



DEPARTMENT OF DEFENSE
Defense Contract Management Agency

INSTRUCTION

Foreign Government Gifts and Decorations

Office of the General Counsel
OPR: DCMA-GC

DCMA-INST 903
December 17, 2013
Validated Current, 1 June 2015

1. PURPOSE. This Instruction:

- a. Supersedes DCMA Instruction (DCMA-INST) 903, "Foreign Government Gifts and Decorations" (Reference (a)).
- b. Provides guidance and establishes procedures governing the acceptance, retention and/or disposition of gifts and decorations from foreign governments.
- c. Is established in compliance with DoD Directive (DoDD) 5105.64, "Defense Contract Management Agency (DCMA)," (Reference (b))

2. APPLICABILITY. This Instruction applies to all DCMA activities.

3. MANAGERS' INTERNAL CONTROL PROGRAM. In accordance with DCMA-INST 710, "Managers' Internal Control Program" (Reference (c)), this Instruction is subject to evaluation and testing. The process flow is located at Appendix A.

4. RELEASABILITY – UNLIMITED. This Instruction is approved for public release.

5. PLAS CODE. 223B - Personnel Management

6. POLICY RESOURCE WEB PAGE. <https://home.dcma.mil/POLICY/903r>

7. EFFECTIVE DATE. By order of the Director, DCMA, this Instruction is effective December 17, 2013, and all applicable activities shall be fully compliant within 60 days from this date.


Sharron J. Philo
General Counsel

TABLE OF CONTENTS

REFERENCES.....3

CHAPTER 1 – POLICY

 1.1. Policy4

CHAPTER 2 – ROLES AND RESPONSIBILITIES

 2.1. General Counsel.....5

 2.2. Employees.....5

 2.3. Component Heads, Center Directors, Regional Commanders/Directors
 and CMO Commanders/Directors6

CHAPTER 3 – PROCEDURES

 3.1. DoD Guidance7

APPENDIX

 Appendix A. Flowchart8

GLOSSARY

 Acronyms10

REFERENCES

- (a) DCMA-INST 903, "Foreign Government Gifts and Decorations," September 2004 (hereby canceled)
- (b) DoDD 5105.64, "Defense Contract Management Agency (DCMA)," January 10, 2013
- (c) DCMA-INST 710, "Managers' Internal Control Program," September 12, 2011
- (d) DoDD 1005.13, "Gifts and Decorations from Foreign Governments." November 21, 2003
- (e) Section 7342 of title 5, United States Code, Receipt and Disposition of Foreign Gifts and Decorations, January 4, 2011
- (fdf) DCMA-INST 809, "Records Management," May 1, 2009
- (g) DoD 5500.07-R, "Joint Ethics Regulation," November 17, 2011

CHAPTER 1

POLICY

1.1. POLICY.

1.1.1. No DCMA employee may request, or otherwise encourage, the offer of a gift or decoration from a foreign government. A gift is anything of value including but not limited to food, travel, and lodging.

1.1.2. DCMA employees may accept gifts and decorations from foreign governments under limited authorized circumstances, after getting agency approval.

1.1.3. 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 (e.g., plaques or paper certificates) may be accepted and retained by the recipient.

1.1.4. Decorations from a foreign government awarded for outstanding or unusually meritorious performance may be accepted and retained by the recipient only when approved in advance by the Director, DCMA in coordination with the Office of General Counsel, DCMA (OGC). Decorations accepted without meeting these conditions are deemed to have been accepted on behalf of the United States Government.

1.1.5. Specific guidance in regard to accepting gifts and decorations from foreign governments is set forth in DoDD 1005.13, "Gifts and Decorations from Foreign Governments" (Reference (d)) which may be found on the resource page of this Instruction.

CHAPTER 2

ROLES AND RESPONSIBILITIES

2.1. GENERAL COUNSEL.

2.1.1. The Director, DCMA hereby designates the General Counsel as the official responsible for establishing procedures to familiarize employees with the requirements and restrictions of this policy and DoDD 1005.13 (Reference (d)).

