

GENERAL SERVICES ADMINISTRATION  
Washington, DC 20405

OAS 7880.1C  
November 21, 2023

GSA ORDER

SUBJECT: Acceptance of Gifts and Decorations from Foreign Governments and the Giving of Gifts to Foreign Individuals by GSA Employees

1. Purpose. The purpose of this Order is to provide guidance on the responsibilities and annual reporting required regarding the giving of gifts to foreign individuals and receipt of gifts and decorations from foreign governments.

2. Cancellation. OAS 7880.1B is canceled.

3. Background.

a. The Chief Administrative Services Officer (CASO), has been delegated the responsibility to serve as the GSA Foreign Gifts Officer.

b. 5 USC 7342 requires the U.S. General Services Administration (GSA) to report annually to the U.S. Department of State details regarding the receipt of foreign gifts and decorations. Further, 22 USC 2694 requires annual reporting to the State Department of details regarding gifts of more than minimal value given to foreign individuals.

c. 5 USC 7342 requires the Administrator of General Services in consultation with the Secretary of State, to recalculate "minimal value" every three years.

4. Applicability. This Order applies to all GSA employees, including experts or consultants, and their spouses (unless separated) and their dependents, who are presented gifts or decorations by a foreign government or who tender gifts to foreign individuals.

5. Revision. Paragraph 4 is expanded with Foreign Gifts SOP and reporting/purchasing process.
6. Guidelines and procedures. The attachment to this Order provides specific procedures for implementing 5 USC 7342 and 22 USC 2694 within GSA.
7. Reports. The reports required by this Order are exempt from the reports control program.
8. Forms. This Order provides for the use of Standard Form 120, Report of Excess Personal Property. This form is available online at <http://gsa.gov/forms>.
9. Signature.

/S/ \_\_\_\_\_  
BOB STAFFORD  
Chief Administrative Services Officer  
Office of Administrative Services

## GUIDELINES AND INSTRUCTIONS

1. General. The Federal Management Regulation (FMR) Part 102-42 governs the receipt and retention of gifts from foreign governments by U.S. Government employees. These guidelines provide U.S. General Services Administration (GSA) employees with procedures to follow to comply with the requirements of the Foreign Gifts and Decorations Act, 5 U.S.C. 7342 and 22 USC 2694.

2. Definitions. Terms used in this Order are defined as follows:

a. Employees. Every person who is an employee of GSA, including an expert or a consultant of GSA, their spouses (unless separated), and their dependents. (5 USC 7342(a)(1))

b. Foreign government. Any unit of a foreign governmental authority (including any foreign national, state, local, and municipal government) and any international or multinational organization whose membership is composed of the above. Any agent or representative of a unit or organization described above. (5 USC 7342(a)(2))

c. Gift. Any tangible or intangible present, other than a decoration, received from a foreign government. (5 USC 7342(a)(3))

d. Minimal value. Any gift that has a retail value in the United States at the time of acceptance of not more than the minimal value. Minimal value is redefined every 3 years to reflect changes in the consumer price index and can be found at <https://www.gsa.gov/policy-regulations/policy/personal-property-policy-overview/special-programs/foreign-gifts> . (5 USC 7342(a)(5))

e. Decoration. Any order, device, medal, badge, insignia, emblem, or award received from a foreign government. (5 USC 7342(a)(4))

f. Outstanding or unusually meritorious performance. Performance of duty by an employee determined by the Administrator to have contributed significantly toward furthering good relations between the United States and the foreign government presenting the decoration.

g. Travel expenses. Costs of transportation, food, and lodging incurred during the travel period.

### 3. Management responsibilities.

a. The Chief Administrative Services Officer (CASO) is responsible for the implementation within GSA of 5 U.S.C. 7342 and 22 USC 2694, and for periodically reminding GSA employees of the requirements.

