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DD/A 75-4962

October 20, 1975

The Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Buchen:

The Director, before he left Washington this afternoon to address the 71st Annual Dinner of the Navy League of the U.S. in New York this evening, asked that I have delivered to you, today, an Agency policy position on acceptance by its employees of gifts.

The policy statement is enclosed. With the policy statement is an accompanying extract of the appropriate Agency regulation on this matter. Minor deletions of language have been made from the Agency regulation so that we might present you with an unclassified document.

Sincerely,

/s/ John F. Blake
John F. Blake
Deputy Director
for
Administration

Enclosure
(As Stated)

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DD/A:JFBBlake:der (20 October 1975)

STATINTL

ACCEPTANCE OF GIFTS FROM FOREIGN GOVERNMENTS

STATINTL The Agency's policy with respect to acceptance of gifts, awards or decorations from foreign governments is contained in Headquarters Regulation [redacted] This regulation is patterned on regulations issued by the Secretary of the State as contained in 22 C.F.R. Part 3, which regulations draw their authority from 5 U.S.C. 7342 and E.O. 11320. Copies of these are attached.

A gift or decoration having a retail value not exceeding \$50 may be accepted and retained by an employee, but a gift in excess of \$50 is determined to have been accepted on behalf of the United States and must be deposited for use and disposal as the property of the United States. A gift or decoration to a member of an employee's immediate family or household is treated as a gift to him. Employees under official cover are directed by the regulation to comply with the regulations and practices of their cover organization. All employees are required to report all gifts to the Director of Personnel, and the Deputy Director responsible for the employee will review each report and advise the Director of Personnel of any security or cover circumstances affecting the distribution of the gift. The Director of Personnel is required to make a determination regarding the disposition of the gift and in those cases where the employee may not retain it, the Director of Personnel is required to provide for its storage or other disposition. If there is a substantial operational necessity, the Director of Personnel may permit the employee to be given the temporary loan of the gift, i. e., upon the occasion of a visit by the foreign donor. Certain gifts are also retained by the agency for purposes of official use such as display within offices but it is clearly understood that the items are the property of the United States.

d. Acceptance of Gifts, Awards and Decorations

- (1) Government employees are forbidden by law to give presents to official superiors or accept them from employees receiving lower salaries than themselves.
- (2) No Agency employee may solicit or accept directly or indirectly, from any person, corporation, or group, domestic or foreign, anything of economic value such as gift, gratuity, or favor, if it might reasonably be interpreted by others as being of such a nature that it could affect his impartiality as an Agency employee, or if the employee has reasons to believe that the giver
 - (a) has or is seeking to obtain contractual or other business relationships with the Agency;
 - (b) has interests which may be substantially affected by the employee's performance or nonperformance of his official duty; or
 - (c) is in any way attempting to influence the employee's official actions.
- (3) It is recognized that in certain relationships arising out of the special functions of this Agency, -----
-----,* it may be necessary for operational reason for an employee to participate in an exchange of gifts. There is no intent to interfere with such exchanges where operationally necessary. When a Government employee receives a gift from someone having a contractual relationship with the Government, there is a presumption of an intent to influence the employee's official decisions or actions. The circumstances of the -----* relationship may serve to rebut this presumption. Some factors that may be considered in rebuttal are local custom, the operational relationship, and the value of the gift. Employees are to do nothing to encourage the presentation of gifts to themselves and will accept gifts only when in their best judgment

refusal would interfere with the relationship
-----* to such a
degree as to result in harm to operations.

- (4) No Agency employee may request or otherwise encourage the presentation of a decoration or gift from a foreign government; however, decorations or other items of honorary value which are received may be retained by the recipient, subject to approval by the Director of Personnel and concurrence of the Secretary of State.
- (5) A gift other than a decoration having a retail value not exceeding \$50 in the United States may be accepted and retained; but a gift exceeding \$50 in value is deemed to have been accepted on behalf of the United States and will be deposited by the donee for use and disposal as the property of the United States.
- (6) Gifts or decorations presented to a member of the immediate family or household of an employee are considered gifts or decorations presented to the employee.
- (7) Personnel -----* will, as security --- -----* considerations dictate, comply with the regulations and practices of their -----* organization regarding acceptance of gifts, money, or other items.
- (8) The provisions of this subparagraph do not govern the acceptance of foreign decorations by military personnel when authorized by legislation.

