

MANUAL: Personnel
Chapter Series CC--Commissioned Corps Personnel Manual
Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC27--Recognition and Awards
Subchapter CC27.5--Foreign Awards and Decorations
Personnel INSTRUCTION 1--Acceptance of Gifts and Decorations From
Foreign Governments

CONTENTS

<u>Section</u>	<u>Subject</u>	<u>PAGE</u>
A.	Purpose and Scope	1
B.	Authority	1
C.	Definitions	2
D.	General Policy	2
E.	Acceptance of Gifts and Decorations	2
F.	Procedures for Reporting Foreign Gifts	3
G.	Civil Actions Against Officers	4

Section A. Purpose and Scope

This INSTRUCTION sets forth policies, procedures, and responsibilities concerning the acceptance of gifts and decorations from foreign governments by PHS commissioned officers. 1/

Section B. Authority

The acceptance, utilization, and disposition of gifts to U.S. Government employees by foreign governments is governed by 5 U.S.C. 7342 and by regulations promulgated by the General Services Administration (41 C.F.R. 101-49).

1/ This subject is also addressed in Chapter 20-25, DHHS General Administration Manual.

Section C. Definitions

1. Officer. This term means every PHS commissioned officer and the spouse (unless the officer and his/her spouse are separated) or dependent of such person.
2. Foreign Government. This term means every foreign government and every official, agent, or representative of such government; and any international or multinational organization whose membership is composed of any unit of a foreign government.
3. Gift. This term means any present or thing, other than a decoration, tendered by or received from a foreign government.
4. Decoration. This term means any order, device, medal, badge, insignia, emblem, or award tendered by or received from a foreign government.
5. Minimal Value. This term means a retail value in the U.S. of not more than \$100 at the time of acceptance except that on January 1, 1981, and at three year intervals thereafter, "minimal value" will be redefined in regulations prescribed by the Administrator of General Services to reflect changes in the consumer price index.

Section D. General Policy

No officer shall request or otherwise encourage the offer of a gift or decoration, nor shall he/she accept a gift or decoration except in accordance with the provisions of this INSTRUCTION.

Section E. Acceptance of Gifts and Decorations

1. Gifts of Minimal Value. An officer may accept and retain a gift of minimal value received as a souvenir or mark of courtesy from a foreign government. However, it is the responsibility of the donee to establish proof that the gift is of minimal value as defined in Section C.5, above.
2. Tangible Gifts of More Than Minimal Value. With the exception of an educational scholarship, medical treatment, or under conditions stated below, travel or expenses for travel, an officer may not accept a gift of more than minimal value unless it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the U.S. If an officer accepts a tangible gift of more than minimal value, such a gift is deemed to have been accepted on behalf of the U.S. and, upon acceptance, becomes the property of the U.S. The donee must deposit the gift through channels, within 60 days after receipt, with the Director, Commissioned Personnel Operations Division (CPOD), Office of Personnel Management (OPM), Office of Management (OM), PHS, Room 4-35, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland

20857. The Director, CPOD, will forward it to the Office of International Affairs (OIA), OS, DHHS.

3. Gifts of Travel or Travel Expenses. An employee may accept gifts of travel or expenses for travel (such as food, lodging, and transportation) taking place entirely outside the U.S. of more than minimal value if such acceptance is appropriate and consistent with the interests of the U.S. and is not in conflict with provisions of the Joint Travel Regulations of the Uniformed Services.
4. Decorations. Officers may accept, keep, and wear decorations tendered in recognition of outstanding or unusually meritorious performance provided they receive, through channels, the approval of the Assistant Secretary for Management and Budget, OS. Without this concurrence and approval, the decoration is considered to have been accepted on behalf of the U.S., shall become the property of the U.S., and shall be deposited by the officer, within 60 days of acceptance, with the Director, CPOD, who will forward it to OIA, OS, for official use or disposal.

Section F. Procedures for Reporting Foreign Gifts

1. For Gifts of Minimal Value. When an officer accepts a gift determined by him/her to be of minimal value, Departmental approval for acceptance and retention is not required. However, in view of the considerable penalties for failure to comply with requirements of the authorities cited in Section B, above (see also Section G, below), if any question of value is involved, it behooves the officer to submit to the Director, CPOD, a memorandum request for determination of the value of the gift in question. The memorandum should fully describe the gift and the circumstances under which it was received.
2. For Tangible Gifts of More Than Minimal Value. When an officer deposits a tangible gift of more than minimal value with the Director, CPOD, for forwarding to OIA, OS, the accompanying memorandum to the Director, CPOD, must contain the following information:
 - a. Name, rank, and position title of the officer;
 - b. Brief description of the gift and the circumstances justifying acceptance;
 - c. Identity, if known, of the foreign government and the name and title of the individual who presented the gift;
 - d. The date of acceptance of the gift; and
 - e. The estimated retail value of the gift in the U.S. at the time of acceptance.

For Travel or Travel Expenses. Within 30 days after accepting travel or travel expenses, unless acceptance of such travel or travel expenses is approved in advance, the officer shall file with the Director, CPOD, through appropriate channels, a statement containing the following information:

- a. Name, rank, and position title of the officer;
 - b. A brief description of the gift and the circumstances justifying acceptance;
 - c. The identity, if known, of the foreign government and the name and position of the individual who presented the gift.
4. For Decorations. Officers who are to receive decorations, or who receive them without advance knowledge, shall request permission to accept, retain, and wear such decoration. Requests must be made in memorandum form to the Director, CPOD. The request must contain the following information:
- a. Name, rank, and position title of officer;
 - b. Title of decoration;
 - c. Exact wording of citation; and
 - d. Circumstances under which the decoration is to be received (or was accepted).

The officer will be notified through appropriate channels of action taken on the request.

Section G. Civil Actions Against Officers

The Attorney General may bring a civil action against any officer who (1) knowingly solicits or accepts a gift from a foreign government which is not reported or approved under the requirements of this INSTRUCTION; or (2) fails to deposit such gift as required by this INSTRUCTION. The court in which such action is brought may assess a penalty against the officer in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000.