2.1.2. The OGC shall maintain records, report as required, and ensure compliance with DoDD 1005.13 (Reference (d)).

2.1.3. In accordance with DoDD 1005.13 (Reference (d)), OGC shall maintain and compile records and submit reports as required of gifts of more than minimal value or decorations received by agency employees from foreign governments. Minimal value is the retail value in the United States at the time of acceptance not in excess of the amount specified by the Administrator of General Services under section 7342 of title 5, United States Code (Reference (e)) (currently \$350, link found on the resource page of this Instruction).

2.2. EMPLOYEES.

2.2.1. When an employee is tendered a foreign decoration, the employee must notify their Component Head, Center Director, Regional Commander/Director, or Contract Management Office (CMO) Commander/Director immediately and request approval to accept that decoration. Employees are responsible to provide the following information:

- Title of the decoration
- When, where, and by whom it was presented
- Statement of the service for which the decoration was awarded
- Copy of the citation

2.2.2. When an employee accepts a gift from a foreign government, the employee must notify their Component Head, Center Director, Regional Commander/Director, or CMO Commander/Director immediately. Employees are responsible to provide the following information:

- Name and position of the employee
- A brief description of the gift
- Identity of the foreign government
- Name and position of the individual who presented the gift
- Date of acceptance of the gift
- Estimated value in the United States of the gift at the time of acceptance
- If the gift is tangible, and its current location

2.2.3. Before accepting a gift of travel expenses from a foreign government, the employee will obtain the approval of their Component Head, Center Director, Regional Commander/Director, or CMO Commander/Director.

2.3. COMPONENT HEADS, CENTER DIRECTORS, REGIONAL COMMANDERS/DIRECTORS, AND CMO COMMANDERS/DIRECTORS.

2.3.1. The Component Heads, Center Directors, Regional Commanders/Directors, and CMO Commanders/Directors must, in coordination with assigned legal counsel, make determinations for their activities concerning the receipt and disposition of gifts and decorations from foreign governments. Headquarters Component Heads and Center Directors, in coordination with the OGC, will make determinations for their activities concerning the receipt and disposition of gifts and decorations from foreign governments.

2.3.2. Agency officials who determine to retain gifts shall submit reports through OGC as required by DoDD 1005.13 (Reference (d)). Records shall be maintained in accordance with DCMA-INST 809, "Records Management" (Reference (f)). Agency officials are responsible to provide:

- Name and position of the employee
- Brief description of the gift
- Identity of the foreign government
- Name and position of the individual who presented the gift
- Date of acceptance of the gift
- Estimated value in the United States of the gift at the time of acceptance
- If the gift is tangible
- The gift's current location

2.3.3. Agency officials who determine to retain decorations shall submit reports through OGC as required by DoDD 1005.13 (Reference (d)). Records shall be maintained in accordance with DCMA-INST 809 (Reference (f)). Agency officials are responsible to provide:

- Title of the decoration
- When, where, and by whom it was presented
- A statement of the service for which the decoration was awarded
- A copy of the citation

