees that does not discriminate based on responsibility, rank, or rate of pay and the campaign organizer is not a prohibited source.

As a reminder, DEO ethics officials may be contacted for further guidance at [doi\\_ethics@sol.doi.gov](mailto:doi_ethics@sol.doi.gov). A summary of the ethics requirements can be found on the DOI website at <https://www.doi.gov/ethics> or on the DOI Ethics Mobile App.

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