

BEST COPY

AVAILABLE

ILLEGIB

Approved For Release 2004/05/13 : CIA-RDP91-00965R000400200001-4

Approved For Release 2004/05/13 : CIA-RDP91-00965R000400200001-4

FOREIGN GIFTS AND DECORATIONS ACT OF 1959

AN ACT

To grant the consent and approval of Congress to the acceptance of certain gifts and decorations from foreign governments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. This Act may be cited as the "Foreign Gifts and Decorations Act of 1959".

Sec. 2. In this Act --

(a) "Person" means any person who is appointed to a position in the executive branch of the Government of the United States, its Territories and possessions, the Canal Zone Government, and the District of Columbia, including any department, agency, or establishment thereof, or is a member of the armed forces.

(b) "Foreign government" means any foreign government or any official, agent, or representative thereof.

(c) "Gift" means any gift or present to a person tendered by or received from a foreign government.

(d) "Decoration" means any decoration, order, or medal tendered by or received from a foreign government.

Sec. 3.

-2-

Sec. 3. (a) No person shall request or otherwise encourage the tender of a gift or decoration. No person shall receive a gift or decoration (other than a decoration tendered in recognition of active field service in times of combat operations or of personal heroism) except under circumstances where refusal or return thereof would be likely to cause offense or embarrassment that would adversely affect the foreign relations of the United States.

(b) In the event that a gift or decoration is tendered to a person under circumstances indicating an intent to influence him in the performance of his duties, he shall promptly report the relevant facts to the Secretary of State. If the gift or decoration has been received, it shall be promptly deposited with the Secretary of State or an official designated by him. The Secretary of State may direct that it be returned to the donor or may cause it to be disposed of under Section 9.

Sec. 4. (a) Except as provided in Section 4(b), any person receiving a gift shall promptly deposit it with the Secretary of State or an official designated by him.

(b) If a person promptly reports receipt of a gift to his superior officer, and if that officer determines that the circumstances justified receipt of the gift in accordance with the provisions of Section 3(a) and that the
gift

gift is of no substantial intrinsic or resale value, the person may retain and need not deposit the gift. The superior officer shall report to the head of his department or agency or his designee any determination that the recipient may retain the gift.

Sec. 5. (a) Except as provided in Section 5(b), any person receiving a decoration shall promptly deposit it with the Secretary of State or an official designated by him.

(b) If a person promptly reports receipt of a decoration to the head of his department or agency or his designee, and that officer determines that the decoration was tendered in recognition of active field service in times of combat operations or of personal heroism and that there is no objection to the retention of the decoration by the recipient, the person may retain and need not deposit the decoration.

Sec. 6. (a) The Secretary of State shall establish a Gifts and Decorations Board which shall be composed of a representative of the Department of State, who shall be chairman, and of one representative each from the Departments of Agriculture, Commerce, and Defense, the International Cooperation Administration, and the United States Information Agency, designated, respectively, by the heads of such departments and agencies. The Chairman may request the head

of

-4-

of any other Government department or agency to designate a representative to serve as a member of the Board whenever a gift deposited by a person within that department or agency is under consideration. Members of the Board shall serve without additional compensation.

(b) If a person deposits a gift or decoration under the provisions of Section 4 or 5 of this Act, and if the Gifts and Decorations Board determines that there is no objection to retention of the gift or decoration, it may be returned to him or his legal representative; Provided, That no gift or decoration shall be returned before the end of 60 calendar days immediately following the report of such determination required by Section 7.

(c) The Secretary of State shall establish procedures for the Gifts and Decorations Board and standards for its guidance in making determinations under Section 6(b). Such standards shall include, but need not be limited to, the following --

- (1) the circumstances justified receipt of the gift or decoration in accordance with the provisions of Section 3(a);
- (2) the gift or decoration cannot reasonably be expected to influence the recipient in the

performance

-5-

performance of his duties; and

- (3) the gift or decoration cannot be considered to constitute payment to the recipient for performance of his duties.

Sec. 7. The Secretary of State shall transmit to Congress at the beginning of each regular session a report of all determinations made by the Board under Section 6(b) since the prior report. The report shall include with respect to each gift or decoration -- the name of the recipient, the department or agency with which he is associated, the foreign government tendering the gift or decoration, a description of the gift and its approximate value, the name of the decoration, and the reason, if known, for which the gift or decoration was tendered.

Sec. 8. Any decoration retained by a person under Section 5(b) of this Act or returned to a person under Section 6(b) of this Act may be worn or displayed.

Sec. 9. If a gift has been deposited and the Gifts and Decorations Board has determined that there is an objection to its retention by the recipient or his legal representative, the gift shall be considered to have been accepted on behalf of the United States. The Secretary of State may thereafter, in his discretion, and notwithstanding the provisions of any other law, --

- (a) authorize retention of the gift for the use of a
department

-6-

department or agency of the Government of the United States, as may be appropriate, or

(b) authorize disposition of the gift and payment of the proceeds, if any, less the expenses of disposition, into the Treasury of the United States.

Sec. 10. Any gift or decoration in the custody of the Secretary of State on the effective date of this Act shall be treated as if deposited with the Secretary of State under the provisions of Sections 4 and 5 of this Act, as appropriate.

Sec. 11. Rules and regulations to carry out the purposes of this Act may be prescribed by or under the authority of the President.

Sec. 12. (a) Section 3 of the Act of January 31, 1881, 21 Stat. 604 (5 U.S.C. 115) is amended by striking out the word "Any" at the beginning of the section and substituting the words "Except as otherwise provided by the Foreign Gifts and Decorations Act of 1959, any".

(b) Section 1002 of the Foreign Service Act of 1946, 60 Stat. 1030, as amended, (22 U.S.C. 804) is amended by striking out the word "An" at the beginning of the section and substituting the words "Except as otherwise provided by the Foreign Gifts and Decorations Act of 1959, an".

(c) Section 602(d) of the Federal Property and

Administrative

-7-

Administrative Services Act of 1949, 63 Stat. 402, as amended, (40 U.S.C. 474) is amended by deleting the semicolon at the end of paragraph (7), substituting a comma, and adding thereafter the words "and the Foreign Gifts and Decorations Act of 1959".

State - FD, Wash., D.C.