



DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY CADET COMMAND AND FORT KNOX
50 THIRD AVENUE, SUITE 229
FORT KNOX, KENTUCKY 40121-5230

ATCC-JA

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Information Paper: Presentation of Clothing Items or Other Gifts During School Visits

1. We have reviewed several recent gifts involving the presentation of ROTC-themed clothing during USACC school visits. As a general rule, visiting senior officials may not accept such gifts due to the Joint Ethics Regulation and TRADOC regulations. This prohibition applies to cadre gifts, cadet gifts, Army marketing items, and normally covers school-funded gifts as well.
2. Cadre/Cadet Gifts. Under 5 C.F.R. § 2635.302(a), an officer may not accept a gift from a subordinate unless the donor and recipient have a personal relationship and are not in an official superior-subordinate relationship. An exception permits acceptance of unsolicited gifts may be given on an occasional basis (not routine), for items with an aggregate value of \$10 or less per occasion. Despite this exception, we strongly recommend that routine gifts of even a nominal value be discouraged for visiting headquarters personnel from USACC or their Brigade.
- 3.. Army Marketing Items. Marketing items are funded with Army O&M dollars and are intended for prospects, COIs, and other targets of the Army's recruiting efforts. The use of Army marketing apparel as presentation items for visiting senior officers is not authorized.
4. TRADOC GO Visits. TRADOC Regulation 27-4, Para 2-5 states that "TRADOC general officers often visit and conduct official business at TRADOC commands, centers, schools and activities to which they are not assigned. Periodically, visited commands present gifts to these general officers after the speeches, luncheons or other official ceremonies. Due to the large number of these visits, gifts for these visiting officers, regardless of value, should not be presented." The underlying purpose of this policy is to avoid placing general officers and senior leaders in conflict with the ethics rules concerning gift acceptance.
5. University Gifts. There may be university or college gift presentations that come from college officials or alumni and not from Army personnel. A visiting officer may generally also not accept a gift from a prohibited source or a gift offered because of the officer's official position. 5 C.F.R. § 2635.202(a). Universities hosting ROTC programs are considered prohibited sources because the Army has an official relationship with the school and monitors the school's compliance with the 918A agreement between the parties. Under 5 C.F.R. § 2635.204(a), an exception permits retention of unsolicited gifts with a market value of \$20 or less per occasion, with an annual cap of \$50 from the source. Another exception covers "gifts of little intrinsic value" (5 C.F.R. §2635.204(b)(2)). This exception applies to gifts that have no utilitarian value and are solely given for presentation, such as coins, plaques or similar items. OSJA will work with the PMS and the receiving official to review these gift situations.

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6. Corrective Actions. We recognize that gifts from university or other non-federal officials are often difficult to reject due to decorum and protocol. Personal gifts from cadre or cadets, however, should be discouraged in advance of any school trips by visiting superiors. Hosting Brigades or PMSs must help with ensuring awareness of these rules across the Command in advance of the senior official visit. With respect to marketing items, use of such items as senior official presentation items are also clearly prohibited.
7. Direct questions to me or the Administrative Law Division at 502-624-7414.

JAMES A. BAGWELL
Staff Judge Advocate