§ 1050.104 Responsibilities and authorities.

(a) The Director of Administration shall:

(1) Assure that all employees are given access to or a copy of the Act and these regulations;

(2) Maintain liaison with the Department of State and prepare Departmental reports to the Department of State consistent with the Act and these regulations;

(3) Provide advice and assistance on implementation of the act and these regulations, in coordination with the Assistant Secretary for International Affairs (IA) and the appropriate General Counsel;

(4) Collect and maintain for public inspection all employee statements submitted pursuant to these regulations;

(5) Arrange for independent appraisal of the value of gifts or decorations, upon the request of the General Services Administration or the Inspector General (or other appropriate DOE official); and

(6) Accept and maintain custody and make all determinations regarding the use and disposition of all gifts and decorations accepted by employees on behalf of the United States, in coordination with IA, the appropriate General Counsel, and, for gifts to the Secretary, Deputy Secretary or Under Secretary, the appropriate official in the Office of the Secretary.

(b) The Assistant Secretary for International Affairs (IA) shall assist the Directorate of Administration, where appropriate, in making determinations concerning the effects of the proposed acceptance, use, or disposition of a foreign gift or decoration on the foreign relations of the United States.

(c) The appropriate General Counsel shall assist the Directorate of Administration in matters relating to the interpretation and application of the Act, and these and any related regulations, and shall provide counseling and interpretation regarding the Act, and these and any related regulations, to employees.

(d) The Inspector General shall investigate suspected violations of these regulations pursuant to §1050.303 below.

Subpart B—Guidelines for Acceptance of Foreign Gifts or Decorations

§ 1050.201 Policy against accepting foreign gifts or decorations.

(a) The Constitution of the United States, Article I, section 9, clause 8, provides that "* * * no Person holding any Office of Profit or Trust under * * * [the United States], shall, without the consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any * * * foreign State." In the Foreign Gifts and Decorations Act the Congress consented to the acceptance by Federal employees of gifts and decorations with certain constraints and under certain procedures. Acceptance of any gift or decoration not consistent with this Act, the Department of Energy Organization Act, or the regulations in this part is prohibited.

(b) No employee shall request or otherwise encourage the tender of a gift or decoration from a foreign government. No employee shall accept a gift or decoration from a foreign government except as provided in §§1050.202 or 1050.203 of this part and in accordance with the additional procedures set forth in §§1050.204 and 1050.301 of this part.

§ 1050.202 Allowable acceptance of gifts.

(a) An employee may accept and retain gifts from foreign governments where the gift is tendered or received as a souvenir or mark of courtesy, and is of minimal value. Initial responsibility for determining the value of a gift lies with the employee.

(b) Subject to the prior approval requirements described in §1050.204(a) of this part, an employee may accept gifts of more than minimal value, tendered as a souvenir or mark of courtesy, where it appears that refusal of the gift
would likely cause offense or embar-
raiment or otherwise adversely affect
the foreign relations of the United
States. Otherwise, an employee, when
offered a gift of more than minimal
value from a foreign government, other
than a gift designated in paragraph (c)
of this section, should advise the donor
that acceptance of such gifts by the
employee is contrary to the policy of
the United States. If a gift described in
this paragraph is accepted by an em-
ployee and not immediately returned
thereby, it shall be deemed to have
been accepted on behalf of the United
States. Upon acceptance it becomes the
property of the United States. Within
60 days after acceptance by the em-
ployee, the gift shall be deposited with
the Directorate of Administration for
disposal or official Departmental use
as determined by the Directorate of
Administration, in accordance with
§1050.302 of this part, and an appro-
priate statement shall be filed by the
employee in accordance with
§1050.301(a) of this part.
(c) Subject to the prior approval re-
quirements described in §1050.204(a) of
this part, an employee may accept and
retain gifts of more than minimal
value:
(1) Where the gift is in the nature of
an educational scholarship.
(2) Where the gift is in the form of
medical treatment.
An employee accepting a gift pursuant
to this paragraph shall file an appro-
priate statement in accordance with
§1050.301(a) of this part.
(d) An employee may accept gifts
(whether or not of minimal value) of
travel or expenses for travel (such as
transportation, food, lodging, or enter-
tainment) taking place entirely out-
side of the United States where the
provision of such travel or expenses is
in accordance with diplomatic custom
or treaty and where the Head of the
employee’s Office grants prior written
approval. A spouse or dependent may
accept gifts of travel or travel expenses
when accompanying the employee, pro-
vided this is done with the prior writ-
ten approval of the Head of the employ-
ee’s Office. The Head of the employee’s
Office shall consult with the appro-
priate General Counsel in connection
with granting approval under this
paragraph. Travel or expenses for trav-
el may not be accepted merely for the
personal benefit, pleasure, enjoyment,
or financial enrichment of the indi-
vidual involved. An appropriate state-
ment shall be filed in accordance with
§1050.301(b) of this part. When any por-
tion of the travel (such as the origina-
tion or termination of a flight) is with-
in the United States, it may not be
paid for by a foreign government, ex-
cept as set forth in paragraph (e) of
this section.
(e) Pursuant to section 652 of the
DOE Organization Act, an employee
may accept gifts from the Inter-
national Atomic Energy Agency or
other energy-related international or-
ganizations (e.g., the Nuclear Energy
Agency and the International Energy
Agency) covering transportation ex-
penses to or from a foreign country in
connection with scientific or technical
assistance projects of such agencies for
which the Department of Energy has
lead U.S. Government agency responsi-
bility. Such gifts may be accepted only
with the prior written approval of the
Head of the employee’s Office, who is
hereby delegated authority to accept
such gifts in accordance with section 652.
§1050.203 Acceptance of decorations.
(a) An employee may accept, retain
and wear a decoration tendered by a
foreign government in recognition of
active field service in time of combat
operations or awarded for other out-
standing or unusually meritorious per-
formance.
(b) Acceptance of a decoration in ac-
cordance with paragraph (a) of this sec-
tion shall be reviewed and approved by
the Directorate of Administration in
accordance with §1050.204 of this part.
Otherwise, it will be deemed to have
been accepted on behalf of the United
States, shall become the property of
the United States, and shall be depos-
ited, within 60 days of acceptance, with
the Directorate of Administration for
disposal or official Departmental use
as determined by the Directorate of
Administration in accordance with
§1050.302 of this part.