



Director of Administration and Management
**ADMINISTRATIVE
INSTRUCTION**

NUMBER 100

June 7, 2010

Incorporating Change 2, February 22, 2022

FSD, WHS

SUBJECT: Gifts From Foreign Governments

References: See Enclosure 1

1. PURPOSE. This Administrative Instruction (AI):

a. Reissues AI 100 (Reference (a)) in accordance with the authority in DoD Directive (DoDD) 5110.04 (Reference (b)) and DoD Instruction 5025.01 (Reference (c)) and the guidance in DoDD 1005.13 (Reference (d)).

b. Implements policy and updates responsibilities and procedures for the acceptance, retention, and management of gifts from foreign governments, also referred to as “excess property,” throughout their lifecycle and final disposition pursuant to Reference (d).

c. Does not address the acceptance or handling of domestic gifts or foreign non-government gifts.

2. APPLICABILITY. This AI applies to:

a. OSD, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Defense Agencies, and the DoD Field Activities serviced by Washington Headquarters Services (WHS) in the National Capital Region (hereafter referred to collectively as the “WHS-Serviced Components”).

b. All civilian employees and Military Service members and spouses (unless legally separated) and their dependents within the WHS-Serviced Components.

3. DEFINITIONS. See Glossary.

4. POLICY. It is OSD policy in accordance with Reference (d); section 7342 of title 5, United States Code (Reference (e)); and parts 101-45, 101-49, 102-41, and 102-42 of title 41, Code of Federal Regulations (CFR) (Reference (f)) that:

a. No civilian employee or Military Service member assigned to a WHS-Serviced Component shall request or otherwise encourage the offer of a gift or decoration (hereafter referred to as a “gift”) from a foreign government.

b. Gifts of greater than minimal value, as defined in the Glossary, shall be refused with the exception that a gift exceeding minimal value may be accepted when it appears that refusal would offend or embarrass the donor or otherwise adversely affect U.S. foreign relations. If accepted, the gift becomes the property of the United States.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. INFORMATION COLLECTIONS. The reporting requirements in paragraphs 2.e. and 6.e. of Enclosure 2 have been assigned report control symbol RCS DD-DCMO(A)2321 in accordance with Volume 1 of DoD Manual 8910.01 (Reference (g)).

8. RELEASABILITY. **Cleared for public release.** This AI is available on the DoD Issuances Website at <https://www.esd.whs.mil/DD/>.

9. SUMMARY OF CHANGE 2. The changes are administrative and, in accordance with the February 1, 2022 Washington Headquarters Services memorandum (Reference (h)):

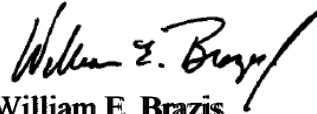
a. Update authorities from the Chief Management Officer of the Department of Defense to the Director of Administration and Management (DA&M), including updating the chartering directive authority to properly cite DoD Directive 5105.53 (Reference (i)), in accordance with:

(1) Section 901 of Public Law 116-283 (Reference (j)), which eliminated the position of the Deputy Chief Management Officer of the Department of Defense effective January 1, 2021.

(2) The January 11, 2021 Deputy Secretary of Defense Memorandums (References (k) and (l)), which implemented Reference (j) and reestablished the DA&M.

b. Update references and organizational symbols, as appropriate.

10. EFFECTIVE DATE. This AI is effective June 7, 2010.



William E. Brazis
Director
Washington Headquarters Services

Enclosures

1. References
 2. Responsibilities
 3. Procedures
- Glossary

ENCLOSURE 1

REFERENCES

- (a) Administrative Instruction 100, “Gifts from Foreign Governments,” February 14, 1997 (hereby cancelled)
- (b) DoD Directive 5110.04, “Washington Headquarters Services (WHS),” March 27, 2013
- (c) DoD Instruction 5025.01, “DoD Issuances Program,” August 1, 2016, as amended
- (d) DoD Directive 1005.13, “Gifts and Decorations from Foreign Governments,” February 19, 2002, as amended
- (e) Section 7342 of title 5, United States Code
- (f) Parts 101-42, 101-45, 101-49, 102-36, 102-41, and 102-42 of title 41, Code of Federal Regulations
- (g) DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014, as amended
- (h) Washington Headquarters Services Memorandum, “Approval of Administrative Changes to ODA&M DoD Issuances,” February 1, 2022
- (i) DoD Directive 5105.53, “Director of Administration and Management (DA&M),” February 26, 2008
- (j) Public Law 116-283, “William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021,” January 1, 2021
- (k) Deputy Secretary of Defense Memorandum, “Re-establishment of the Assistant to the Secretary of Defense for Intelligence Oversight and the Director of Administration and Management,” January 11, 2021
- (l) Deputy Secretary of Defense Memorandum, “Disestablishment of the Chief Management Officer of the DoD and Realignment of Functions and Responsibilities,” January 11, 2021
- (m) DoD Instruction 5240.05, “Technical Surveillance Countermeasures (TSCM),” April 3, 2014, as amended
- (n) Parts 2635 and 2638 of title 5, Code of Federal Regulations
- (o) DoD Manual 1348.33, “Manual of Military Decorations and Awards,” December 21, 2016
- (p) DoD Directive 5124.08, “Deputy Under Secretary of Defense for Personnel and Readiness (DUSD(P&R)),” April 3, 2020
- (q) Director, Defense Facilities Directorate, Guide, “Standard Operating Procedures (SOP) Guide, Disposition of Foreign Gifts – Process,” July 24, 2007¹

