



## DoD INSTRUCTION 1005.13

# GIFTS, DECORATIONS, AND EMPLOYMENT FROM FOREIGN GOVERNMENTS

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<b>Originating Component:</b>	Office of the Performance Improvement Officer and Director of Administration and Management
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<b>Reissues and Cancels:</b>	DoD Directive 1005.13, "Gifts and Decorations from Foreign Governments," February 19, 2002, as amended
<b>Approved by:</b>	Jennifer C. Walsh, Performance Improvement Officer and Director of Administration and Management

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**Purpose:** This issuance reissues the 2002 DoD directive as a DoD instruction (DoDI) in accordance with the authority in DoD Directive 5105.53 and the January 11, 2021 and January 18, 2022 Deputy Secretary of Defense Memorandums, to establish policy, assign responsibilities, and provide procedures for:

- Accepting, retaining, handling, and disposing of gifts and decorations from foreign governments.
- Accepting employment, payments, and awards from foreign governments.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

a. This issuance applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

(2) DoD personnel who receive gifts and decorations from a foreign government, including:

(a) Foreign national, State, local, and municipal governmental entities.

(b) International or multinational organizations whose membership does not include the U.S. Government and is composed of any unit of a foreign government.

(c) Agents or representatives of a foreign government acting in their official governmental capacity.

(d) Political parties and academic institutions under the control of a foreign government.

(e) Business organizations majority owned or controlled by any unit of a foreign government.

(3) Reserve Component (RC) and retired Service members offered employment, payments, and awards from a foreign government or foreign government-controlled entity.

b. This issuance does not apply to the U.S. Coast Guard.

### 1.2. POLICY.

a. DoD employees are prohibited from requesting, or otherwise encouraging, the offer of a gift or decoration from a foreign government, as prohibited in Section 7342 of Title 5, United States Code (U.S.C.).

b. DoD employees may accept and retain gifts of minimal value, as redefined at 3-year intervals in accordance with Section 7342 of Title 5, U.S.C., as souvenirs or tokens of courtesy from a foreign government. If not retained, follow guidance in Volume 2 of DoD Manual (DoDM) 4160.21. Rules governing gifts received from other sources can be found in Chapters 15 and 25 of Title 5, Code of Federal Regulations (CFR) and the current edition of the DoD

Standards of Conduct Office, “Joint Ethics Regulation (JER)” (available at <https://dodsoco.ogc.osd.mil/Ethics-Program-Resources/Ethics-Laws-and-Regulations/>).

c. DoD employees must decline gifts valued at more than minimal value, unless the gift is in the nature of an educational scholarship or medical treatment, or when it appears that such refusal is likely to offend or embarrass the donor or could adversely affect U.S. foreign relations. Once a gift valued more than the minimal value is accepted, the gift will become U.S. property pursuant to Section 7342 of Title 5, U.S.C.

d. Gifts presented or directed to a DoD employee’s spouse or dependent will be considered gifts to the employee.

e. Gifts given by a foreign government official’s spouse will be considered a gift from the foreign government.

f. The DoD Component must establish the gift value when necessary, pursuant to Section 7342(g)(2)(B) of Title 5, U.S.C., and Parts 102-42.40 through 102-42.50 of Title 41, CFR. The DoD Component may establish the value of the gift through an appraisal from a commercial source or using retail value based on reliable sources, including, and not limited to non-discounted retail catalogs, reseller services, price lists, commercial appraisals, and internet sources that are fixed price and not determined by bidding. Military aides, protocol staff, and other DoD employees may assist with researching the estimated value. The DoD Component must maintain a record of the method it used to estimate gift value and the rationale for the selected estimate, with pictures being included. The appraisal value is the value of the gift in the United States in U.S. dollars on the date of appraisal.

g. Regardless of value, DoD employees must receive approval before accepting a decoration from a foreign government. If the employee does not receive prior approval, the decoration will become U.S. property pursuant to Section 7342 of Title 5, U.S.C. In cases where pre-approval cannot be obtained, follow the procedures at Paragraph 10.3.a.(2) in DoDI 1348.33.

h. Before using, displaying, or introducing gifts from a foreign government into any U.S. Government facility, room, or building, including any space designated or accredited for the discussion, storage, processing, or handling of classified information, the gift must be inspected and screened for security risks in accordance with DoDI 5240.05.

i. DoD employees are prohibited from accepting employment with a foreign government or foreign government-controlled entity, except that RC and retired Service members may be permitted to accept such employment consistent with Section 4 of this issuance.