e. Reporting Acceptance of Gifts and Decorations

- (1) Report by Employee. If an employee or a member of his immediate family or household receives a gift or a decoration from a foreign government, the employee will immediately submit a memorandum through channels to the Director of Personnel stating the names of recipient and donor; an identification or description of the item and its estimated value if a gift; and other pertinent information.
- (2) Responsibilities
 - (a) Deputy Directors and Heads of Independent Offices will review each report submitted to

them and advise the Director of Personnel of any security -- -----* circumstances which affect the disposition of the gift or award.

- (b) The Director of Personnel will
- (1) review each report, determine action to be taken, and advise the employee through channels regarding disposition of the gift or award;
 - (2) prepare and forward the necessary papers -- -----* when he approves an employee's retention of a decoration from a foreign government;
 - (3) notify the Honor and Merit Awards Board of foreign awards received by Agency personnel; and
 - (4) provide for storage or other disposition of awards or gifts not approved for retention by recipients and of items accepted on behalf of the United States Government, including for the latter temporary loan to the recipient if operationally necessary.
- (c) The -----* will request through -----* channels the required concurrence of the Secretary of State in an employee's retention of a foreign decoration and notify the Director of Personnel of the action taken by the Secretary of State.

* Deleted words pertain to intelligence sources and methods and have been deleted so that document can be unclassified.

Title 3--Chapter II

E. O. 11320

manent residence. However, officers and employees of ESRO, whatever their nationality, shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions except insofar as such immunity may be waived by ESRO.

Executive Order 11319

AMENDING EXECUTIVE ORDER NO. 10707, ESTABLISHING A SEAL FOR THE UNITED STATES COAST GUARD

By virtue of the authority vested in me as President of the United States, and upon the recommendation of the Secretary of the Treasury, Executive Order No. 10707¹ of May 6, 1957, is amended by substituting for the second paragraph of the order the following:

On a white disk the shield of the Coat of Arms of the United States (paly of thirteen pieces argent and gules a chief azure) between the motto "SEMPER PARATUS" in red; circumscribed by a white annulet edged and inscribed "UNITED STATES COAST GUARD 1790" in blue all in front of two crossed anchors with stock, arms, and flukes in slight perspective in gold; superimposed upon a light blue disk with gold rope rim.



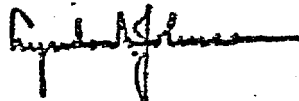
THE WHITE HOUSE,
December 9, 1966.

Executive Order 11320

DELEGATING AUTHORITY TO PRESCRIBE RULES AND REGULATIONS RELATING TO FOREIGN GIFTS AND DECORATIONS

By virtue of the authority vested in me by Section 7 of the Foreign Gifts and Decorations Act of 1966 (Public Law 89-673; 80 Stat. 952) and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The Secretary of State, and, when designated by the Secretary of State for such purpose, the Under Secretary of State, are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority conferred upon the President by Section 7 of the Foreign Gifts and Decorations Act of 1966 to prescribe rules and regulations to carry out the purposes of that Act. Such rules and regulations shall be published in the FEDERAL REGISTER.



THE WHITE HOUSE,
December 12, 1966.

¹ 3 CFR, 1954-1958 Comp., p. 364; 22 F.R. 3211.

to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.

However, a gift of more than minimal value is deemed to have been accepted on behalf of the United States and shall be deposited by the donee for use and disposal as the property of the United States under regulations prescribed under this section.

(d) Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the agency, office or other entity in which the employee is employed and the concurrence of the Secretary of State. Without this approval and concurrence, the decoration shall be deposited by the donee for use and disposal as the property of the United States under regulations prescribed under this section.

(e) The President may prescribe regulations to carry out the purpose of this section. (Added Pub. L. 90-83, § 1(45) (C), Sept. 11, 1967, 81 Stat. 208.)

