



Frequently Asked Questions: Gift Giving Guidance and Ethics for USAFA Parents

Cadets and cadet-candidates, like all Federal employees, are governed by ethics rules issued by the Office of Government Ethics, at Title 5, Code of Federal Regulations, Section 2635.101 et seq. These regulations are supplemented by the Department of Defense in regulations such as the Joint Ethics Regulations, DoD 5500.07-R.

While these FAQs do not amount to legal advice, cannot be used to establish an attorney-client relationship and are not covered by the attorney-client privilege, they are intended to help parents, cadets and cadet-candidates understand how the ethics rules apply in several common scenarios. Additionally, these FAQs are intended to answer common questions regarding gift rules. They should not be read as soliciting gifts on behalf of the Department of the Air Force, the U.S. Air Force Academy, or any individuals. Nor are they intended as endorsements for any non-Federal entity mentioned in them.

Q: Can I give cash or gifts to a cadet that I am closely related to or close friends with?

- Generally, yes. Gifts to Federal employees from non-Federal sources are governed by Title 5, Code of Federal Regulations, sections 2635.202 and 2635.204. Section 2635.204(b) specifically exempts gifts based on a personal relationship from the general prohibition on gifts from non-Federal sources. To qualify under this exemption, the gift must clearly be motivated by a “family relationship or personal friendship rather than the position of the employee.” In determining whether the gift falls under this

exemption, we will look at the history and nature of the relationship and who actually paid for the gift.

Q: Am I allowed to give gifts or cash to cadets other than a cadet in my own family?

- That depends on your relationship with the cadets. If the cadet is a personal friend, you could likely give her a gift under the exemption for gifts based on a personal relationship. We will look at the history and nature of your relationship and who paid for the gift in determining whether the gift falls under the personal relationship exemption. 5 CFR 2635.204(b)
- If the cadet is not a personal friend, we would consider the gift as being based on her position as a cadet. In that case, the cadet may accept a gift of up to \$20 per occasion, totaling no more than \$50 per year from any source, including a parent of another cadet. This exception, known as the \$20/\$50 rule, does not allow for gifts of cash or cash equivalents including gift cards that can be widely used like cash. 5 CFR 2635.204(a).

Q: Can I give cash or gifts to a cadet for thanking that cadet for helping my cadet (for example a mentor for helping a younger cadet)?

- Absent a personal relationship with the cadet mentor, the cadet mentor could accept a gift worth up to \$20 from you on any one occasion, and no more than \$50 total in a given year. This exception to the prohibition on gifts does not allow for gifts of cash, or cash equivalents including gift cards that can be widely used like cash. 5 CFR 2635.204(a).

Q: Can I buy meals or food treats for cadets?

- You can buy food for cadets, but to what extent depends on your relationship with the cadets. If you have a personal relationship with the cadets (you are family members, or close friends), you can buy whatever you'd like for the cadets. If, however, you don't have a personal relationship with the cadets, you can still give food or meals to them, but

each cadet would only be able to accept food, or a meal, worth up to \$20 per occasion, totaling no more than \$50 per year. 5 CFR 2635.204(a)/(b). In determining whether you have a personal relationship with the cadets, we will look at the history and nature of your relationship and who is paying for the gift. 5 CFR 2635.204

Q: I have developed a close relationship with a cadet (as a mentor or in a parent-like role), am I allowed to buy things for that cadet?

- Generally, yes. Gifts to Federal employees from non-Federal sources are governed by Title 5, Code of Federal Regulations, sections 2635.202 and 2635.204. Section 2635.204(b) specifically exempts gifts based on a personal relationship from the general prohibition on gifts from non-Federal sources. To qualify under this exemption, the gift must clearly be motivated by a “family relationship or personal friendship rather than the position of the employee.” In determining whether the gift falls under this exemption, we will look at the history and nature of the relationship and who actually paid for the gift.

Q: Am I allowed to give cash or other gifts directly to cadet squadrons?