j. DoD records must be handled in accordance with DoDI 5015.02 and the records management policy of the DoD Component concerned.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. PERFORMANCE IMPROVEMENT OFFICER AND DIRECTOR OF ADMINISTRATION AND MANAGEMENT.**

The Performance Improvement Officer and Director of Administration and Management:

- a. Establishes overall policy and guidance applicable to DoD employees who accept and retain gifts and decorations offered by foreign governments.
- b. Approves or disapproves acceptance of a foreign decoration when the recipient is the Secretary of Defense or a DoD Component head and not a Secretary of a Military Department or a Service member (e.g., Deputy Secretary of Defense or non-Service member head of a Defense Agency or DoD Field Activity). This authority may be delegated to the Director, Washington Headquarters Services (WHS) and may not be further delegated.

### **2.2. DIRECTOR, WHS.**

Under the authority, direction, and control of the Performance Improvement Officer and Director of Administration and Management, the Director, WHS:

- a. Oversees implementation of this issuance among DoD Components serviced by WHS.
- b. Approves or disapproves the acceptance of a foreign decoration when the recipient is a DoD civilian employee member of the OSD or a WHS-serviced Component (other than a DoD Component head unless delegated). This authority may not be further delegated.
- c. Carries out the responsibilities of Paragraph 2.4. of this issuance and the reporting of foreign gifts of more than minimal value to GSA and the Secretary of State for the DoD Components serviced by WHS. Reference Administrative Instruction 100 for further guidance.
- d. May grant an exception to policy pertaining to this issuance. This authority may not be further delegated.

### **2.3. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)).**

The USD(P&R):

- a. Approves or disapproves acceptance of a foreign decoration when the recipient is a Secretary of a Military Department (e.g., civilian Secretary of the Department of Army, Air Force, or Navy) or a Service member (e.g., Chairman of the Joint Chiefs, Combatant Commander, or Service member head of a Defense Agency or DoD Field Activity). This authority may not be further delegated.

b. Submits an annual report on approvals for retired general officers and flag officers to Congress, pursuant to Section 908(d) of Title 37, U.S.C., and Section 4 of this issuance.

#### **2.4. DOD COMPONENT HEADS.**

The DoD Component heads:

a. Specify Component procedures to govern DoD employees in accepting gifts and decorations from foreign governments, including criteria for determining the propriety of accepting gifts estimated at more than the minimal value and reporting of foreign gifts of more than minimal value to GSA and the Secretary of State, in accordance with this issuance and pursuant to Section 7342 of Title 5, U.S.C.

b. Specify Component procedures to estimate the gift value, when necessary, pursuant to Section 7342(g)(2)(B) of Title 5, U.S.C., and Part 102-42.40 of Title 41, CFR.

c. In accordance with Section 7342(g) of Title 5, U.S.C., report employees who fail to comply with Section 7342 of Title 5, U.S.C., or former employees alleged to have failed to comply with this statute while a DoD employee, to the Attorney General of the United States through their respective Office of General Counsel. As set forth in Section 7342(h) of Title 5, U.S.C., the Attorney General may bring a civil action against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by Section 7342 of Title 5, U.S.C., or who fails to deposit or report such gift as required by Section 7342 of Title 5, U.S.C.

d. Implement guidelines and policies within their own Components on financial and administrative controls to identify, reduce, and eliminate fraud, waste, abuse, misconduct, and improper payments relating to gifts and decorations, in accordance with Public Law 114-186, also known as the “Fraud Reduction and Data Analytics Act of 2015.”

#### **2.5. SECRETARIES OF THE MILITARY DEPARTMENTS.**

In addition to the responsibilities in Paragraph 2.4., the Secretaries of the Military Departments:

a. Approve or disapprove foreign employment for RC and retired Service members in accordance with Paragraph 4.2.

b. Approve or disapprove foreign payments (e.g., speeches, lodging, and meals) and decorations for RC and retired Service members in accordance with Paragraph 4.3.

c. Provide annual reports on approvals for retired general officers and flag officers to the USD(P&R) as described in Paragraph 4.4.

d. Approve or disapprove decorations for all agency personnel, to include Service members and civilian employees.

e. Protect personally identifiable information that is created, collected, used, processed, stored, maintained, disseminated, and disclosed in the execution of this issuance, as required by DoD 5400.11-R and DoDI 5400.11. In accordance with DoDI 5400.11, if a Privacy Act system of records is maintained and the information is retrieved by a personal identifier such as the name of the individual or by some identifying number, symbol, or other identifying particular that is unique to the individual, those records will be maintained consistent with a Privacy Act system of records notice, as required.

