

2013/SOM3/ACT/WKSP/019

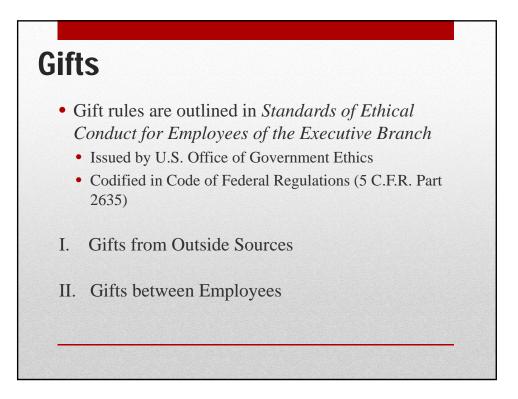
United States Gift Rules for Executive Branch Employees

Submitted by: United States



Workshop on Strengthening Integrity Through Public-Private Partnership: Preventing Facilitation Payment and Managing Gift Rules Medan, Indonesia 24 June 2013



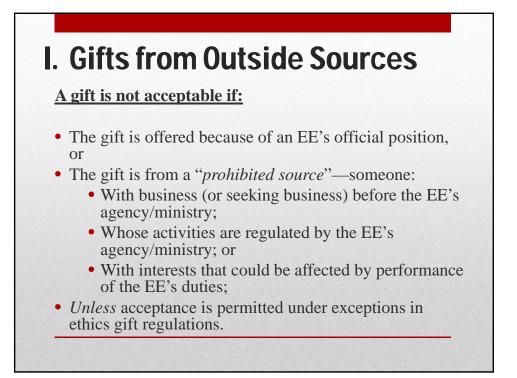


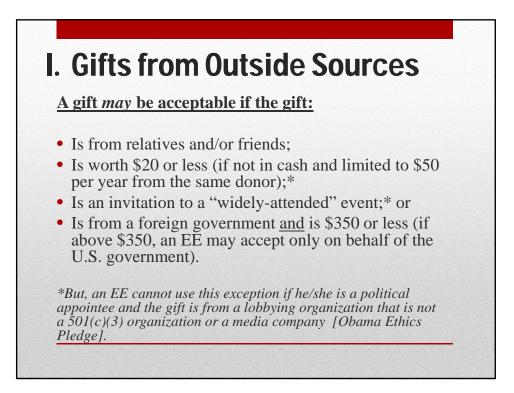
Definitions

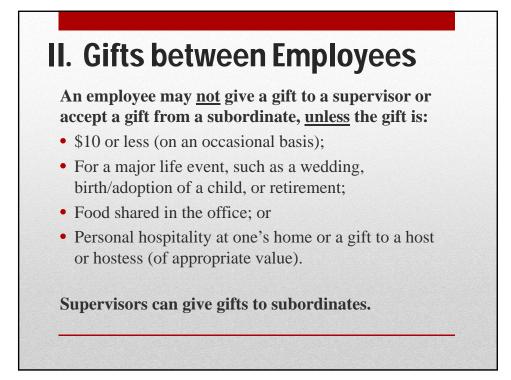
- **Bribe**—Anything of value that is given/offered/promised in exchange for performing or failing to perform a specific action as a USG official. Illegal for all employees (EEs), no exceptions. *18 U.S.C. § 201(b)(2) and (c)(1)(B); <u>U.S. v. Sin-Diamond Growers of California</u>, 526 U.S. 398 (1999)*
- 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.



- 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.









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

