

Below is the general rule from the DoD Joint Ethics Regulation (JER) , DoD 5500.7-R, section 2-203 on gifts to superiors, which establishes the \$300 total gift limit and the \$10.00 maximum individual donation from subordinates. Following that is the exception to exceed \$300.00 for special infrequent occasions, which was issued by DoD in 1997, (DOD SOCO Advisory 97-02), but has yet to be incorporated as a change to the JER. Bottom line: A gift in excess of \$300.00 is permissible if it is uniquely linked to his tour of duty. The exception was made so that SecDef Perry could be given his office chair. The exception probably would not apply to something like golf clubs.

Section 2-203.

"a. Gifts From a Group That Includes a Subordinate. Regardless of the number of DoD employees contributing to a gift or gifts on a special, infrequent occasion as permitted by 5 C.F.R. 2635.304(c)(1) (reference (a)) in subsection 2-100 of this Regulation, a DoD employee may not accept a gift or gifts from a donating group if the market value exceeds an aggregate of \$300 and if the DoD employee knows or has reason to know that any member of the donating group is his subordinate.

(1) The cost of items excluded from the definition of a gift by 5 C.F.R. 2635.203(b), (reference (a)) in subsection 2-100 of this Regulation, and the cost of food, refreshments and entertainment provided to the DoD employee and his personal guests to mark the occasion for which the gift is given shall not be included in determining whether the value of a gift or gifts exceeds the \$300 aggregate limit.

(2) The value of a gift or gifts from two or more donating groups shall be aggregated and shall be considered to be from a single donating group if the DoD employee offered the gift knows or has reason to know that an individual who is his subordinate is a member of more than one of the donating groups.

b. Voluntary Contribution. For purposes of 5 C.F.R. 2635.304(c)(1), (reference (a)) in subsection 2-100 of this Regulation, the nominal amount of a voluntary contribution that a DoD employee may solicit from another DoD employee for a group gift to the contributing DoD employee's superior for any special, infrequent occasion shall not exceed \$10. A voluntary contribution of a nominal amount for food, refreshments and entertainment for the superior, the personal guests of the superior and other attendees at an event to mark the occasion for which a group gift is given may be solicited as a separate, voluntary contribution not subject to the \$10 limit."

DoD Standards of Conduct Advisory 97-02:

"On January 3, the Deputy Secretary of Defense approved a change to section 2-203(a) of DoD 5500.7-R, Joint Ethics Regulation. The amended regulation permits groups of employees to give gifts exceeding \$300 in value to superiors on special, infrequent occasions that terminate the superior-subordinate relationship if the gifts are appropriate to the occasion and are uniquely linked to the departing employee's position or tour of duty, and commemorate the same. The change became effective on January 3, and will be included in next change to the JER. In the meantime, please add the following provision to all copies of your JER.

Add the following new subsection after section 2-203(a)(2):

(3) Notwithstanding the \$300 limitation of section 2-203 of this regulation, gifts from a group that includes a subordinate may exceed \$300 if:

(a) They are appropriate for the occasion,

(b) They are given on a special, infrequent occasion that terminates the subordinate-official superior relationship, such as retirement, resignation, or transfer, and,

(c) They are uniquely linked to the departing employee's position or tour of duty, and commemorate the same."