## **SECTION 3: PROCESSING RECEIPT OF GIFTS, DECORATIONS, AND TRAVEL EXPENSES**

This section provides the procedures and processes for gifts, decorations and awards, and travel expenses received from a foreign government.

### **3.1. APPROVAL AUTHORITY, COMPONENT GUIDELINES, AND PROCEDURES.**

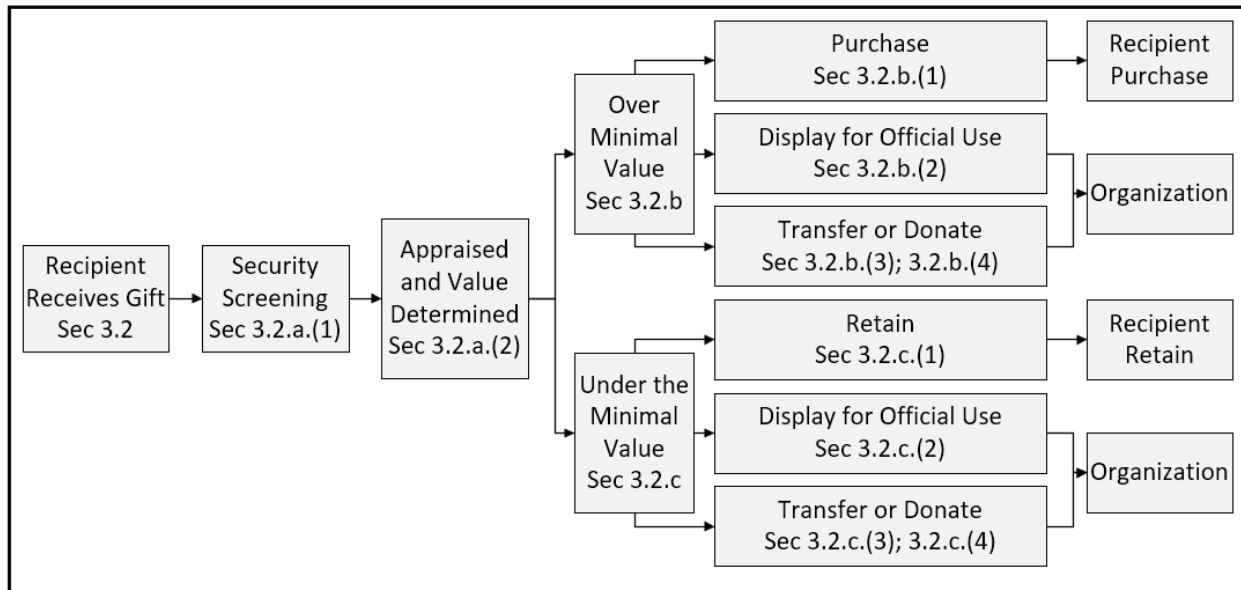
In accordance with Paragraph 2.4.a. of this issuance and pursuant to Section 7342 of Title 5, U.S.C., the DoD Component head will provide procedures to govern DoD personnel in accepting gifts and decorations from foreign governments. The following references provide DoD Component specific guidelines and procedures:

- a. Sections 10 and 11 of DoDI 1348.33.
- b. Army: Chapter 9 of Army Regulation 600-8-22.
- c. Navy: Chapter 7 of Secretary of the Navy Manual 1650.1.
- d. Air Force: Section 2.11 of Department of the Air Force Instruction 36-2803 and Chapter 9 of the Air Force Instruction 51-506.
- e. OSD and WHS-serviced Components: Administrative Instruction 100.

### **3.2. RECIPIENT ACCEPTING AND PROCESSING A GIFT.**

When accepting and processing a gift there are several disposition options. Reference Figure 1 of this issuance for assistance.



**Figure 1. Accepting and Processing a Gift.****a. Accepting a Gift.**

(1) Before using, displaying, or introducing gifts from a foreign government into any U.S. Government facility, room, or building, including any space designated or accredited for the discussion, storage, processing, or handling of classified information, the gift must be inspected and screened for security risk.

(2) The DoD Component or recipient must estimate the gift value to determine whether the gift exceeds minimal value. Recipients may receive assistance from military aides, protocol staff, and other DoD employees in researching the value.

(3) When refusing a gift above minimal value from a foreign government is likely to offend or embarrass the donor, or could adversely affect U.S. foreign relations, a DoD employee is authorized to accept the gift on behalf of the U.S. Government without obtaining prior approval. There are no specific criteria to determine if refusing a gift would cause embarrassment or offense. Questions about the potential perception or impact of refusing a gift should be referred to the DoD Component's protocol officer or the office responsible for foreign relations and policy.