- The gift acceptance process is governed by Title 10, United States Code, section 2601, and Air Force Instruction 51-506. While you are welcome to offer gifts, including cash, to be used by specific Cadet Squadrons, all such gifts would have to be accepted by the Superintendent, not the respective Cadet Squadron. HQ USAFA/A8D manages gift offers and acceptance for USAFA. If you’d like to offer a gift, please work with HQ USAFA/A8D to ensure it is properly reviewed and accepted. USAFA/A8D, 2304 Cadet Dr. Ste 3800, USAFA CO 80840 (POC: Whitney Neighbors Whitney.Neighbors@afacademy.af.edu.)

Q: Can we raise money for squadrons at the Academy?

- Personnel at USAFA, like all other Federal employees, are not allowed to solicit gifts, nor to participate in fundraising in their official capacity.

Private organizations, such as Parents Clubs, may raise money and donate the proceeds to USAFA if they choose to do so. Such gifts would need to be accepted appropriately through HQ USAFA/A8D. It is important, though, to take precautions so it never appears that USAFA, or anyone at USAFA, endorses or is participating in their official capacity in the fundraising efforts. 5 CFR 2635.702, 808; JER, 3-210.

Q: Can we raise money or buy things for cadet groups at the Academy?

- Personnel at USAFA, like all other Federal employees, are not allowed to solicit gifts, nor to participate in fundraising in their official capacity. Private organizations, such as Parents Clubs, may raise money and donate the proceeds to USAFA if they choose to do so. Alternatively, they could use the proceeds to buy tangible items for USAFA or its subordinate units. Such gifts would need to be accepted appropriately through HQ USAFA/A8D. It is important, though, to take precautions so it never appears that USAFA, or anyone at USAFA, endorses or is participating in their official capacity in the fundraising efforts. 5 CFR 2635.702, 808; JER, 3-210.
- If you'd like to give something to a group of cadets in their individual capacity, you may generally do so. Gifts to Federal employees from non-Federal sources are governed by Title 5, Code of Federal Regulations, sections 2635.202 and 2635.204. Section 2635.204(b) specifically exempts gifts based on a personal relationship from the general prohibition on gifts from non-Federal sources. To qualify under this exemption, the gift must clearly be motivated by a "family relationship or personal friendship rather than the position of the employee." In determining whether the gift falls under this exemption, we will look at the history and nature of the relationship and who actually paid for the gift. If you don't have a personal relationship with the cadets in the group, they would be limited to accepting a gift worth \$20 or less per occasion (per cadet) and no more than \$50 per year. 5 CFR 2535.204(a).

Q: Am I allowed to give cash or other gifts directly to an Academy or Prep School Academic department?

- The gift acceptance process is governed by Title 10, United States Code, section 2601, and Air Force Instruction 51-506. While you are welcome to offer gifts, including cash, to be used by specific units or Departments at USAFA, all such gifts would have to be accepted by the Superintendent, not the respective unit or Department. HQ USAFA/A8D manages gift offers and acceptance for USAFA. If you'd like to offer a gift, please work with HQ USAFA/A8D to ensure it is properly reviewed and accepted. USAFA/A8D, 2304 Cadet Dr. Ste 3800, USAFA CO 80840 (POC: Whitney Neighbors Whitney.Neighbors@afacademy.af.edu.)

Q: Am I allowed to give cash or other gifts directly to an Academy or Prep School sport or athletic department?

- The gift acceptance process is governed by Title 10, United States Code, section 2601, and Air Force Instruction 51-506. While you are welcome to offer gifts, including cash, to be used by specific units or Departments at USAFA, all such gifts would have to be accepted by the Superintendent, not the respective unit or Department. HQ USAFA/A8D manages gift offers and acceptance for USAFA. If you'd like to offer a gift, please work with HQ USAFA/A8D to ensure it is properly reviewed and accepted. It is important to note that some athletic programs at USAFA are run by the Air Force Academy Athletic Corporation, or AFAAC. AFAAC is a charitable organization that is not an official organization under USAFA. While we cannot endorse AFAAC's efforts, if you are interested in giving something to a sport managed by AFAAC, you should contact them directly. USAFA/A8D, 2304 Cadet Dr. Ste 3800, USAFA CO 80840 (POC: Whitney Neighbors Whitney.Neighbors@afacademy.af.edu.)