CHAPTER 3

PROCEDURES

3.1. DoD GUIDANCE.

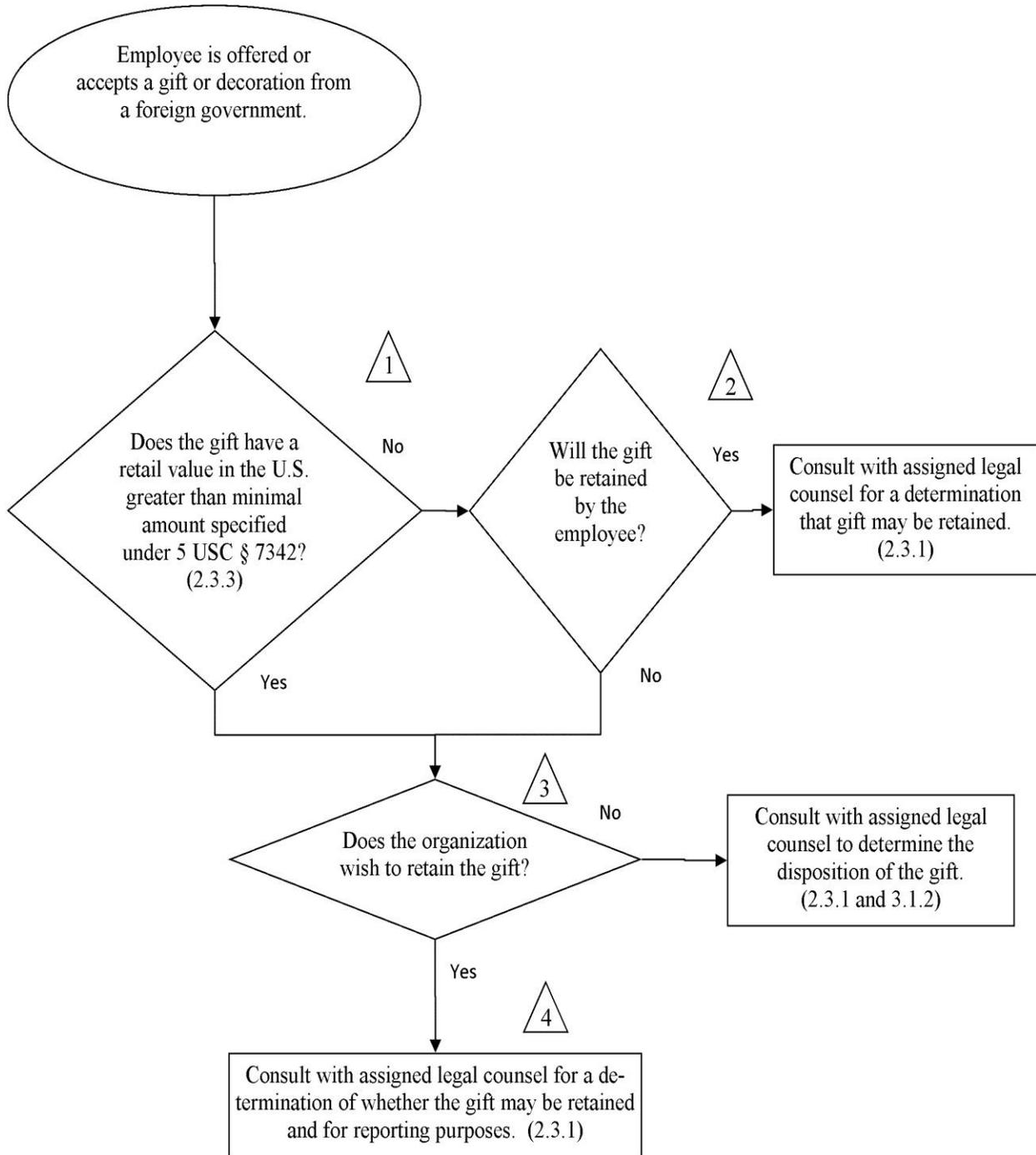
3.1.1. Follow DoDD 1005.13 (Reference (d)) for guidance on gifts and decorations received from foreign governments or their instrumentalities.

3.1.2. Follow DoD guidance pertaining to gifts received from other foreign sources found in DoD 5500.07-R, “Joint Ethics Regulation” (Reference (g)) (link found on resource page of this Instruction).

3.1.3. Follow DoD guidance pertaining to gifts received from other sources as provided in DoD 5500.07-R (Reference (g)).

APPENDIX A

FLOWCHART AND RISK CONTROL TABLE



RISK CONTROL TABLE

Control Key No.	Functional Area (Paragraph)	Risk/Vulnerability	Possible Key Controls
1-4	2.3	Improper retention/disposition of foreign gift may expose Agency/employee to liability.	OGC review and determination

ACRONYMS

CMO	Contract Management Office
DCMA-INST	DCMA Instruction
DoDD	DoD Directive
OGC	DCMA Office of General Counsel
OPR	office of primary responsibility
PLAS	Performance Labor Accounting System
USC	United States Code