**b. Processing Gifts Over Minimal Value.**

When the recipient accepts a gift of more than minimal value, the gift becomes U.S. property and must be reported to the recipient's DoD Component office within 60 days in accordance with Parts 102-42.15(a) and 102-42.40 of Title 41, CFR, and this issuance. The following options are available for such gifts:

### (1) Recipient Purchases the Gift.

The original recipient may purchase the gift in accordance with Part 102-42.140 of Title 41, CFR. In such case:

(a) The recipient must indicate an interest in purchasing the gift.

1. The employing DoD Component must use General Services Administration's (GSA) property management system to report a request to purchase the gift. Refer to the GSA Website for additional information and guidance (<https://www.gsa.gov/buy-through-us/government-property-for-sale-or-lease/personal-property-for-reuse-and-sale/personal-property-management-for-federal-agencies>).

2. The employing DoD Component may purchase individual or all parts of an aggregate gift.

3. The GSA will provide the gift purchase letter to the employing DoD Component if the gift will be offered for sale to the recipient. The sales price, to be paid to GSA, will be the appraised value.

(b) The GSA will not take custody of gifts if the recipient has expressed an interest in purchasing.

1. Such gifts must be kept by the employing DoD Component until the recipient either purchases or declines to purchase the gift.

2. The GSA will accept physical custody of gifts that the recipient does not purchase and are not retained for official use.

3. The GSA will not accept perishable gifts in accordance with Section 102-40.55(c) of Title 41, CFR. If a perishable gift exceeds the minimal value, then the DoD recipient may share the perishables in the office or may destroy the perishable gift.

### (2) DoD Component Retains Gift for Official Use.

The employing DoD Component may retain foreign gifts for official use (e.g., display in U.S. Government offices) with DoD Component head approval.

### (3) DoD Component Transfer of Gift to the GSA.

The employing DoD Component will coordinate the transfer of gifts that the recipient is not interested in purchasing and that the DoD Component does not wish to retain for official use to the GSA within 30 calendar days of receipt or professional appraisal, whichever is later. In this case, the employing DoD Component will:

(a) Use GSA's property management system to submit the gift to the GSA Property Management Division. Refer to the GSA Website for additional information and guidance

(<https://www.gsa.gov/buy-through-us/government-property-for-sale-or-lease/personal-property-for-reuse-and-sale/personal-property-management-for-federal-agencies>).

(b) Manage the custody and security of gifts until the GSA gives instructions regarding their disposition.

(c) Care for, handle, and bear the costs of the gifts in custody that will be delivered to the GSA after the screening period.

#### (4) Transfer or Donation of More than Minimal Value to Others.

DoD Components may recommend to the GSA that a gift be transferred to a Federal agency or donated to an eligible State, local government agency, or nonprofit tax-exempt institution by using GSA's property management system to report the gift with a written letter. Refer to the GSA Website for additional information and guidance (<https://www.gsa.gov/buy-through-us/government-property-for-sale-or-lease/personal-property-for-reuse-and-sale/personal-property-management-for-federal-agencies>). The written letter must:

(a) Justify the request and outline any special significance of the gift to the proposed recipient.

(b) Include the mailing address and telephone number of both the recommending DoD Component and the proposed recipient.

### c. Processing a Gift of Minimal Value.

These options are available for gifts estimated to be under minimal value approved in advance:

#### (1) Recipient May Retain.

Recipient may retain the gift as a souvenir or mark of courtesy from a foreign government.

#### (2) The DoD Component May Retain for Official Use.

(a) If the recipient does not wish to retain the gift, the employing DoD Component may retain foreign gifts for official use (e.g., display in U.S. Government offices) with DoD Component approval.

(b) Follow Volume 2 of DoDM 4160.21 for disposition of the gift when the DoD Component is terminating official use.

#### (3) DoD Component Transfer to the Defense Logistics Agency.

If the recipient does not wish to retain the gift, the DoD Component may transfer foreign gifts of minimal value to the Defense Logistics Agency in accordance with Volume 2 of DoDM 4160.21.

**(4) Donation or Transfer of Minimal Value Gifts.**

If the recipient does not wish to retain the gift, the DoD Component may donate or transfer a foreign gift of minimal value or less to a Federal agency or donate to an eligible State, local government agency, or nonprofit tax-exempt institution, in accordance with the disposition guidance in Volume 2 of DoDM 4160.21.

**d. Aggregating Gift Values.**

(1) If more than one gift is presented to a DoD employee, or jointly to an employee and their spouse or dependent, the gift values must be aggregated as follows:

(a) When presented directly to an employee and the employee's spouse or dependent by the same donor at the same event, the gifts will be considered as a single gift to the employee and the gift values must be aggregated.