Q: Am I allowed to give gifts to professors or other permanent party members at USAFA?

- Federal employees are generally prohibited from accepting gifts that are offered to them based on their position. To the extent you were giving a gift to a professor or other permanent party member at USAFA based on their position—for instance, because they helped your cadet with an assignment—they would not be able to accept the gift. 5 CFR 2635.202. There is an exception for gifts under \$20 per occasion and less than \$50 per calendar year, but we discourage gifts motivated by an employee’s official duties. 5 CFR 2635.204(a)

Q: Can I buy meals or food treats for professors or other permanent party members at USAFA?

- Federal employees are generally prohibited from accepting gifts that are offered to them based on their position. To the extent you were giving a gift to a professor or other permanent party member at USAFA based on their position—for instance, because they helped your cadet with an assignment—they would not be able to accept the gift. 5 CFR 2635.202. There is an exception for gifts under \$20 per occasion and less than \$50 per calendar year, but we discourage gifts motivated by an employee’s official duties. 5 CFR 2635.204(a)

Q: Can USAFA Parents’ Clubs or other groups give gifts to cadet groups?

- Parents’ Clubs or other groups can give gifts to groups of individual cadets, but to what extent depends on their relationship with the cadets. If the group providing the gifts has personal relationships with the cadets (the donating group are family members or close friends of the cadets receiving the gifts), the group can give the cadets whatever they’d like. If, however, the members of the group do not have a personal relationship with the cadets, the value of the gift could not exceed \$20 per cadet receiving the gift, and no more than \$50 per year. 5 CFR 2635.204(a)/(b).

Q: Is there a limit on the value of a gift to give to USAFA representatives?

- Federal employees are generally prohibited from accepting gifts that are offered to them based on their position. To the extent you were giving a gift to a USAFA employee based on his position—for instance, because he helped your cadet—the employee would not be able to accept the gift. 5 CFR 2635.202. There is an exception for gifts under \$20 per occasion and less than \$50 per calendar year, but we discourage gifts motivated by an employee’s official duties. 5 CFR 2635.204(a)

Q: What are acceptable ways to raise funds and give funds for USAFA causes or groups?

- Groups of individuals, or individuals, not affiliated with USAFA, may raise money for any purpose they choose, so long as the fundraising effort does not imply endorsement of the fundraiser by USAFA or any Federal employee, including a cadet, in their official position. That means the fundraising effort may not use any USAFA logos or trademarks. Additionally, official unit names should not be used. 5 CFR 2635.702. JER, 3-209.
- There are caveats on whether USAFA, or individuals at USAFA, could accept a gift even if the fundraising was well-intentioned and properly executed. For instance, Federal employees may not accept gifts from prohibited sources if the value of the gift is more than \$20. If an outside group conducts a fundraiser to help a cadet, then, the outside group would need to either ensure no prohibited sources donated to the fundraiser, or prohibited sources did not donate more than \$20 each to the fundraiser. This limit on prohibited sources does not apply to gifts to USAFA as an organization, rather to individuals.
- Prohibited sources include any organization or individual who does business with, or seeks to do business with, the Department of Defense. Prominent examples include Boeing, Microsoft, American Airlines, and SAIC.

Q: Can I raise funds for USAFA or USAFA groups (such as Parents' Clubs) using USAFA or Air Force logos or images?