The CASO is also designated as the GSA Foreign Gifts and Decorations Officer and is responsible for administering the program governing the acceptance and retention of foreign gifts and decorations by GSA employees. The responsibilities of the GSA Foreign Gifts and Decorations Officer include:

- (1) Furnishing advice and assistance to employees on any questions relating to the application or implementation of these instructions;
- (2) Providing for the appraisal of gifts;
- (3) Monitoring compliance by employees with the requirements of this Order;
- (4) Serving as the depository office for those gifts and decorations that are turned in by GSA employees;
- (5) Maintaining records of gifts of more than minimal value deposited by employees;
- (6) Determining whether the gift or decoration shall be retained for official use, returned to the donor, or reported to the Federal Acquisition Service (FAS) Office of Personal Property Management, in accordance with FMR 102-42.80 through 102-42.115 for disposal; and
- (7) Compiling an annual listing of all statements filed during the preceding year by GSA employees for submission to the Secretary of State by the Administrator of GSA.

b. The Heads of Services and Staff Offices, and Regional Administrators are responsible for ensuring that the provisions of this Order are implemented within their organizations.

### 4. Employee responsibilities.

a. No GSA employee, as defined in subpar. 2a, shall request or otherwise encourage the offer of a gift or decoration. Whenever possible, employees are obligated

to refuse any gifts or decorations in accordance with subpar. 6a. (5 USC 7342(b)(1))

b. No GSA employee, as defined in subpar. 2a, shall use appropriated funds to purchase any tangible gift of more than minimal value for any foreign individual unless such gift has been approved by the Congress. (22 USC 2694)

c. All foreign gifts must be reported. Employees are permitted to retain foreign gifts below the minimal value - currently at \$480 (2023). For further reporting information please refer to [Foreign Gifts SOP](#)

e. All GSA employees are personally responsible, under penalty of law or agency disciplinary action, for complying with the requirements of this Order if any gift or decoration is presented to them by a foreign government.

#### 5. Gifts of minimal value (including travel).

a. 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 employee. The burden of proof is upon the employee to establish that the gift is of minimal value as defined in subpar. 2d.

b. Within 30 calendar days of the acceptance of a gift of minimal value, the employee must report receipt of the gift to the GSA Foreign Gifts and Decorations Officer, in writing. The report will identify the foreign government and the individual presenting the gift, briefly describe the gift and the circumstances leading to its acceptance, and state that in the employee's judgment, the gift's estimated value is less than or equal to the minimal value. A copy of the report is to be provided to the Head of the appropriate Service or Staff Office by employees who report to these officials, or to the Regional Administrator by employees who report to the Regional Administrator.

#### 6. Gifts of more than minimal value (not including travel).

a. When a gift of more than minimal value is presented, the donor should be advised that statutory provisions and GSA procedures prohibit employees accepting such gifts. If the refusal of such an offer would likely cause offense or embarrassment to the offerer, or could adversely affect the foreign relations of the United States, the gift may be accepted. The gift then becomes the property of the U.S. Government.

b. The gift shall be deposited with the GSA Foreign Gifts and Decorations Officer within 60 calendar days for return to the donor, for use within GSA, or for disposal by the FAS Office of Personal Property Management.

c. Gifts and decorations for which there are no Federal requirements, as determined by the FAS Office of Personal Property Management, may be offered for sale to the recipient before being donated to State agencies.

d. For those gifts the recipient has indicated an interest in purchasing, a commercial appraisal must be obtained before it is offered for negotiated sale to the recipient.

7. Procedure for the deposit and reporting of gifts (not including travel) of more than minimal value.

The employee shall deposit the gift with the GSA Foreign Gifts and Decorations Officer within 60 calendar days of its acceptance if the gift is of more than minimal value. (5 USC 7342(c)(2)(A))

a. At the time of the deposit, the employee must file a statement with the GSA Foreign Gifts and Decorations Officer containing the following information in the sequence shown, per 5 USC 7342(f)(2):

- (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 of the gift at the time of acceptance;
- (6) The disposition and current location of the gift; and
- (7) If the employee wishes to purchase the foreign gift, it must be annotated on the statement.

b. The gift will be deposited with the GSA Foreign Gifts and Decorations Officer by the most appropriate means available based upon the circumstances involved. Whenever possible, the gift shall be delivered in person, accompanied by the employee's statement. If an employee has any doubt as to the means for depositing a particular gift, he or she shall contact the GSA Foreign Gifts and Decorations Officer for advice.

c. On accepting deposit of the gift, the GSA Foreign Gifts and Decorations Officer will furnish the employee a signed delivery receipt containing a description of the gift, its physical condition, and the date of acceptance.

