

GIFT ACCEPTANCE
(Effective Until Rescinded or Superseded)

1. Purpose. To provide specific guidance for accepting gifts to the Command and General Staff College (CGSC) and procedures for the staff and faculty to accept gifts from outside sources (Foreign Governments and Non-Federal Entities).

2. Applicability. This bulletin applies to all staff and faculty of CGSC organizations stationed at Fort Leavenworth, KS and the Command and General Staff School Satellite Campuses. The provisions below do not include all the rules regarding gifts and gift acceptance. Employees can contact the CGSC Field Gift Program Manager or their designated ethics counselor when they have specific questions. Nothing in this bulletin is intended to conflict with DA policy, which states that DA personnel will not solicit, fundraise for, or otherwise request or encourage the offer of a gift.

3. References.

- a. AR 1-100, The Army Gift Program, 27 July 2015
- b. Memorandum, HQ Department of the Army, 25 APR 17, Subject: Exceptions to Army Regulation 1-100 (The Army Gift Program) for the Army Library Program
- c. AR 735-5, Property Accountability Policies, 9 November 2016
- d. 31 U.S.C. § 1353, Gifts of Travel
- e. DoD 5500.07-R, Joint Ethics Regulation (JER)

4. Acceptance of gifts to the Command and General Staff College (CGSC).

a. The Command and General Staff College will not assume custody of any gift not accepted by the appropriate acceptance authority. The gift acceptance authority for gifts to CGSC is based on the value of the gift. The CGSC Commandant can accept gift valued up to \$10,000.00. The TRADOC Commander can accept gifts valued up to \$50,000.00. The Secretary of the Army can accept gifts over \$50,000.00. A flow diagram of the gift acceptance process is provided at appendix A.

b. The gift acceptance process begins with a written gift proffer from the Donor. This proffer must be in writing and provide a description of the gift, sufficient details to demonstrate present intent, authority, and ability to give the gift to the Command and General Staff College as well as the conditions under which the gift is offered (the Army cannot accept unconditional gifts). An example of a gift proffer is provided at appendix B.

c. Submit gift proffers to the CGSC Field Gift Program Manager (CGSC G-4). The Field Gift Program Manager will officially staff the gift proffer and provide the donor with a letter of declination or acceptance from the appropriate acceptance authority.

5. Acceptance of gifts from Foreign Governments by members of the CGSC Staff and Faculty.

a. Foreign government is defined as any unit of foreign government, including any national, State, local, or municipal government and their foreign equivalents; any international or multinational organization whose membership is composed of any unit of a foreign government; and any agent or representative of any such foreign government unit or organization while acting as such. Native American tribes are not foreign governments for the purpose of the Foreign Gifts and Decorations Act.

b. Gifts from foreign governments fall into two categories: gifts of minimal value and gifts of more than minimal value.

(1) Gifts of minimal value:

(a) Gifts of minimal value are gifts valued at no more than \$390.00.

(b) The General Services Administration adjusts the minimal value amount every three years.

(c) Employees must notify their school/directorate/department leadership upon receipt of a gift from a foreign official to determine the value of the gift and its acceptability.

(d) Employees may accept and retain gifts of minimal value received as souvenirs or marks of courtesy.

(e) The recipient and the recipient's school/directorate/department must use an approved valuation method to determine the value of the gift and must maintain a record of the circumstances surrounding the presentation of the gift. This record must include the name(s) of the donor and recipient, donor's country of origin, date gift was accepted, description of the gift, reason for the gift, value of gift, method used to determine the value of the gift.

(f) The recipient must take all reasonable steps to determine the U.S. retail value of the gift. Acceptable valuation methods include the price of the same or similar item offered for sale in a legitimate U.S. retail market; the manufacturer's retail price; the price of the same or similar item offered for sale in a U.S. military exchange; the price of the same or similar item offered for sale in a U.S. mail order catalog; or similarly reliable method for determining fair market value.

