

# ARS □ CSREES □ ERS □ NASS

## *Policies and Procedures*

**Title:** Foreign Gifts and Decorations

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AFM/ARS

**This Replaces:** 468.4 dated 6/11/2003

**Distribution:** REE Headquarters, Areas, and Field Locations

This P&P contains revised information and step-by-step procedures for the receipt, retention, or disposal of foreign gifts and decorations. Foreign Gifts and Decorations Act minimal value has been increased from \$285 to \$305 or less for the 3-year period 2005-2007.

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## 1. References

- For information on disposal of gifts of money, see P&P 326.0.
- For information on delegations of authority to approve travel, see P&P 340.0.
- For information on acceptance of travel funds from outside sources, see P&P 341.2.
- For information on the disposal of gifts and decorations through appropriate property management officials, see Federal Property Management Regulations (FPMR), Part 101-49, and Agriculture Property Management Regulations, (APMR), Part 104-49.
- For information on gift acceptance and conflict of interest considerations, see the guide *Standards of Ethical Conduct for Employees of the Executive Branch*.

## 2. Authorities

- Foreign Gifts and Decorations Act of 1966, as amended
- 5 United States Code (U.S.C.) 5701-5709
- 5 U.S.C., Subchapter IV, 7342
- 41 Code of Federal Regulations (CFR) Part 101-49
- Executive Order (E.O.)11609
- E.O. 12674, as modified by E.O. 12731
- Title III of the Ethics Reform Act of 1989

## 3. Policy

REE expects all employees to comply with the provisions of the Foreign Gifts and Decorations Act of 1966, as amended, and the *Standards of Ethical Conduct for Employees of the Executive Branch*.

## **4. Acceptance of Gifts and Decorations**

### **Gift Acceptance**

Employees may accept a gift of:

- minimal value of \$305 or less; and
- more than minimal value when the gift is for educational advancement or medical treatment, or when it appears that refusing the gift might cause offense or embarrassment, or adversely affect the foreign relations of the United States.

Note: A gift exceeding the minimal value is considered to be property of the United States and must be disposed of following the guidelines of this P&P.

### **Decoration Acceptance**

Employees may accept, retain, and wear foreign decorations presented in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, after receiving their Agency Administrator's approval and the concurrence of the Administrator of the Foreign Agricultural Service (FAS).

Without this approval, the decoration becomes the property of the United States and must be turned over to the Area Property Management Officer/Property Management Officer (APMO/PMO) who forwards it to the Department's Procurement and Property Management Branch located in the Property Management Division.

## **5. Procedures**

The following chart reflects the procedures required for the acceptance of foreign gifts and foreign decorations.

## Acceptance of Foreign Gifts Other Than Travel or Travel Expenses

Responsible Person	Action
Recipient	<p>Within 60 days of receipt of a foreign gift, notify your Location Administrative Officer (LAO) or your PMO and the Employee Relations Branch (ERB) within the Human Resources Division (HRD) with the following information:</p> <ul style="list-style-type: none"> <li>• your name and position;</li> <li>• brief description of the gift and circumstances justifying acceptance;</li> <li>• identity, if known, of the foreign government, and name and position of the individual who presented the gift;</li> <li>• date of gift acceptance;</li> <li>• estimated value in the United States of the gift at the time of acceptance;</li> <li>• current location of the gift; and</li> <li>• your decision as to whether or not you would like to purchase the gift if you believe it exceeds the minimal value.</li> </ul> <p><b>Special notes:</b></p> <ul style="list-style-type: none"> <li>• All gifts exceeding minimal value must be released to the APMO/PMO within 60 days of receipt.</li> <li>• Firearms received as a foreign gift, regardless of value, are to be reported to the APMO/PMO.</li> <li>• Procedures for travel or travel expenses - recipient must follow the guidelines of the Financial Management Division (FMD).</li> <li>• Gifts of money, cash, currency, checks, etc., are to be deposited with the Department of Treasury.</li> </ul>

Responsible Person	Action
APMO/PMO	<p>After receiving an employee’s notice of gift receipt, the APMO/PMO shall:</p> <ul style="list-style-type: none"> <li>• make an initial determination of the gift’s value. (If the recipient disagrees with the initial appraisal, the APMO/PMO must obtain a commercial appraisal.)</li> <li>• obtain commercial appraisals and notify the General Services Administration (GSA) of gifts exceeding minimal value which the recipient wants to purchase;</li> <li>• notify recipient of GSA’s decision regarding the disposal of gifts he/she wants to purchase; and</li> <li>• return the gift to the presenter or dispose through GSA procedures.</li> </ul>
ERB, HRD	<p>Immediately upon receipt of the recipient’s report, the ERB Branch Chief will advise the recipient and the APMO/PMO of any conflict of interest implications.</p>

**Acceptance of Foreign Decorations**

Responsible Person	Action
Recipient	<p>Immediately after receiving notification that a decoration is to be presented, the recipient must notify ERB and the APMO/PMO and provide the following information:</p> <ul style="list-style-type: none"> <li>• recipient’s name and position;</li> <li>• a brief description of the decoration and circumstances justifying acceptance;</li> <li>• identity of the foreign government and name and position of the individual who presented the decoration; and</li> <li>• date of decoration acceptance.</li> </ul>

Responsible Person	Action
ERB, HRD	<p>After receiving the above information, ERB must request the Agency Administrator's approval and concurrence from the Administrator, Foreign Agricultural Service (FAS), and notify the recipient of the final determination.</p> <p>Note: If retention by the recipient is refused, the recipient must give the decoration to the APMO/PMO within 60 days of notice.</p>
APMO/PMO	Dispose of refused decorations through proper procedures.

## 6. Summary of Responsibilities

### Each Agency Administrator or his/her designee will:

- Ensure that the receipt of gifts of travel or travel expenses comply with travel regulations and law.

### Headquarters PMO, PPD, and APMOs will:

- Ensure that employees accepting gifts and accepting, retaining, and wearing decorations comply with Property Management regulations and law.

### Chief, ERB, Human Resources Division, will:

- Ensure that employees accepting gifts and accepting, retaining, and wearing decorations comply with Ethics regulations and law.

### Recipients of gifts and/or decorations will:

- Notify and obtain approval from the REE official listed above before retaining gifts and decorations.

## 7. Glossary

**APMO.** Area Property Management Officer.

**CFR.** Code of Federal Regulations.

**Decoration.** An order, device, medal, badge, insignia, emblem, or award presented by or received from a foreign government.

**Employee.** All REE employees, experts, or consultants under contract with the United States, their spouses, and blood in-law relations who are residents of the employee's household.

**Foreign Government.** Any unit of foreign governmental authority, including any foreign national, State, local, and municipal government. Any international or multinational organization whose membership is composed of any unit of foreign government; and any agency or representative of any such unit or organization.

**Gift.** A souvenir, mark of courtesy, or award (other than a decoration) presented by, or received from, a foreign government.

**GSA.** General Services Administration.

**LAO.** Location Administrative Officer.

**Minimal value.** Retail value in the United States at the time of acceptance as set by GSA.

**PMO.** Property Management Officer.

**USC.** United States Code.

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