

Department of Energy

§ 1050.401

Department until GSA directs it concerning their disposition. At the request of GSA, the Directorate of Administration shall arrange for appraisal of specific gifts and decorations.

§ 1050.303 Enforcement.

(a) An employee who violates the provisions of the Act or these regulations may be subject to disciplinary action or civil penalty action as set forth in paragraphs (c) and (d) of this section.

(b) Suspected violations of the Act or these regulations shall be reported promptly to the appropriate General Counsel and the Inspector General.

(c) The Inspector General will be responsible for taking the following actions:

(1) If the results of an investigation by the Inspector General do not provide any support for a determination that a violation of the Act or these regulations has occurred, then no further action shall be taken.

(2) If it is determined that the employee knowingly and through actions within his own control has done any of the following, the matter shall be referred to the Attorney General for appropriate action:

(i) Solicited or accepted a gift from a foreign government in a manner inconsistent with the provisions of the Act and these regulations;

(ii) As the approved recipient of travel expenses failed to follow the procedures set forth in the Act and these regulations; or

(iii) Failed to deposit or report a gift as required by the Act and these regulations.

(3) If it is determined that the employee failed to deposit a tangible gift

with the Directorate of Administration within 60 days, or to account properly for acceptance of travel expenses, or to comply with the requirements of these regulations relating to the disposal of gifts and decorations retained for official use, but that the criteria of knowledge and control specified in paragraph (c)(2) of this section for referral to the Attorney General have not been met, then the matter shall be referred by the Inspector General to appropriate Departmental officials for administrative action.

(d) As set forth in section 7342(h) of title 5, United States Code, the Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by the Act, or who fails to deposit or report such gift as required by the Act. The court in which such action is brought may assess a civil penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,500.

[45 FR 53972, Aug. 13, 1980, as amended at 62 FR 46184, Sept. 2, 1997]

Subpart D—Gifts to Foreign Individuals

§ 1050.401 Prohibition against use of appropriated funds.

No appropriated funds other than funds from the "Emergencies in the Diplomatic and Consular Service" account of the Department of State may be used to purchase any tangible gift of more than minimal value for any foreign individual unless such gift has been approved by the Congress.

[59 FR 44896, Aug. 31, 1994]

APPENDIX I TO PART 1050—DOE FORM 3735.2—FOREIGN GIFTS STATEMENT

DOE F 3735.2
(6-80)

U.S. DEPARTMENT OF ENERGY
FOREIGN GIFTS STATEMENT
(Statement Concerning Gifts
Received from a Foreign Government)

APPENDIX I

1. Name of Employee		2. Date	
3. Division		4. Position	
5. Name of Recipient		6. Relationship to Employee	
7. Description of Gift			
8. Date of Acceptance		9. Value of Gift	
10. Circumstances Justifying Acceptance of the Gift			
11. Foreign Government Donor			
12a. Name of Individual Presenting Gift		12b. Position of Individual Presenting Gift	
13. Do you wish to participate in the sale of this item if it is sold by GSA? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Signature of Recipient		Date	

Department of Energy

Pt. 1050, App. I

STATEMENT CONCERNING GIFTS RECEIVED
FROM A FOREIGN GOVERNMENT

- Item 1. This statement is to be filed pursuant to the provisions of the Foreign Gifts and Decorations Act (5 U.S.C. 7342, as amended by Pub. L. 95-105, August 17, 1977) and DOE implementing regulations at 10 CFR part 1050. These provisions apply to foreign gifts tendered to or accepted by Federal employees *and* their spouses and dependents. The name of the employee should always be indicated in item 1; if the employee is the recipient of the gift then items 5 and 6 should be marked N/A-not applicable; if the recipient is a spouse or dependent, then the appropriate information should be included in items 5 and 6.
- Item 2. Self explanatory.
- Items 3 and 4. The Office or Division and the position of the employee should be indicated here regardless of whether the recipient is the employee or a spouse or dependent.
- Items 5 and 6. See above, Item 1.
- Item 7. Self explanatory.
- Item 8. Self explanatory.
- Item 9. Indicate the retail value in the United States at the time of acceptance. If there is any uncertainty as to the value of the gift, it is the recipient's responsibility to make a reasonable effort to determine value. If the value is \$100 or under, and if the aggregate value of the gifts accepted by the recipient from all sources over any period of one year does not exceed \$250, then the gift may be retained by the recipient and this Statement need not be submitted.
- Item 10. Identify in this item whether or not approval to accept the gift was sought or given in advance in accordance with §1050.204 of the DOE regulations. Also identify those circumstances supporting a determination that refusal of the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.
- Items 11 and 12. Self explanatory.
- Item 13. Though there is no assurance that the item will be sold or if it is sold that it will be feasible for the recipient to participate in the sale, GSA regulations provide for participation by the recipient where feasible.