(b) If given by a foreign official's spouse, the gift will be considered a gift from a foreign government and must be processed as if the foreign official was the donor.

(c) When part of a set (e.g., necklace with matching earrings), the gifts will be considered a single gift to the employee and the gift values must be aggregated.

(2) Gifts that are given by the same donor at different presentation events considered separate gifts and the values will not be aggregated.

(3) Gifts from different donors from different levels of government (e.g., city, State, regional, or national) will not be aggregated, regardless of whether the gifts are given at the same or different events.

**e. Reporting Foreign Gifts of More than Minimal Value.**

**(1) Report to GSA.**

The employing DoD Component will coordinate transfer of gifts that the recipient is not interested in purchasing and that the DoD Component does not wish to retain for official use to the GSA within 30 calendar days of receipt or professional appraisal, whichever is later.

**(2) Report to the Secretary of State.**

The employing DoD Component must maintain records of gifts above minimal value accepted in accordance with Section 7342 of Title 5, U.S.C., by their employees on behalf of the DoD from foreign governments and report them to the Secretary of State. This includes travel or travel expenses of more than minimal value.

(a) Each DoD Component head will transmit gift records to the Secretary of State by January 31st each year. Records of all gifts of more than minimal value must be compiled in a listing, and each record must include:

1. The name and position of the employee.
2. A brief description of the gift and the circumstances justifying acceptance.
3. The identity, if known, of the foreign government and the name and position of the individual who presented the gift.
4. The date of acceptance of the gift.
5. The estimated value in the United States in U.S. dollars of the gift at the time of acceptance.
6. The disposition or current location of the gift.

(b) Records of gifts of travel or travel expenses valued above minimal value must include:

1. The name and position of the employee.
2. A brief description of the gift and the circumstances justifying acceptance.
3. The identity, if known, of the foreign government and the name and position of the individual who presented the gift.

(c) Gift listings will be sent to:

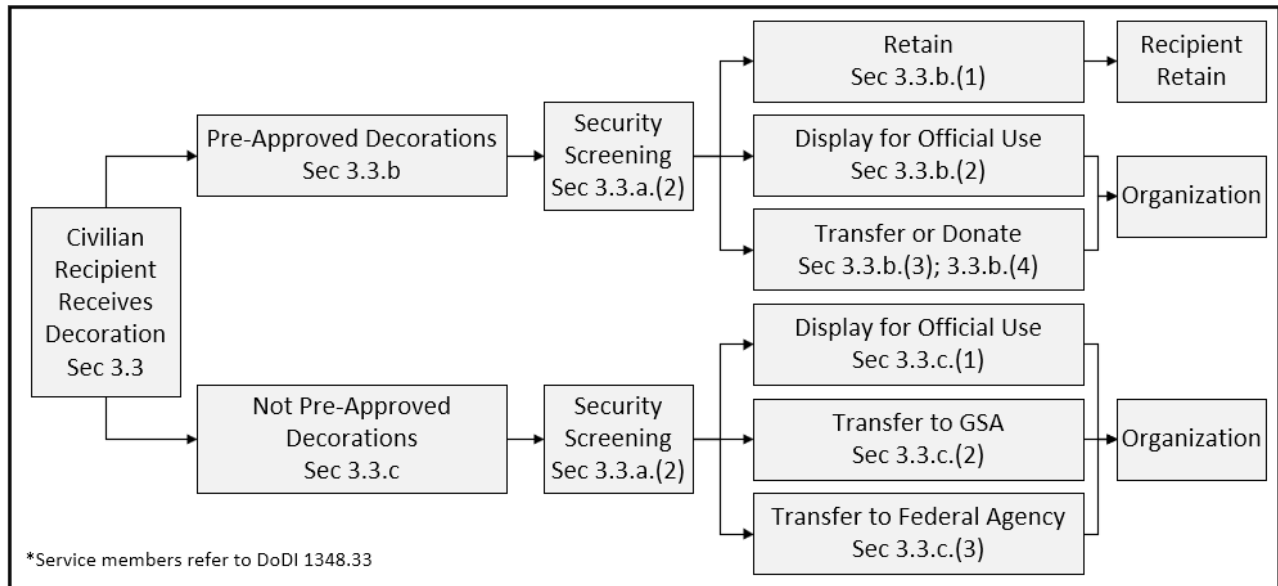
Office of Protocol, Department of State  
Office of the Chief of Protocol  
2201 C Street, NW, Room 1238  
Washington, D.C. 20520

(d) In transmitting such listings for an element of the Defense Intelligence Enterprise, the DoD Component head may omit certain information in accordance with Section 7342(f)(4)(A) of Title 5, U.S.C.

