

TREASURY DIRECTIVE: 61-04

DATE: January 19, 2017

SUBJECT: Acceptance, Retention, and Disposition of Gifts under the Foreign Gifts and Decorations Act

1. **PURPOSE.** This directive provides procedures and guidance for employees of the Department, their spouses, and their dependents concerning the acceptance, retention, and disposition of gifts and decorations from foreign governments, pursuant to the Foreign Gifts and Decorations Act (FGDA) at 5 U.S.C. § 7342 and regulations at 41 C.F.R. § 102-42.5, *et seq.*

2. **SCOPE.** This directive applies to all bureaus, offices, and organizations in the Department, including the Offices of Inspectors General within the Department. The provisions of this order shall not be construed to interfere with or impede the authorities or independence of the Treasury Inspector General, the Treasury Inspector General for Tax Administration, or the Special Inspector General for TARP.

3. **DEFINITIONS.**

a. **Bureau:** shall include all Treasury Department bureaus, Departmental Offices (DO), and Offices of Inspector General.

b. **Decoration:** includes an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government.

c. **Designated official:** refers to the individual(s) assigned within DO or within each bureau to receive, evaluate, and dispose of foreign gifts tendered to employees of DO or that bureau.

d. **Employee:** includes the employee's spouse and the employee's dependents, as defined in 26 U.S.C. § 152.

e. **Ethics official:** includes the Treasury Designated Agency Ethics Official (DAEO), the Treasury Alternate Designated Agency Ethics Official (ADAEO), a deputy ethics official, the Chief Counsel, Legal Counsel, or Counsel, or designee.

f. **Foreign government:** includes (1) any unit of foreign governmental authority, including any foreign national, state, local, and municipal government; (2) any international or multinational organization whose membership is composed of any unit of foreign government described in (1); and (3) any agent or representative of any such unit or such organization, while acting as such.

g. **Gift:** includes any tangible or intangible (monetary or non-monetary) present (other than a decoration) tendered by, or received from, a foreign government. Where more than one tangible item is included in a single presentation from the same foreign government on the same occasion, the entire presentation shall be considered as one gift. A monetary gift includes anything that may commonly be used in a financial transaction, such as cash or currency, checks, money orders, bonds, shares of stock, and other securities and negotiable financial instruments. A non-monetary gift includes a souvenir or mark of courtesy or gift of travel (e.g., meals, lodging, and transportation) occurring wholly outside of the U.S. if travel is not accepted under a separate authority (e.g., non-federal source travel pursuant to 41 C.F.R. Ch. 304).

h. Minimal value: means a retail value in the United States at the time of acceptance of the gift of less than the amount established by the General Services Administration (GSA) pursuant to regulations found at 41 C.F.R. § 102-42.10. As of the date of this directive, minimal value is defined as \$390.00.

4. **STATUTORY REQUIREMENTS.**

The FGDA prohibits an employee from requesting or otherwise encouraging the tender of a gift or a decoration from a foreign government and from accepting or retaining a gift or decoration, except as provided below.

a. An employee may accept and retain a gift of minimal value tendered and received as a souvenir or mark of courtesy.

b. An employee may accept a gift of more than minimal value if the gift is in the nature of an educational scholarship or medical treatment, or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. A tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and upon acceptance shall become the property of the United States.

c. An employee may accept a gift of travel or expenses for travel taking place entirely outside of the United States of more than minimal value if such acceptance is appropriate, consistent with the interest of the United States, and permitted by DO or a bureau, and any regulations prescribed by the Department, and otherwise in accordance with travel regulations.

5. **DESIGNATIONS.**

a. Heads of bureaus and the Offices of Inspector General may designate one or more officials to receive, evaluate, and dispose of foreign and other gifts tendered to their employees.

b. The Gift Unit and Tour Coordinator, Office of the Curator (Gift Unit), shall serve as the designated official for DO and for any Treasury bureau that has not designated its own official.

6. **EMPLOYEE RESPONSIBILITIES FOR REPORTING FOREIGN GIFTS.**

a. An employee who receives any tangible gift, regardless of value, from a foreign government must complete a DO Gift Register Form (DO F 261.9) or equivalent bureau form and submit it along with the gift to the Treasury Gift Unit or to the bureau designated official immediately upon receipt or return from travel.

b. Within 14 days of receipt of a gift of travel wholly outside of the U.S. valued over the current minimal value, an employee must complete a DO F 261.9 or equivalent bureau form and submit it to the Gift Unit or to the bureau designated official. Note that if travel and related expenses are accepted on behalf of the Department under a separate authority (e.g., non-federal source travel), these reporting requirements do not apply.

c. Gifts received by an employee's spouse or dependent child who is an Executive Branch employee (including members of the armed forces serving on active duty) must be reported to his or her employing agency.

