

## Federal Management Regulation

## § 102-42.10

- 102-42.90 What is the requirement for reporting gifts or decorations that were retained for official use but are no longer needed?
- 102-42.95 How do we report gifts and decorations as excess personal property?
- 102-42.100 How can we obtain an excess gift or decoration from another agency?
- 102-42.105 What special information must be included on the transfer request (SF 122)?
- 102-42.110 How must we justify a transfer request?
- 102-42.115 What must we do when the transferred gifts and decorations are no longer required for official use?

### Subpart C—Donation of Foreign Gifts and Decorations

- 102-42.120 When may gifts or decorations be donated to State agencies?
- 102-42.125 How is donation of gifts or decorations accomplished?
- 102-42.130 Are there special requirements for the donation of gifts and decorations?

### Subpart D—Sale or Destruction of Foreign Gifts and Decorations

- 102-42.135 Whose approval must be obtained before a foreign gift or decoration is offered for public sale?
- 102-42.140 How is a sale of a foreign gift or decoration to an employee conducted?
- 102-42.145 When is public sale of a foreign gift or decoration authorized?
- 102-42.150 What happens to proceeds from sales?
- 102-42.155 Can foreign gifts or decorations be destroyed?

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); sec. 515, 91 Stat. 862 (5 U.S.C. 7342).

SOURCE: 65 FR 45539, July 24, 2000, unless otherwise noted.

### Subpart A—General Provisions

#### § 102-42.5 What does this part cover?

This part covers the acceptance, utilization, donation, and disposal of gifts and decorations from foreign governments under 5 U.S.C. 7342. If you receive gifts other than from a foreign government you should refer to §102-36.405.

#### DEFINITIONS

#### § 102-42.10 What definitions apply to this part?

The following definitions apply to this part:

*Decoration* means an order, device, medal, badge, insignia, emblem, or award offered by or received from a foreign government.

#### *Employee means:*

(1) An employee as defined by 5 U.S.C. 2105 and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

(2) An expert or consultant who is under contract under 5 U.S.C. 3109 with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under that section, any individual involved in the performance of such services;

(3) An individual employed by or occupying an office or position in the government of a territory or possession of the United States or the government of the District of Columbia;

(4) A member of a uniformed service as specified in 10 U.S.C 101;

(5) The President and the Vice President;

(6) A Member of Congress as defined by 5 U.S.C. 2106 (except the Vice President) and any Delegate to the Congress; and

(7) The spouse of an individual described in paragraphs (1) through (6) of this definition of *employee* (unless this individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152)) of this individual, other than a spouse or dependent who is an employee under paragraphs (1) through (6) of this definition of *employee*.

#### *Employing agency means:*

(1) The department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees;

(2) The Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in 5 U.S.C. 7342(c)(2)(A), (e)(1), and (g)(2)(B) must be carried out by the Clerk of the House;

(3) The Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that