(e) An employing DoD Component is required to report travel or travel expenses of more than minimal value that were authorized by that DoD Component under conditions stipulated in Paragraph 3.6.

### **3.3. RECIPIENT ACCEPTING AND PROCESSING A DECORATION.**

When accepting and processing a decoration there are several disposition options for civilian recipients. Service members will process decorations according to their Military Department procedures and Sections 10 and 11 of DoDI 1348.33 for further guidance regarding the acceptance of decorations from foreign governments. Reference Figure 2 for assistance.

**Figure 2. Accepting and Processing a Decoration.****a. Accepting a Decoration.**

(1) The recipient may accept or retain a prior approved decoration, such as an order, device, medal, badge, insignia, emblem, or award tendered by or received from a foreign government. Reference Paragraphs 2.2., 2.4., and 2.5. of this issuance for approving authorities.

(2) The decoration must be inspected and screened for security concerns.

(3) When a DoD civilian employee fails to seek prior approval of a decoration received from a foreign government, the decoration will be deemed to be accepted on behalf of the U.S. Government and becomes U.S. property in accordance with Section 7342 of Title 5, U.S.C. The decoration must be deposited with the appropriate office within 60 days in accordance with Part 102-42.40 of Title 41, CFR, and this issuance.

**b. Processing a Previously Approved Decoration.**

These options are available for decorations approved in advance:

**(1) Recipient May Retain.**

The recipient may retain a decoration if approved in advance of receipt.

**(2) The DoD Component May Retain for Official Use.**

(a) The employing DoD Component may retain foreign decorations for official use (e.g., display in U.S. Government offices) with DoD Component head approval.

(b) Before using, displaying, or introducing decorations from a foreign government into any facility, room, building, or other space designated or accredited for the discussion,

storage, processing, or handling of classified information, decorations must be inspected and screened for security risks.

(c) Follow Volume 2 of DoDM 4160.21 for disposition of the decoration when the DoD Component is terminating official use.

**(3) DoD Component Transfer to the Defense Logistics Agency.**

The DoD Component may transfer foreign decorations to the Defense Logistics Agency in accordance with Volume 2 of DoDM 4160.21.

**(4) Donation or Transfer of Decorations.**

DoD Components may donate or transfer a foreign decoration to a Federal agency or donate to an eligible State, local government agency, or nonprofit tax-exempt institution. The DoD Component would follow disposition guidance in Volume 2 of DoDM 4160.21.

**c. Processing Decorations Not Previously Approved.**

Decorations not previously approved become U.S. property. These options are available for such decorations:

**(1) DoD Component Retains Decoration for Official Use.**

(a) The employing DoD Component may retain foreign decorations for official use (e.g., display in U.S. Government offices) with DoD Component head approval.

(b) Before using, displaying, or introducing decorations from a foreign government into any U.S. Government facility, room, building, or other space designated or accredited for the discussion, storage, processing, or handling of classified information, the decoration must be inspected and screened for security risks.

**(2) DoD Component Transfer of Decoration to the GSA.**

The employing DoD Component will coordinate transfer of decorations they do not wish to retain for official use to the GSA within 30 calendar days of receipt. In this case, the employing DoD Component will:

(a) Use GSA's property management system to submit it to the GSA Property Management Division. Refer to the GSA Website for additional information and guidance (<https://www.gsa.gov/buy-through-us/government-property-for-sale-or-lease/personal-property-for-reuse-and-sale/personal-property-management-for-federal-agencies>).

(b) Manage the custody and security of decorations until the GSA gives instructions regarding their disposition.

(c) Care for, handle, and bear the costs of the decorations in custody that will be delivered to the GSA after the screening period.

(3) **Transfer or Donation of Decorations to Others.**

DoD Components may recommend to the GSA that a decoration be transferred to a Federal agency by using GSA's property management system to report the decoration with a written letter. Refer to the GSA Website for additional information and guidance (<https://www.gsa.gov/buy-through-us/government-property-for-sale-or-lease/personal-property-for-reuse-and-sale/personal-property-management-for-federal-agencies>). The written letter must:

(a) Justify the request and outline any special significance of the decoration to the proposed recipient.

(b) Include the mailing address and telephone number of both the recommending DoD Component and the proposed recipient.