SUBCHAPTER V—MISCONDUCT

§ 7351. Gifts to superiors

An employee may not—

- (1) solicit a contribution from another employee for a gift to an official superior;
- (2) make a donation as a gift to an official superior; or
- (3) accept a gift from an employee receiving less pay than himself.

An employee who violates this section shall be removed from the service. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 527.)

§ 7352. Excessive and habitual use of intoxicants

An individual who habitually uses intoxicating beverages to excess may not be employed in the competitive service. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 527.)

CHAPTER 75—ADVERSE ACTIONS

SUBCHAPTER I—COMPETITIVE SERVICE

SEC.

7501. Cause; procedure; exception.

SUBCHAPTER II—PREFERENCE ELIGIBLES

SEC.

7511. Definitions.

7512. Cause; procedure; exception.

SUBCHAPTER III—HEARING EXAMINERS

SEC.

7521. Removal.

SUBCHAPTER IV—NATIONAL SECURITY

SEC.

7531. Definitions.

7532. Suspension and removal.

7533. Effect on other statutes.

§ 7327. Political activity permitted; employees residing in certain municipalities

(a) Section 7324(a) (2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Commission considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Commission determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 528.)

SUBCHAPTER IV—FOREIGN GIFTS AND DECORATIONS

§ 7341. Repealed. Pub. L. 90-83, § 1(45)(B), Sept. 11, 1967, 81 Stat. 208.

§ 7342. Receipt and disposition of foreign gifts and decorations

(a) For the purpose of this section—

(1) "employee" means—

(A) an employee as defined by section 2105 of this title;

(B) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or of the District of Columbia;

(C) a member of a uniformed service;

(D) the President;

(E) a Member of Congress as defined by section 2106 of this title; and

(F) a member of the family and household of an individual described in subparagraphs (A)-(E) of this paragraph;

(2) "foreign government" means a foreign government and an official agent, or representative thereof;

(3) "gift" means a present or thing, other than a decoration, tendered by or received from a foreign government; and

(4) "decoration" means an order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(b) An employee may not request or otherwise encourage the tender of a gift or decoration.

(c) Congress consents to—

(1) the accepting and retaining by an employee of a gift of minimal value tendered or received as a souvenir or mark of courtesy; and

(2) the accepting by an employee of a gift of more than minimal value when it appears that to refuse the gift would be likely

Chapter I—Department of State

§ 3.3

cation in turn when applicable. The Chief of the Office of Protocol will place on the roster of persons "duly notified to the United States" the names of all persons currently accredited and, when applicable, notified in turn, and will maintain the roster as part of the official files of the Department of State adding to and deleting therefrom as changes in accreditations occur.

For those persons not normally accredited, the Chief of Protocol shall determine upon receipt of notification, by letter from the foreign government or international organization concerned, whether any person who is the subject of such a notification has been duly notified under the Act. Any inquiries by law enforcement officers or other persons as to whether a person has been duly notified shall be directed to the Chief of Protocol. The determination of the Chief of Protocol that a person has been duly notified is final.

(18 U.S.C. 1118(b)(2), 1118(c)(4); sec. 4 of the Act of May 28, 1949, as amended (22 U.S.C. 2658)) [Dept. Reg. 108.679, 37 F.R. 24818, Nov. 22, 1972]

§ 2.4 Designation of official guests.

The Chief of Protocol shall also maintain a roster of persons designated by the Secretary of State as official guests. Any inquiries by law enforcement officers or other persons as to whether a person has been so designated shall be directed to the Chief of Protocol. The designation of a person as an official guest is final. Pursuant to section 2658 of title 22 of the United States Code, the authority of the Secretary of State to perform the function of designation of official guests is hereby delegated through the Deputy Secretary of State to the Deputy Under Secretary of State for Management.

(18 U.S.C. 1118(b)(2), 1118(c)(4); sec. 4 of the Act of May 28, 1949, as amended (22 U.S.C. 2658)) [Dept. Reg. 108.679, 37 F.R. 24818, Nov. 22, 1972]

§ 2.5 Records.

The Chief of Protocol shall maintain as a part of the official files of the Department of State a cumulative roster of all persons who have been duly notified as foreign officials or designated as official guests under this Part. The roster will reflect the name, position, nationality, and foreign government or international organization concerned or purpose of visit as an official guest and reflect the date the person was accorded recognition as being "duly notified to

the United States" or designated as an official guest and the date, if any, of termination of such status.