7. **RESPONSIBILITIES FOR RECEIVING AND EVALUATING FOREIGN GIFTS.**

a. The Office of the Assistant Secretary for Management (ASM), heads of bureaus, and the Offices of Inspector General may issue internal procedures or guidelines necessary to implement this directive within their organizations, including procedures for accounting for foreign gifts.

b. After gifts and gift register forms are received and the designated official has determined gift valuations, the designated official shall promptly provide completed gift registers to an ethics official who will make the following determinations regarding each foreign gift (tangible or monetary):

1) Whether the gift is of minimal value (including whether a commercial appraisal is necessary).

2) For a gift that has been determined not to exceed minimal value, whether the employee's acceptance of the gift is permitted by the FGDA.

3) For a gift that has been determined to exceed minimal value, whether the gift may be retained by the Department for official use.

4) For a gift that an employee does not wish to retain, or for any gift the acceptance of which is inconsistent with the FGDA, whether the gift may be retained for official use or treated as excess property pursuant to GSA regulations.

c. For a gift that is retained by the Department for display or use by an employee during his or her office tenure, the employee shall sign the form "Agreement to Retain a Gift for Office Use or Display" once the item has been catalogued and labeled as Department property. The employee is responsible for notifying an ethics official and the Gift Unit upon his or her anticipated departure to ensure the item continues to be accounted for as Department property.

d. The ethics official will annotate the gift register form to reflect the determination made pursuant to paragraph b and will otherwise advise the designated official regarding such determination, and will instruct the designated official, as appropriate to:

1) Return the gift to the employee; or

2) Dispose of the gift in accordance with the procedures established in section 8.

8. APPROPRIATE DISPOSITION OF GIFTS.

a. If a tangible gift from a foreign government is neither retained by the employee nor retained for official use, the designated official may either return it to the donor or keep it in safe storage pending appropriate disposition in accordance with procedures established by the Department of State and/or GSA under the provision of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 121(c)(2), implementing regulations at 41 C.F.R. Part 102-42. For firearms and hazardous material, see 41 C.F.R. Part 102-42.

b. Monetary gifts above the minimal value must be reported to GSA if the gift is in the form of instruments with possible historic or numismatic value; those of no historic or numismatic value must be deposited with the Department.

9. RECORDKEEPING RESPONSIBILITIES FOR REPORTING FOREIGN GIFTS.

a. The designated official shall maintain a gift log that contains the information provided under section 7c, including the determined value of each gift and whether the gift was:

- (1) retained by the employee;
- (2) returned to the donor;
- (3) retained by the Department for official use;

- (4) kept in safe storage pending appropriate disposition instruction from the GSA;
- (5) a monetary gift and whether it has possible historic or numismatic value; or
- (6) accepted under circumstances indicating a reason to believe that the employee has violated the FGDA (which must be reported to the Department of Justice).

b. The designated officials shall submit to the Senior Asset Manager, Office of Asset Management, DO, no later than January 15 of each year, a list of all gifts in excess of minimal value for the preceding calendar year received by the Department.

c. In accordance with the FGDA, the Senior Asset Manager, Office of Asset Management, DO, shall prepare the Foreign Gifts Received Report on an annual basis, as required (by January 31 of each year) for submission to the Department of State. The Foreign Gifts Received Report includes foreign gifts of more than minimal value, including gifts of travel and related expenses from a foreign government that employees have disclosed to the Department as having personally received.

10. **DECORATIONS.**

Decorations tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance may be accepted, retained, and worn by an employee subject to approval by the Secretary of the Treasury. Absent this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee within 60 days after acceptance with a designated official for official use. At the designated official's direction, the decoration may be forwarded to the Administrator of GSA for disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 121(c)(2), implementing regulations at 41 C.F.R. Part 102-42.

11. **CANCELLATION.** Treasury Directive 61-04, "Foreign Gifts and Decorations," dated October 23, 2007, is superseded.

12. **REFERENCES.**

- a. Treasury Directive 73-01, "Personal Property Management."
- b. Treasury Order 102-16, "Delegation of Authority to the Assistant Secretary (Management) to Accept Gifts and Bequests to the Department of the Treasury."

13. **AUTHORITIES.**

- a. Foreign Gifts and Decorations Act of 1966, as amended (5 U.S.C. § 7342). Department of State implementing regulations, Gifts and Decorations from Foreign Governments, at 22 C.F.R. Part 3.
- b. Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 121(c)(2), implementing regulations at 41 C.F.R. Part 102-42.
- c. "Standards of Ethical Conduct for Employees of the Executive Branch" (5 C.F.R. Part 2635).

d. "Payment of Travel Expenses from a Non-Federal Source" (41 C.F.R. § 304-1).

14. **OFFICES OF PRIMARY INTEREST.** Office of the General Counsel (General Law, Ethics and Regulation) and the Assistant Secretary for Management.

/s/

Priya Aiyar

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