

FACT SHEET

SUBJECT: Gifts to Superior Officers

1. PURPOSE. To provide guidance with regard to the presentation to and receipt of gifts by DA personnel.

2. FACTS.

a. Generally, senior officers or their immediate family members may not accept a gift or donation from subordinate Department of Defense (DoD) personnel. However, an exception to this policy permits receipt of truly voluntary gifts or contributions of minimal value on "special occasions" such as transfer out of the command or retirement. Any gifts acquired with such contributions must not exceed a nominal value.

b. Gifts of nominal value are those of a sentimental nature, with little or not intrinsic value to anyone other than the recipient. Intrinsic value is determined by the nature of the gift. While inexpensive plaques or trays normally would be permissible, items such as pistols, shotguns, coffee tables, or silver service sets would be improper. The retail value (i.e., commercial replacement cost) of any such gift should not exceed \$300.

c. Whether a gift or individual contribution is truly voluntary depends upon the facts involved. Establishing quotas and using senior unit members to collect money should be avoided. Soldiers must be free not to contribute.

d. Efforts to circumvent these restrictions by arranging for expensive gifts to be presented to senior officers or their family members by non-DoD organizations, such as a wives club, should not be allowed. They violate the spirit of the rule and leave the Army and the recipient open to serious adverse publicity.

3. POC is the Administrative Law Division at 4-7414/4668.

VINCENT C. NEALEY
Chief, Administrative Law Division

FACT SHEET

SUBJECT: Change-of-Command, Retirement, and PCS Gifts

1. PURPOSE. To inform leaders of guidelines on giving gifts to superiors departing due to a change-of-command, retirement, or PCS move.

2. FACTS.

a. Gifts from subordinates to superiors on special, infrequent occasions that sever the senior-subordinate relationship, such as change-of-command, retirement, or a PCS move, are permissible.

(1) Gifts should not be of a market value greater than \$300 and must be appropriate to the occasion. Gifts do not have to be merely ornamental or sentimental such as knickknacks or plaques.

(2) Contributions should be no more than \$10 per person. Personnel can solicit voluntary donations from others one-on-one or by a general announcement, but there can be no pressure or coercion. Personnel collecting for the gift should be junior to the contributors.

(3) If any individual contributes to two different gifts to the same departing superior, the total value of the two gifts is not to exceed \$300. For example, if a platoon leader contributes to the company gift as well as the officers' gift to an outgoing battalion commander, those two gifts must add up to no more than \$300.

b. The restrictions listed above also apply to gifts from a subordinate to a superior on special, infrequent occasions of a personal significance, such as marriage or the birth of a child.

3. POC is the Administrative Law Division at 4-7414/4668.

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