(18 U.S.C. 1118(b)(2), 1118(c)(4); sec. 4 of the Act of May 28, 1949, as amended (22 U.S.C. 2658)) [Dept. Reg. 108.679, 37 F.R. 24818, Nov. 22, 1972]

PART 3—ACCEPTANCE OF GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

Sec.

- 3.1 Purpose.
- 3.2 Application of this part.
- 3.3 Definitions.
- 3.4 Release of gifts and decorations on deposit in the Department of State through October 14, 1966.
- 3.5 Gifts and decorations received by any person after October 14, 1966.
- 3.6 Use or disposal of gifts and decorations which become the property of the United States.
- 3.7 Revocation of previous regulations.

AUTHORITY: The provisions of this Part 3 issued under sec. 4, 63 Stat. 111, as amended, sec. 7, 80 Stat. 952; 22 U.S.C. 2658, 2626, E.O. 11320, 31 FR 15789; 3 CFR 1966-1970, page 659.

SOURCE: The provisions of this Part 3 contained in Dept. Reg. 108.536, 32 F.R. 6569, Apr. 23, 1967, unless otherwise noted.

§ 3.1 Purpose.

The purpose of this part is to establish uniform basic standards for the acceptance of gifts and decorations from foreign governments by U.S. Government officers and employees, including members of the armed forces, and members of their families.

§ 3.2 Application of this part.

This part applies to all persons occupying an office or a position in the Executive, Legislative and Judicial branches of the Government of the United States.

§ 3.3 Definitions.

As used in this part—

(a) The term "person" includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone Government, and the Government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person. For the purpose of this part, "member of the family and household" means a relative by blood, marriage or adoption who is a resident of the household.

§ 3.4

Title 22—Foreign Relations

(b) The term "foreign government" includes every foreign government and every official, agent, or representative thereof.

(c) The term "gift" includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(d) The term "decoration" includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(e) The term "gift of minimal value" includes any present or other thing, other than a decoration, which has a retail value not in excess of \$50 in the United States.

(f) The term "outstanding or unusually meritorious performance" includes performance of duty by a person determined by the appropriate agency to have contributed to an unusually significant degree to the furtherance of good relations between the United States and the foreign government tendering the decoration.

(g) The term "special or unusual circumstances" includes any circumstances which would appear to make it improper for the donee to receive a gift or decoration, and also includes, in some instances, the very nature of the gift itself.

(h) The term "appropriate agency" means the department, agency, office, or other entity in which a person is employed or enlisted, or to which he has been appointed or elected. If the donee is not so serving, but is a member of the family and household of such a person, then the "appropriate agency" is that in which the head of the household is serving.

(i) The term "approval by the appropriate agency" includes approval by such person or persons as are duly authorized by such agency to give the approval required by these regulations.

(j) The term "Chief of Protocol" means the Chief of Protocol of the Department of State.

§ 3.4 Release of gifts and decorations on deposit in the Department of State through October 14, 1966.

Any gift or decoration on deposit with the Department of State on the effective date of this part shall, following written application to the Chief of Protocol and subsequent approval by the Chief of Protocol and the appropriate agency, be released through the appropriate agency to the donee or his legal representative.

Such donee may also, if authorized by the appropriate agency, wear any decoration so released. Approval for release will normally be given unless, from the special or unusual circumstances involved, it would appear to the Chief of Protocol to be improper to release the item. Any gifts or decorations not approved for release will become the property of the U.S. Government and will be used or disposed of in accordance with the provisions of § 3.6.

§ 3.5 Gifts and decorations received by any person after October 14, 1966.

(a) *General policy.* No person shall request or otherwise encourage the tender of a gift or decoration.

(b) *Gifts of minimal value.* Subject to individual agency regulations, table favors, mementos, remembrances, or other tokens bestowed at official functions, and other gifts of minimal value received as souvenirs or marks of courtesy from a foreign government may be accepted and retained by the donee. The burden of proof is upon the donee to establish that the gift is of minimal value as defined by this part.