**3.4. RETURNING GIFTS OR DECORATIONS TO ORIGINAL DONOR.**

Before returning the gift or decoration to the original donor, the DoD Component must consult with the Department of State to ensure its return will not adversely affect U.S. foreign relations.

**3.5. DISPOSITION OF FIREARMS.**

Regardless of value, firearms received as gifts or decorations may be offered to other Federal agencies, including law enforcement activities. Firearms not transferred to a Federal agency or properly sold will be destroyed in accordance with Part 101-42.40 of Title 41, CFR.

**3.6. TRAVEL EXPENSES.**

a. Pursuant to Section 7342(1)(B)(ii) of Title 5, U.S.C., DoD personnel may accept travel expenses that exceed minimal value from a foreign government upon approval of the DoD Component head or delegated approval authority, in conjunction with a DoD ethics official, when the travel will:

(1) Begin and end outside the United States, except when travel across the continental United States is the shortest, cheapest, or only available route.

(2) Be consistent with the interests of the DoD Component and the U.S. Government, considering all circumstances.

(3) Not conflict with any other DoD Component regulation.

b. Pursuant to Sections 7342(c)(3) and 7342(f)(3) of Title 5, U.S.C., DoD personnel within 30 days after accepting travel expenses under that statute to file a statement with the DoD Component listing:

(1) The name and position of the Service member or employee.



(2) A brief description of the gift and the circumstances justifying acceptance.

(3) The identity of the foreign government and the name and position of the individual who offered the gift.

c. DoD civilian employees who are retired from the Military Services or Service members of the RC are also subject to the requirements of Section 908 of Title 37, U.S.C., which provides the consent of Congress to receipt of certain travel benefits from foreign governments with advanced approval of the Secretary of the Military Department from which they retired or serve as a Service member of the RC. To avoid conflict with this requirement, such personnel should consult with a DoD ethics official to determine whether the travel may instead be accepted by the U.S. Government.

d. DoD personnel will consult with a DoD ethics official before travel to determine whether the U.S. Government should accept the travel expenses as a gift to the United States instead of the DoD employee, pursuant to Section 1353 of Title 31, U.S.C. Travel expenses that cannot be pre-approved (e.g., last minute offer of a flight on a foreign military aircraft or a meal) may be ratified by the supervisor as a gift to the U.S. Government in accordance with Section 1353 of Title 31, U.S.C. in consultation with the DoD Component's ethics official, provided the acceptance satisfies the criteria in Section 304.3.13 of Title 41, CFR. Approval to accept a gift of travel from a foreign government must be in writing, in accordance with Section 1352 of Title 31, U.S.C.

## **SECTION 4: FOREIGN EMPLOYMENT, PAYMENTS, AND AWARDS FOR RC AND RETIRED SERVICE MEMBERS**

### **4.1. GENERAL.**

Pursuant to Section 908 of Title 37, U.S.C., and subject to the approval requirement described in this section, RC and retired Service members described below may accept civil employment (and compensation for that employment), payments, and awards from a foreign government:

- a. Retired members of the Military Services.
- b. Members of a RC of the Military Services, except members serving on active duty under a call or order to active duty for a period in excess of 30 days.
- c. Members of the Commissioned Reserve Corps of the Public Health Service.

### **4.2. FOREIGN EMPLOYMENT.**

Pursuant to Section 908 of Title 37, U.S.C., RC and retired Service members may accept civil employment and compensation for that employment from a foreign government or foreign government-controlled entity, only if they first obtain the approval of the Secretary of the Military Department concerned and the Secretary of State through the process established by their respective Military Department concerned. Other statutes and regulations may limit employment with or compensation from specific countries.

### **4.3. FOREIGN PAYMENTS AND AWARDS.**

Pursuant to Section 908 of Title 37, U.S.C., and subject to the approval and reporting requirements described in Paragraph 4.4. of this issuance, RC and retired Service members may accept payments for speeches, travel, meals, lodging, registration fees, and non-cash awards from a foreign government. Non-cash awards include, but are not limited to, mementos for speaking and decorations.

- a. RC and retired Service members may only accept a decoration from a foreign government after approval from the Secretary of the Military Department concerned, regardless of value.
- b. RC and retired Service members must seek advance approval to accept payment for speeches, travel, meals, lodging, registration fees, or non-cash award from the Secretary of the Military Department concerned.
- c. Other statutes and regulations may limit payments or awards from specific countries.