#### 8. Decorations.

a. Decorations that have been offered in recognition of or awarded for outstanding or unusually meritorious performance may be accepted and worn upon receiving the approval of the GSA Foreign Gifts and Decorations Officer. In the absence of this approval, the decoration becomes the property of the Government and must be deposited within 60 calendar days with the GSA Foreign Gifts and Decorations Officer for return to the donor, use within GSA, or disposal by the FAS Office of Personal Property Management.

b. Approval by the GSA Foreign Gifts and Decorations Officer is contingent upon determination by the Administrator that the decoration has been presented in recognition of outstanding or unusually meritorious performance as defined in subpar. 2f, per 5 USC 7342(d).

9. Procedure for processing foreign decorations. Immediately upon the presentation of a foreign decoration, the employee shall request the approval of the GSA Foreign Gifts and Decorations Officer to retain the decoration. (This includes all awards for outstanding or unusually meritorious performance.) (FMR 102-42.15)

a. The request for approval must be in writing and:

(1) Be addressed to the GSA Foreign Gifts and Decorations Officer;

(2) Contain the title of the decoration or a description of the award;

(3) Include a statement as to when, where, and by whom it was presented;

(4) Include a statement of the service or act for which the decoration was awarded; and

(5) Include a copy of the citation.

A copy of the request for approval is to be provided to the Head of the appropriate Service or Staff Office by employees who report to these officials or to the Regional Administrator by employees who report to the Regional Administrator.

b. The GSA Foreign Gifts and Decorations Officer will prepare the determination letter required by subpar. 8b; secure the concurrence of the Office of Human Resources

Policy and Operations (CP) if an award for outstanding or unusually meritorious performance is involved; and forward the determination to the Administrator for consideration.

c. Upon return of the determination letter, the GSA Foreign Gifts and Decorations Officer must approve or disapprove the employee's request in accordance with the Administrator's recommendation. The employee is informed of the approval or disapproval by letter with a copy to the Head of the appropriate Service or Staff Office, or Regional Administrator.

d. If retention of the decoration is disapproved, it becomes the property of the U.S. Government and the employee must deposit it with the GSA Foreign Gifts and Decorations Officer as required for gifts of more than minimal value.

#### 10. Travel expenses.

a. Employees may accept a gift of travel or travel expenses meeting the following criteria:

- (1) The travel must be entirely outside the United States;
- (2) The travel must be in the best interest of the U.S. Government; and
- (3) The travel does not violate any other agency regulation.

b. Within 30 days of acceptance of a gift of travel or travel expenses, the employee must file a statement with the GSA Foreign Gifts and Decorations Officer with the following information:

- (1) The name and position of the employee;
  - (2) A brief description of the gift and the circumstances justifying acceptance;
- and

(3) The identity, if known, of the foreign government and the name and position of the individual who presented the gift.

11. Obligation to deposit or report all gifts. Employees are obligated to deposit gifts (not including travel) of more than minimal value and to report all gifts or decorations (including travel), regardless of value, within the time limits cited in this Order. (5 USC 7342(c)(1)-(3))



12. Assistance to employees. Employees requiring information relating to the application or implementation of these instructions may request advice and assistance from the GSA Foreign Gifts and Decorations Officer.

13. Managing gifts and decorations received by the GSA Foreign Gifts and Decorations Officer.

a. The GSA Foreign Gifts and Decorations Officer or his/her designated representative must, on accepting delivery, carefully inspect the item(s) received. Before signing the delivery receipt required by subpar. 7c, the officer must place on the receipt a detailed description of the item(s). A copy of the receipt must be retained by GSA in the event it is necessary to determine liability or prepare a claim for loss or damage.

b. A record must be made immediately containing the information required by paragraph 15 for use in preparing the annual list for the Secretary of State.

c. The GSA Foreign Gifts and Decorations Officer must establish an estimated value for each gift within 10 days of the date of deposit. An appraisal need not be secured unless the gift is requested for negotiated sale to the recipient.

d. The item(s) shall be placed in a vault, safe, or other security area designated by the GSA Foreign Gifts and Decorations Officer pending arrangements for the appraisal.

e. The GSA Foreign Gifts and Decorations Officer determines whether the item(s) will be returned to the original donor, retained for official use in GSA, or reported to FAS Office of Personal Property Management for disposal.