APPENDIX II TO PART 1050—DOE FORM 3735.3—FOREIGN TRAVEL STATEMENT

DOE F 3735.3
(8-80)

U.S. DEPARTMENT OF ENERGY
FOREIGN TRAVEL STATEMENT

APPENDIX II

(Statement Concerning Acceptance of Travel or Travel Expenses from a Foreign Government)

1. Name of Employee		2. Date	
3. Division		4. Position	
5. Name of Recipient		6. Relationship to Employee	
7a. Description of Transportation Provided:		7b. Description of Other Travel Expenses Provided:	
Approximate Value <input type="text"/>		Approximate Value \$ <input type="text"/>	
8. Date of Acceptance		9. Total Value of Transportation and Expenses Provided \$ <input type="text"/>	
10. Nature of Employee's Official Business Related to Travel:			
11. Circumstances Justifying Acceptance:			
12. Foreign Government Donor			
13a. Name of Individual Responsible for Payment of Travel or Travel Expenses		13b. Position of Individual Responsible	
Signature of Recipient			

Department of Energy

§ 1060.101

STATEMENT CONCERNING ACCEPTANCE OF TRAVEL OR TRAVEL EXPENSES FROM A FOREIGN GOVERNMENT

- Item 1. This statement is to be filed pursuant to the provisions of the Foreign Gifts and Decorations Act (5 U.S.C. 7342, as amended by Pub. L. 95-105, August 17, 1977) and DOE implementing regulations at 10 CFR part 1050. These provisions apply to travel or travel expenses for travel *entirely outside* of the United States¹ tendered to or accepted by Federal employees and their spouses and dependents. The name of the employee should always be indicated in item 1; if the employee is the recipient of the travel or travel expenses, then items 5 and 6 should be marked N/A-not applicable; if the recipient is a spouse or dependent, then the appropriate information should be included in items 5 and 6.
- Item 2. Self explanatory.
- Items 3 and 4. The Office or Division of the employee should be indicated here regardless of whether the recipient is the employee or a spouse or dependent.
- Items 5 and 6. See above, Item 1.
- Item 7a. Indicate the location and mode of transportation and approximate value in U.S. dollars, if possible. Attach itinerary if available.
- Item 7b. Indicate nature and location of travel expenses provided and approximate value in U.S. dollars, if possible. Attach itinerary if available.
- Item 8. Indicate dates of travel.
- Item 9. Self explanatory.
- Item 10. Travel and travel expenses may be accepted in accordance with DOE regulations where the travel is official agency business. Spouses and dependents may accept such travel and expenses only when accompanying the employee. Item 10 therefore should be completed to identify the *employee's* official business whether the recipient is an employee or a spouse or dependent.
- Item 11. Identify in this item any treaty or diplomatic custom that related to acceptance of the travel or expenses, and any circumstances indicating that acceptance would be consistent with the interests of the U.S. Also provide information regarding any prior approval of the acceptance.
- Items 12, 13a, and 13b. Self explanatory.

¹The Congress has consented in Pub. L. 95-105 only to acceptance of travel or travel expenses that is *entirely outside* of the United States. Travel, *any portion* of which (such as the origination or termination of a flight) is within the United States, may not be paid for by a foreign government. All such travel must be handled within applicable DOE Travel Regulations and Standards of Conduct Regulations.

PART 1060—PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

- Sec.
- 1060.101 Persons who may be paid.
- 1060.201 Relatives, contractors, and assistance award recipients.
- 1060.301 Government employees.
- 1060.401 Applicability of internal DOE rules.
- 1060.501 Definitions.

AUTHORITY: Sec. 644, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254).

SOURCE: 46 FR 35631, July 10, 1981, unless otherwise noted.

§ 1060.101 Persons who may be paid.

(a) Payment may not be authorized or approved for transportation, lodging, subsistence, or other travel expenses from DOE funds to, or on behalf

of, a person who is not a Government employee unless such payment is made—

(1) Pursuant to an invitation received by that person from the Department to confer with a DOE employee on matters essential to the advancement of DOE programs or objectives and (i) in the case of a person invited to confer at the post of duty of the conferring DOE employee, a designated official has approved and stated the reasons for the invitation in writing, or (ii) in the case of a person invited to confer at a place other than the post duty of the conferring DOE employee, a principal departmental official has approved and stated the reasons for the invitation in writing;

(2) Pursuant to an invitation for an interview to a prospective employee of the Department who is an applicant for