(c) *Gifts of more than minimal value.* Where a gift of more than minimal value is tendered, the donor should be advised that it is contrary to the policy of the United States for persons in the service thereof to accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the gift may be accepted and shall be deposited with the Chief of Protocol for disposal in accordance with the provisions of § 3.6.

(d) *Decorations.* Decorations received which have been tendered in recognition of active field service in connection with combat operations, or which have been awarded for outstanding or unusually meritorious performance, may be accepted and worn by the donee with (1) the approval by the appropriate agency and (2) the concurrence of the Chief of Protocol. Within the Department of State, the decision as to whether a decoration has been awarded for outstanding or unusually meritorious performance will be the responsibility of the supervising Assistant Secretary of State or comparable officer for the person involved. In the absence of approval and concurrence under this paragraph, the decoration shall become the property of

the United States and shall be deposited by the donee with the Chief of Protocol for use or disposal in accordance with the provisions of § 3.6. Notwithstanding the foregoing, decorations tendered to U.S. military personnel for service in Viet-Nam may be accepted and worn as provided by the Act of October 19, 1965, Public Law 89-257, 79 Stat. 982.

§ 3.6 Use or disposal of gifts and decorations which become the property of the United States.

Any gift or decoration which becomes the property of the United States under this part may be retained for official use by the appropriate agency with the approval of the Chief of Protocol. Gifts and decorations not so retained shall be forwarded to the General Services Administration by the Chief of Protocol for transfer, donation, or other disposal in accordance with such instruction as may be furnished by that officer. In the absence of such instructions, such property will be transferred or disposed of by the General Services Administration in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and the Federal Property Management Regulations (41 CFR Ch. 101, Subchapter H). Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet, shall be used in reporting such property, and the Foreign Gifts and Decorations Act of 1966 shall be cited on the reporting document. Such reports shall be submitted to General Services Administration, Region 3, Attention: Property Management and Disposal Service, Seventh and D Streets SW., Washington, D.C. 20407.

§ 3.7 Revocation of previous regulations.

The regulations in this part shall supersede all regulations heretofore in effect concerning the acceptance of gifts and decorations from foreign governments to persons in the service of the United States or to members of their families.

PART 4—NOTIFICATION OF FOREIGN OFFICIAL STATUS

Sec.

- 4.1 Persons required to give notification.
- 4.2 Persons exempted from the requirement to give notification.
- 4.3 Form to be used in giving notification.
- 4.4 Form required in duplicate.
- 4.5 Time limit for the submission of the form.

Sec.

4.6 Termination of official status and departure from the United States.

AUTHORITY: The provisions of this Part 4 issued under sec. 10, 56 Stat. 257, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 620, 265a.

SOURCE: The provisions of this Part 4 appear at 22 F.R. 10788, Dec. 27, 1957, unless otherwise noted.

§ 4.1 Persons required to give notification.

All persons who are entitled to exemption from the registration and fingerprinting requirements of the Alien Registration Act of 1940 (54 Stat. 670), as amended, are required to give notification to the Secretary of State of their presence in the United States. Such persons comprise foreign government officials, members of their families (including relatives by blood or marriage regularly residing in or forming a part of their household), and their employees and attendants.

§ 4.2 Persons exempted from the requirement to give notification.

Ambassadors and ministers, and members of their missions named in the Diplomatic List issued monthly by the Department of State, are exempted from the requirement to give notification to the Secretary of State under this part.

§ 4.3 Form to be used in giving notification.

A Notification of Status with a Foreign Government form is to be used by the several diplomatic missions in Washington in giving notification of foreign official status to the Secretary of State.

§ 4.4 Form required in duplicate.

The form is to be submitted to the Secretary of State in duplicate.

§ 4.5 Time limit for the submission of the form.

(a) The form is to be submitted within 30 days after the arrival of the foreign official in the United States or after a change from a nonofficial to an official status.

(b) If the official status claimed is not recognized by the Secretary of State, the person submitting the form must register within another 30 days under the requirements of the Alien Registration Act.

§ 4.6 Termination of official status and departure from the United States.

(a) The diplomatic missions in Washington should notify the Secretary of