(g) If doubt exists about the actual U.S. retail value and the recipient cannot determine a value using the options in paragraph 5.b. (f), the recipient may contact the CGSC Field Gift Program Manager to coordinate an appraisal to determine the value. However, the recipient should consult with the servicing legal office about the need to obtain an appraisal.

(h) The recipient may dispose of any item equal to or less than the minimal value either at the recipient's discretion or through the organization's appropriate property accountability official and office in accordance with AR 735-5.

(i) If the same source gives multiple gifts at the same presentation, aggregate the values to determine if the gifts are above or below the minimal value, GSA defined. Do not aggregate the value of gifts from the same source at different presentations (even if on the same day) or different sources at the same presentation.

(j) A gift from the spouse of a foreign official is deemed a gift from the foreign official/government, and a gift to an employee's spouse is deemed a gift to the employee.

(2) Gifts of more than minimal value. If possible, politely and respectfully decline the gift, unless the refusal would likely offend or embarrass the donor or could adversely affect U.S. foreign relations.

(a) If a gift, of more than minimal value must be accepted in order to avoid embarrassing the donor or adversely affecting U.S. foreign relations, the gift should be accepted and immediately turned over to the CGSC Gift Program Coordinator. Such gifts become the property of the U.S.

(b) There are provisions to accept educational scholarships, medical treatment, or travel from foreign governments that exceed minimal value. The rules governing the acceptance of such gifts are complex and require detailed documentation. Employees offered such a gift must contact CGSC Gift Program Coordinator within three duty days of receiving the offer.

6. Acceptance of gifts from other outside sources by members of the CGSC Staff and Faculty.

a. **Basic Punitive Prohibition on Gifts from Outside Sources.** An employee shall not solicit or accept, directly or indirectly, a gift from a prohibited source or given because of the employee's official position.

(1) "Prohibited Source" means any person or entity that: is seeking official action by the employee's agency; does or seeks to do business with the employee's agency; or has interests that may be substantially affected by performance or nonperformance of the employee's official duties.

(2) The test for "official position" is whether the gift would have been solicited, offered, or given had the employee not held the status, authority, or duties associated with the employee's federal position.

(3) The term "gift" broadly defined includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, and lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement. It does not include the following items (exclusions):

(a) Modest items of food and non-alcoholic refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal.

(b) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies intended solely for presentation.

(c) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the employee's entry into the contest or event is required as part of the employee's official duties.

(d) Anything paid for by the Government or secured by the Government under Government contract.

(e) Anything for which the employee pays market value (i.e., retail cost employee would incur to purchase the gift).

(f) Anything accepted by the Government in accordance with agency gift acceptance statutes.

(g) Free attendance to an event provided by the sponsor of the event to the following individuals:

(i) An employee assigned to present information on behalf of the agency at the event on any day when the employee is presenting,

(ii) An employee whose presence on any day of the event is deemed to be essential by the agency to the presenting employee's participation in the event, provided that the employee is accompanying the presenting employee; and

(iii) The spouse or one other guest of the presenting employee on any day when the employee is presenting, provided that others in attendance will generally be accompanied by a spouse or other guest, the offer of free attendance for the spouse or other guest is unsolicited, and the agency designee, orally or in writing, has authorized the presenting employee to accept

b. In addition to the exclusions described above, several exceptions allow employees to accept gifts. The most common include:

(1) Gifts of \$20 or less (Commonly referred to as the 20/50 rule). Unsolicited gifts with a market value of \$20 or less per source, per occasion, so long as the total value of all gifts received from a single source during a calendar year does not exceed \$50. Does not apply to gifts of cash or investment interests (e.g., stocks or bonds).

(2) Gifts Based on a Personal Relationship. Gifts based on a personal relationship, such as a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history and nature of the relationship as well as whether the family member or friend personally pays for the gift.