**4.4. ANNUAL REPORTS ON EMPLOYMENT, COMPENSATION, PAYMENT, OR AWARDS APPROVAL FOR RETIRED GENERAL OFFICERS AND FLAG OFFICERS.**

a. The reports required by Section 908 of Title 37, U.S.C. to the Committees on Armed Services of the U.S. House of Representatives and U.S. Senate will be submitted by the USD(P&R) by January 31 each year.

b. Pursuant to Section 908 of Title 37, U.S.C., the Secretaries of the Military Departments will maintain and provide the information required for this report to the Office of the USD(P&R) by December 15 of each year.

## GLOSSARY

### G.1. ACRONYMS.

<b>ACRONYM</b>	<b>MEANING</b>
CFR	Code of Federal Regulations
DoDI	DoD instruction
DoDM	DoD manual
GSA	General Services Administration
RC	Reserve Component
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
WHS	Washington Headquarters Services

### G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

<b>TERM</b>	<b>DEFINITION</b>
<b>decoration</b>	An order, device, medal, badge, insignia, emblem, or award tendered by or received from a foreign government.
<b>dependent</b>	Defined in Section 152 of Title 26, U.S.C.
<b>DoD employee</b>	All active duty Service members and all civilian employees of the DoD working within the DoD Components. Additionally, this term includes “employee” as defined in Section 7342(a)(1) of Title 5, U.S.C., as it relates to the DoD. Also, includes Intergovernment Personnel Act employees temporarily assigned to DoD.
<b>employing DoD Component</b>	The DoD Component where the gift or decoration recipient is appointed, employed, or assigned enlisted Service member. If a recipient is a spouse or dependent of a DoD employee, then the “employing DoD Component” is where the employee is an appointed, employed, or assigned enlisted Service member.

<b>TERM</b>	<b>DEFINITION</b>
<b>foreign government</b>	<p>Any unit of a foreign governmental authority, including any foreign national, State, local, and municipal government.</p> <p>State-controlled educational institutions or any international or multinational organization whose membership is composed of any unit of foreign government of which the United States is not a member.</p> <p>Any agent or representatives of any such unit or organization while acting as such.</p>
<b>gift</b>	<p>Anything of monetary value, whether tangible or intangible, that is tendered by, or received from, a foreign government. Gifts do not include medical treatment, educational scholarships, or other items of tangible or intangible value received by an employee from a foreign government in accordance with agreements with the United States.</p>
<b>minimal value</b>	<p>A retail value in the United States at the time of acceptance that is at or below the dollar value established by the GSA. Pursuant to Section 7342 of Title 5, U.S.C., the Administrator of the GSA, in coordination with the Secretary of State, must redefine the minimal value for a foreign gift every 3 years, based on the changes in the consumer price index for the preceding 3 years.</p>
<b>travel expenses</b>	<p>Costs of transportation, food, entertainment, and lodging incurred during the travel period.</p>

## REFERENCES

- Administrative Instruction 100, “Gifts from Foreign Governments,” June 7, 2010, as amended
- Air Force Instruction 51-506, “Gifts to the Department of the Air Force from Domestic and Foreign Sources,” April 16, 2019
- Army Regulation 600-8-22, “Personnel-General Military Awards,” February 19, 2024
- Code of Federal Regulations, Title 5
- Code of Federal Regulations, Title 41
- Department of the Air Force Instruction 36-2803, “Military Decorations and Awards Program,” May 3, 2022, as amended
- Deputy Secretary of Defense Memorandum, “Re-establishment of the Assistant to the Secretary of Defense for Intelligence and Oversight and the Director of Administration and Management,” January 11, 2021
- Deputy Secretary of Defense Memorandum, “Supplemental Guidance on Functions and Responsibilities of the Performance Improvement Officer,” January 18, 2022
- DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- DoD Directive 5105.53, “Director of Administration and Management (DA&M),” February 26, 2008
- DoD Instruction 1348.33, “DoD Military Decorations and Awards Program,” December 21, 2016, as amended
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5240.05, “Technical Surveillance Countermeasures (TSCM),” April 3, 2014, as amended
- DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019, as amended
- DoD Manual 4160.21, Volume 2, “Defense Material Disposition: Property Disposal and Reclamation,” October 22, 2015, as amended
- DoD Standards of Conduct Office, “Joint Ethics Regulation,” current edition<sup>1</sup>
- Public Law 114-186, “Fraud Reduction and Data Analytics Act of 2015,” June 30, 2016
- Secretary of the Navy Manual 1650.1, “Navy and Marine Corps Awards Manual,” August 16, 2019
- United States Code, Title 5
- United States Code, Title 26, Section 152
- United States Code, Title 31
- United States Code, Title 37

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<sup>1</sup> Located at <https://dodsoco.ogc.osd.mil/ethics-program-resources/ethics-laws-and-regulations/>.