14. Disposal or use of gifts and decorations that become the property of the United States Government.

a. Whenever possible, the GSA Foreign Gifts and Decorations Officer will return gifts to the original donor. The officer must examine the gift in question and the circumstances surrounding its donation. The officer will assess whether any adverse effect upon U.S. foreign relations might result if the gift or decoration is returned to the donor. Whenever such a question arises, the GSA Foreign Gifts and Decorations Officer shall consult with appropriate officials in the Department of State prior to taking any action. (5 USC 7342(e)(1))

b. Gifts and decorations that have become the property of the U.S. Government and are not approved or desired by GSA for retention, must, within 30 calendar days after deposit of the gift or decoration, be reported by the GSA Foreign Gifts and Decorations Officer to FAS Office of Personal Property Management in accordance with FMR 102-42.95 for disposal.

c. Any gift or decoration that becomes the property of the U.S. Government may be retained for official use by GSA. The GSA Foreign Gifts and Decorations Officer will avoid, to the maximum extent possible, arbitrary action in the approval for retention of gifts for official use. Consideration should be given to the possible use of the gift within the Agency or its appropriate display, thereby ensuring that all employees indirectly benefit from gifts retained for official use. The following are examples of circumstances where retention of gifts will be allowed and permissible types of official use:

(1) A painting may be approved for retention and display if every effort is made to display it in an area accessible to a large number of employees and/or members of the public; and

(2) A book or manuscript may be approved for retention if it can be effectively used for public display or reference purposes.

d. Gifts and decorations that have been retained for official use will, within 30 calendar days after termination of the official use, be reported by the GSA Foreign Gifts and Decorations Officer to the FAS Office of Personal Property Management in accordance with FMR 102-42.95, for disposal.

e. Standard Form 120, Report of Excess Personal Property, shall be used to report gifts and decorations to the FAS Office of Personal Property Management for disposal. Instructions for the preparation of Standard Form 120 are contained in FMR 102-42.95.

f. The gift or decoration will be held in the designated security area by the GSA Foreign Gifts and Decorations Officer until instructions are received from FAS Office of Personal Property Management regarding disposition.

g. The GSA Foreign Gifts and Decorations Officer reports money, cash, currency, and such gifts as checks, money orders, bonds, shares of stock, and other securities and negotiable instruments to the Department of Treasury through the Office of Finance.

15. Annual compilation of gifts of more than minimal value received. Annually, the GSA Foreign Gifts and Decorations Officer compiles, from records maintained, a listing of foreign gifts of more than minimal value received by employees during the preceding year. This listing is submitted not later than January 31 by the Administrator of GSA to the Secretary of State, per 5 USC 7342(f)(1). The listing shall include the following information.

- a. For each gift of more than minimal value:
  - (1) The name and position of the 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 presented the gift;
  - (4) The date of acceptance of the gift;
  - (5) The estimated value in the United States of the gift at the time of acceptance; and
  - (6) The disposition and current location of the gift.
- b. For each gift of travel or travel expenses:
  - (1) The name and position of the employee;
  - (2) A brief description of the gift and the circumstances justifying acceptance; and
  - (3) The identity, if known, of the foreign government and the name and position of the individual who presented the gift.

16. Annual compilation of gifts of more than minimal value given by GSA employees. Annually due at the end of the fiscal year, the GSA Foreign Gifts and Decorations Officer compiles, from records maintained, a listing of gifts of more than minimal value *given* to foreign individuals. Only gifts given to foreign individuals on occasions where a GSA employee is representing the United States Government need to be reported. (22 USC 2694.1-2) The listing shall include the following information.

- a. The name and position of the employee;
- b. A brief description of the gift and the circumstances justifying the gift;
- c. The identity of the foreign individual and the name and position of the individual who received the gift;
- d. A brief description of the occasion when the gift was given;
- e. The date of acceptance of the gift;

- f. The estimated cost in the United States of the gift; and
- g. Description of how gift was purchased, i.e., with appropriated funds (describe Congressional approval), OR acquired from other sources including the use of personal funds (provide details).

17. Disciplinary or other remedial action.

a. Employees who fail to comply with the time limits and other requirements of this Order are subject to appropriate disciplinary or other remedial action, including removal. This administrative action may be in addition to any penalty prescribed by law.

b. The Attorney General may file a civil action in any U.S. District Court against any employee who solicits or accepts a gift from a foreign government in violation of the statute, or who fails to deposit or report a gift as the statute requires. The court may assess a maximum penalty of the retail