(3) Widely Attended Gatherings and Other Events. An employee may accept free attendance from the sponsor of a "widely attended gathering" if the agency determines that employee's attendance is in the interest of the agency because it will further agency programs or operations (employee attends in a personal capacity). A gathering is widely attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present, for example, if it is open to members from throughout the interested industry or profession or if those in attendance represent a range of persons interested in a given matter. Utilizing this exception requires approval from an appropriate official, typically the first line supervisor. A written opinion from an ethics counselor is required before utilizing this exception.

(4) Social Invitations from Other than Prohibited Sources. An employee may accept food, refreshments, and entertainment (not travel or lodging) at a social event attended by several persons where the invitation is from a person who is not a prohibited source and where no one in attendance is charged a fee to attend the event.

c. Despite the availability of an exception, employees may not:

(1) Use the employee's official position to solicit or coerce the offering of a gift.

(2) Accept a gift in exchange for being influenced in the performance of official action (bribe or illegal gratuity).

(3) Accept a gift in violation of statute.

(4) Accept gifts from the same or different sources so frequently that a reasonable person would conclude that the employee is using his public office for private gain.

(5) Accept Vendor Promotional Training (i.e., training provided by any person for promoting its products or services) contrary to applicable rules governing procurement of supplies and services.

d. Employees should obtain an ethics opinion from a CGSC or Staff Judge Advocate Ethics Counselor when they are uncertain whether an exclusion or exception applies. Employees who accept a gift and later discover their acceptance was improper must contact the CGSC Gift Program Coordinator for disposal instructions. Disciplinary action may be taken for improperly accepting a gift.

7. Travel Payments for Official Travel from Non-Federal Sources (31 U.S.C. § 1353).

a. An employee may accept, on behalf of his or her agency, a travel payment from a non-Federal source to attend a meeting or similar function if the travel is determined to be in the interest of the Government, the gift is in connection with a meeting or similar function relating to the official duties of the employee, and the function will take place away from the employee's permanent duty station (i.e., the employee must be in a travel status). In addition, the non-Federal source of the gift must not be disqualified due to a conflict of interest. The appropriate travel authority, upon consultation with the CGSC or Staff Judge Advocate Ethics Counselor, will approve acceptance of gifts of travel.

b. Payments must be in kind, or by check or similar instrument made payable to the agency. Employees may not accept cash payments on behalf of the Government.

c. If the total value of the travel payments received in connection with an event exceeds \$250, the gift must be reported to the Department of the Army after the travel.


8. Exceptions to Army Regulation 1-100 (The Army Gift Program) for the Army Library Program.

a. Army librarians may hold and evaluate library materials offered as gifts in a donor letter to determine their acceptability to the library collection under AR 25-97. Subsequent acceptance letters will mention only those items the library accepts. The library will return unaccepted items to the donor if feasible, or dispose of the items in accordance with AR 735-17 if return is not feasible. Libraries will forward donor proffers to the Field Gift Program Manager for processing to the Gift Acceptance Authority.

b. Librarians may also retain certain unsolicited items of personal property (such as books, DVDS, and CDs), as defined by AR 735-17 that are anonymously left at or delivered to the library to determine their acceptability for the library's collection. Items accepted are accessioned into the automated library system in accordance with AR 735-17. Libraries will provide a quarterly report to the Field Gift Program Manager of all gifts received. The Field Gift Program Manager will provide the format for the report to the library.

c. A written legal review is required for items valued at more than \$250.

9. **Proponent.** G-4, Field Gift Program Manager is proponent for this bulletin. Address comments, changes, and recommendations to CGSC, ATTN: ATZL-LDC-L (G-4), Fort Leavenworth, Kansas 66027 or (913) 684-2950; DSN 552-2950.



