



DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
OFFICE OF THE STAFF JUDGE ADVOCATE
1336 PLUMMER STREET, BLDG. 275
MONTEREY, CALIFORNIA 93944

REPLY TO
ATTENTION OF:

ATZP-JA

July 2010

MEMORANDUM FOR ALL

SUBJECT: Gifts/Honorarium to Speakers

1. PRURPOSE: To state the rules on giving a gift or honorarium to an individual who makes a speech, participates in a panel discussion, or serves as a moderator, at a conference, seminar or similar event.

2. REFERENCES:

- a. The Joint Ethics Regulation (JER), DoD 5500.7-R
- b. DoDD 5500.07, Standards of Conduct, 29 November 2007
- c. 5 CFR 2635.202(a), .203(b)(2), .204(a), .807(a).

3. DISCUSSION:

a. Honoraria from appropriated funds. An Executive Branch employee who makes a speech as part of his official duties may not be paid an honorarium from appropriated funds since employees generally cannot receive extra pay for the performance of official duties unless authorized by law. JER 5-405.

b. Honoraria from non-Federal organizations or other non-government sources. Executive Branch employees are generally prohibited from receiving an honorarium (or any other additional compensation) from any non-government source for making a speech as part of their official duties. 5 CFR 2635.807(a). Thus, an employee may not accept a \$100 honorarium from a non-Federal organization as compensation for making a speech as part of his official duties. Meals or other incidents of attendance, such as waiver of attendance fees or course materials, furnished as part of the event at which the teaching or speaking takes place are not considered improper compensation. 5 CFR 2635.807.

c. Gifts from non-Federal organizations or other non-government sources. Executive Branch employees are generally prohibited from accepting gifts from "prohibited sources" (such as DoD contractors) and gifts offered because of the employee's official position. 5 CFR 2635.202(a). However, there is an exception called the "\$20/\$50 rule." Under this rule, an employee may accept a gift or gifts (other than cash) from a source outside the government of up to \$20 per

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occasion, so long as the total value of the gifts accepted from that source does not exceed \$50 during the calendar year. 5 CFR 2635.204(a). Thus, an employee who makes a speech as part of his official duties may accept a gift from a non-Federal organization in connection with the speech if it has a value of \$20 or less and would not exceed the \$50 annual limit.

d. Plaques and certificates. Items with little intrinsic value that are intended solely for presentation (such as greeting cards, plaques, certificates and trophies) do not fall within the definition of "gifts" under the ethics rules. 5 CFR 2635.203(b)(2). Thus, an employee who makes a speech as part of his official duties may accept such an item in connection with the speech, regardless of whether the source is outside the government, employees who are subordinates of the speaker, or employees who receive less pay than the speaker.

e. Suggesting contribution to charity in lieu of receiving the standard gift. An employee who will make a speech to a group as part of his official duties may not inform the group that he would prefer the group to make a donation to a charity, rather than give the employee the standard gift or memento in connection with the speech.

4. If you have any questions or need further information, please feel free to contact the Office of the Staff Judge Advocate, Administrative Law Division, at (831) 242-6402.



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1LT, JA

Chief, Administrative Law Division