¹ Available from the office of the Director, Defense Facilities Directorate.

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, WHS. The Director, WHS, under the authority, direction, and control of the Director for Administration and Management, shall:

a. Oversee implementation of the Foreign Gifts Program for the WHS-Serviced Components in accordance with Reference (d).

b. Advise the Director, Facilities Services Division (FSD), on policy matters pertaining to this AI.

2. DIRECTOR, FSD. The Director, FSD, under the authority, direction, and control of the Director, WHS, shall:

a. Manage the Foreign Gifts Program for the WHS-Serviced Components.

b. Provide for the custody and security of gifts that exceed minimal value pending their purchase from the U.S. Government by the recipient, or their transfer to the General Services Administration (GSA) for disposition in accordance with References (d), (e), and parts 101-45, 101-49, 102-41, and 102-42 of Reference (f).

c. Provide gifts to GSA in accordance with this AI.

d. Obtain commercial appraisals of gifts as necessary to establish their value.

e. Maintain records of gifts that exceed minimal value, as defined in the Glossary, that have been received from foreign governments by civilian employees assigned to the WHS-Serviced Components; prepare reports for GSA and the Department of State as required by References (d) and (e) and parts 101-45, 101-49, 102-41, and 102-42 of Reference (f).

f. Authorize the retention of gifts that exceed minimal value for official use (e.g., for display).

g. Appoint a Property Manager (PM) and alternate PM to serve as the WHS Accountable Property Officers. The PM and alternate PM shall regulate and manage gifts in accordance with DoD Instruction 5240.05; subpart B of part 2635 and part 2368 of title 5, CFR; and DoD Manual 1348.33 (References (m), (n), and (o)).

3. WHS PM. The WHS PM, under the authority, direction, and control of the Director, FSD, shall:

- a. Maintain and update DoD official property records to account for foreign gifts to the WHS-Serviced Components.
- b. Collaborate with and provide guidance and assistance to designated WHS-Serviced Components in processing foreign gifts by assigning barcodes to each item appraised.
- c. Receive and reconcile the physical inventory of foreign gifts in accordance with Reference (d).
- d. Report excess DoD property to GSA for Federal screening and proper disposal.
- e. Establish FSD internal procedures for processing and transferring foreign gifts to GSA.
- f. Process requests for purchase of foreign gifts by submitting Standard Form (SF) 120, "Report of Excess Property," through GSA for approval. (SF 120 is available on the Internet at <https://www.gsa.gov/forms>.)
- g. Track and monitor dispositions of foreign gifts on display and rectify property inventory accounts annually.
- h. Maintain accountability, security, and control of gifts that are not accepted by the recipient and are considered excess property in the DoD vault pending transfer to the GSA vault. Be responsible for the delivery of gifts to GSA, to include all costs associated with such functions.
- i. Investigate and report all lost or damaged DoD property.
- j. Perform inventory audits of foreign gifts on an annual basis or prior to the appointment of a new PM.
- k. Compile a list of all gifts received by employees of the WHS-Serviced Components and transmit such list to the Secretary of State not later than January 31 of each year in accordance with Reference (e).
- l. Abandon and destroy gifts that have no commercial value and/or that cannot otherwise be used by the DoD.
- m. Accept and dispose of firearms received as foreign gifts and report or otherwise make appropriate paperwork available to GSA in accordance with part 101-42 of Reference (f).
 - (1) Coordinate with GSA in offering firearms to Federal agencies, including law enforcement activities.

(2) Obtain GSA authorization for the sale of firearms not required for Federal use to interested recipients. Furnish GSA a certification that such recipients shall comply with all State and local laws regarding purchase and possession of firearms prior to release of such firearm(s) to the purchaser.

(3) Dispose of firearms not transferred to a Federal activity or sold to recipients in accordance with part 102-36 of Reference (f).

4. PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (PDUSD(P&R)). The PDUSD(P&R), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness and in accordance with DoDD 5124.08 (Reference (p)), shall approve or disapprove acceptance by the Heads of the WHS-Serviced Components of gifts that exceed minimal value from foreign governments.