JEFFREY P. LaMOE
Chief of Staff

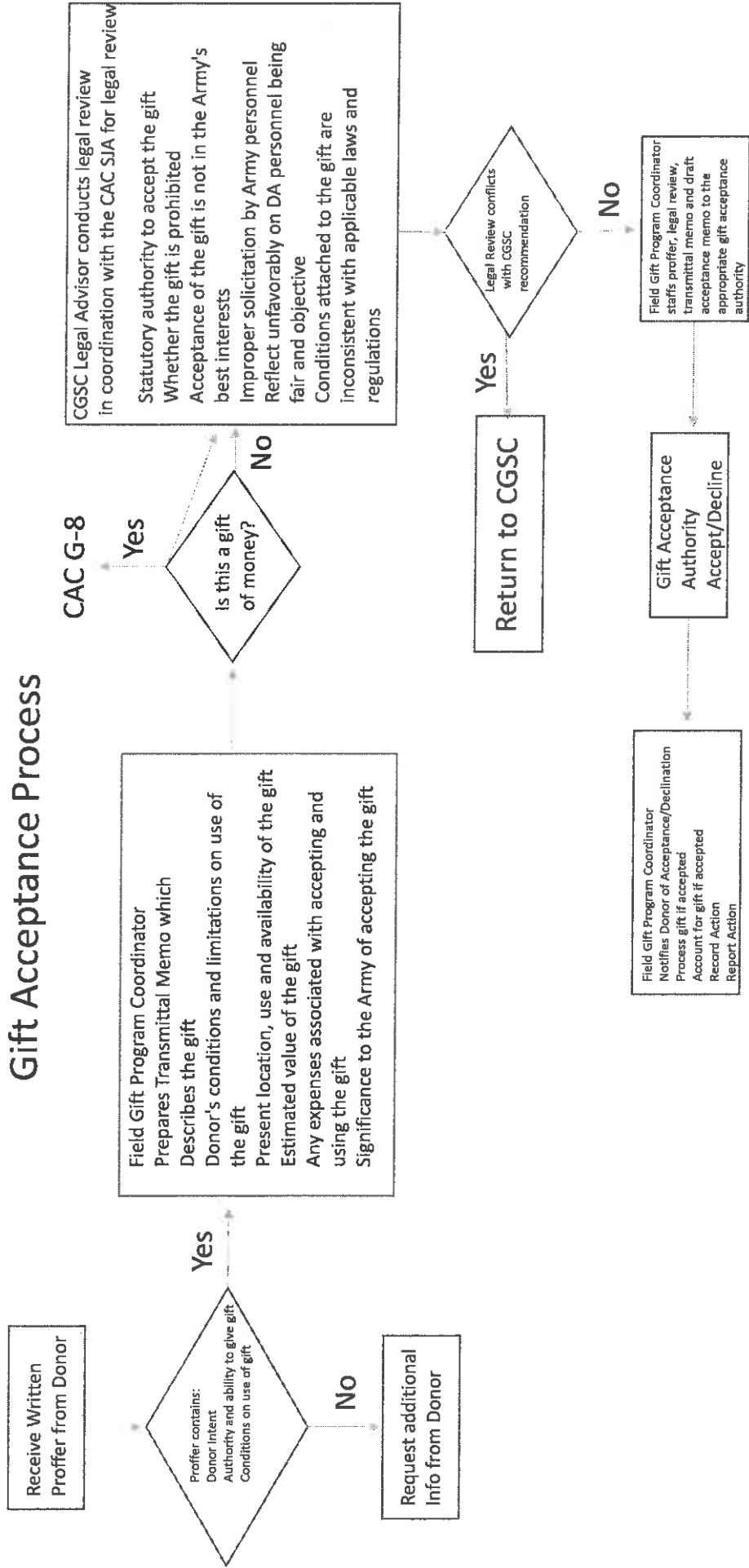
Appendix B: Gift Proffer Example

Deputy Commandant, CGSC
100 Stimson Avenue
Fort Leavenworth, KS 66027

I, (Donor's name) would like to offer as a gift to the Command and General Staff College (description of gift and fair market value of the gift). This gift is offered under the condition that the gift (conditions under which the gift will be given to the Command and General Staff College).

Signature
Name
Address

Gift Acceptance Process



Appendix A: Gift Acceptance Process