- Organizations cannot sell items with USAFA, Air Force or Space Force logos or trademarks without proper permission. Organizations wishing to do so should contact the responsible party listed below with a detailed explanation of how the logo or trademark will be used:
 - o To utilize the U.S. Air Force Academy logo, email: paul.hamilton@usafa.edu
 - o To utilize the U.S. Air Force logo, email: licensing@us.af.mil
 - o To utilize the class crest logos, email: felicia.recker@aogusafa.org

Fundraising Request Letter Fundraising Checklist Information Fair
Cover Letter Info Fair Dashboard vendor Sign (pdf)

Q: What is the relationship between USAFA and the Association of Graduates (the USAFA alumni and friends group)?

- There is no official relationship between USAFA, a Federal agency in the Department of the Air Force, and the Association of Graduates, which is a charitable organization.
- According to their website, the Association of Graduates “aspires to be the primary organization of United States Air Force Academy (USAFA) graduates and friends dedicated to supporting the Academy mission of building leaders of character for the Air Force and the Nation and aspires to provide service and support for graduates and cadets.”

Q: What is the relationship between USAFA and the Air Force Academy Foundation?

- There is no official relationship between USAFA, a Federal agency in the Department of the Air Force, and the Air Force Academy Foundation, which is a charitable organization.
- According to their website, “the purpose of the Air Force Academy Foundation is to ignite a passion among supporters that builds a culture of philanthropy, advancing the Air Force Academy for all generations.”



Q: If I have questions about what is proper in giving gifts or fundraising, who may I ask?

- HQ USAFA/A8D manages the gift acceptance process for USAFA and can help with questions. Additionally, there is a dedicated ethics attorney at HQ USAFA/JA that can answer questions regarding gifts.
- You can reach HQ USAFA/A8D at:
- You can reach HQ USAFA/JA at: usafaja.taskers@us.af.mil

Q: What is the \$20 / \$50 rule and how does it apply?

- The \$20/\$50 rule is an exception to the general prohibition on Federal employees accepting gifts either based on their position or from a prohibited source. The rule creates an exception that allows a Federal employee to accept a gift valued at up to \$20 per occasion and no more than \$50 total per year. Under the exception an employee could still decline the gift and, regardless of the value of the gift, should not accept any gift that creates a perception of impartiality. 5 CFR 2635.204(a)

Q: Does the \$20/\$50 rule apply to appointees?

- No. Appointees are not yet Federal employees. We would probably frown on overtly unethical conduct, though.

Q: How does the \$20/\$50 rule apply if different groups are giving gifts to cadets?

- The \$20/\$50 rules applies separately to each distinct organization, so one group could give a gift worth up to \$20 and another group could give a separate gift of up to \$20. Note, however, the two groups could not go together to provide a \$40 gift because the cadet/employee can only accept a gift worth up to \$20 on any given occasion. A jointly funded \$40 gift would be considered a single gift and would not be acceptable. 5 CFR 2635.204(a)

Q: Can we give door prizes to cadets who attend a function we put on?

- Door prizes that are given randomly based on attendance are typically permissible, regardless of value. If a cadet/employee receives a prize worth \$250 or more, however, they must request an ethics review of the prize. 5 CFR 2635.203(b)(5)

Q: At what point does an Appointee become a Federal employee?

- For our cadets who are appointed from civilian life, they become employees on In-processing Day (IDay). Prep School cadet candidates are employees on the day their enlistment starts (which will be indicated on their enlistment paperwork but will typically be the day they in-process the Prep School) and remain employees if they get an appointment. If they don't get an appointment and are subsequently discharged, they stop being an employee on the day after their discharge.

Q: Can a cadet or a permanent party member at the Academy ask me or a group for funds or gifts?

- Federal employees, including cadets, military members, and all civilian employees at USAFA, generally may not solicit gifts in their official capacity.
- USAFA personnel may respond to requests for information from groups interested in donating gifts to benefit USAFA, so long as no one at USAFA initiates that conversation.

For more information please contact:

USAFA Parent Liaison Contact Information

ROSE MARIE NIKOVITS

USAFA Parents' Liaison

Strategic Communications

U.S. Air Force Academy, CO

(719) 333-3828 Toll Free 877-268-3383 Fax (719) 333-1433

E-mail: usafa.parentliaison@afacademy.af.edu