5. DIRECTOR, DEFENSE LEGAL SERVICES AGENCY (DLSA). The Director, DLSA, who also serves as the General Counsel of the Department of Defense, shall report to the Office of the Inspector General cases where employees fail to comply and there is reason to believe an employee has violated the provisions of References (d) and (e).

6. HEADS OF THE WHS-SERVICED COMPONENTS. The Heads of the WHS-Serviced Components shall:

- a. Ensure compliance with this AI and Reference (d).
- b. Establish procedures to ensure that employees are familiar with the requirements and restrictions of this AI and Reference (d).
- c. Coordinate with the WHS PM to determine whether employee acceptance of gifts from foreign governments exceeds minimal value.
- d. Approve or disapprove employee acceptance of gifts that exceed minimal value from foreign governments with the exception that, if the recipient of the gift is the Head of the WHS-Serviced Component, the approval or disapproval determination shall be made by the PDUSD(P&R).
- e. Maintain records of gifts of more than minimal value received by their employees from foreign governments.
- f. Compile a list of all gifts received by their employees from foreign governments and transmit such list to the WHS FSD PM not later than September 30 of each year in accordance with Reference (e).

g. Ensure that gifts from foreign governments are subject to technical surveillance countermeasures as required by Reference (m).

ENCLOSURE 3

PROCEDURES

1. STANDARD OPERATING PROCEDURES. Detailed standard operating procedures for accepting, retaining, and managing gifts are provided separately in the Director, FSD, Guide (Reference (q)).

2. EMPLOYING COMPONENT PROCEDURES. The employing WHS-Serviced Component shall provide the employee the opportunity to receive the benefits of displaying the gift in the recipient's office or in another office within the organization.

3. EMPLOYEE PROCEDURES. Employees shall:
 - a. Not receive gifts exceeding minimal value for personal benefit.

 - b. Deposit gifts of more than minimal value with the employing WHS-Serviced Component within 60 days after accepting them in accordance with Reference (e).

 - c. Accept other gifts of minimal value at official functions when given as souvenirs or marks of courtesy from a foreign government (e.g., plaques or paper certificates) and retain them in accordance with Reference (d).

 - d. Consider one or more gifts received at a single presentation from the same donor as a single gift and use the aggregate value to determine whether or not the gift exceeds minimal value.

 - e. Coordinate with the WHS PM to establish the gift's value. Appraisals shall be used to determine the value of a gift as appropriate.

 - f. Have the right to purchase a gift upon GSA approval.

GLOSSARY

DEFINITIONS

These terms and their definitions are for the purpose of this AI.

abandon and destroy property. Property that has no commercial value and that should be destroyed. No commercial value means that the property, through an agency's determination, has neither utility nor monetary value (either as an item or as scrap), and that the cost, care, handling, and preparation of the property for sale would be greater than the expected sales proceeds (estimated fair market value). Examples include not copyrighted audio, visual, and compact disks and videos; calendars; perishables; and some products from certain countries (i.e. Cuban cigars), alcohol (occasionally), and items broken and unrepairable.

Accountable Property Officers. The individuals appointed by the Director, FSD, to manage and process gifts received by employees of the WHS-Serviced Components.

appraisal. An expert or official valuation of something; to estimate the quality, amount, size, and other features of an item and set a value. The value reflects the current fair market value based on U.S. currency.

barcode. A six-digit numbering system that is attached to a gift for identification and accountability purposes.

decoration. An order, device, medal, badge, insignia, emblem, or award tendered by or received from a foreign government.

domestic gifts. Gifts that are given by U.S. businesses, educational entities, private organizations, or individuals, including individuals acting in their personal capacities.

employee. An employee of a WHS-Serviced Component, as defined in Reference (d); an expert or consultant under contract with a WHS-Serviced Component; members of the Military Services regardless of duty status; the spouses of all such individuals (unless legally separated); and all such individuals' dependents.

employing Component. The WHS-Serviced Component in which an employee is appointed, employed, or enlisted.

excess property. The quantity of property in possession of any WHS-Serviced Component that exceeds the quantity required or authorized for retention by that Component.

foreign government. Any unit of a foreign governmental authority, including any foreign national, state, local, and municipal government; any international or multinational organization whose membership is composed of any unit of foreign government; and any agent or representative of any such unit or organization while acting as such.

foreign non-government gifts. Gifts that are given by foreign businesses, educational entities, private organizations, or individuals, including individuals acting in their personal capacities.

minimal value. The retail value of a gift (based on fair market value) in the United States at the time of acceptance, not in excess of the amount specified by the Administrator, GSA, in Reference (e), which is \$335.00 as of the effective date of this AI.