

3601.101–3601.108 are military general orders: §3601.104(a) (excluding paragraphs (a)(1) and (2)); §3601.104(b); §3601.105(a); §3601.105(b); §3601.105(c); §3601.106; and §3601.108 (excluding paragraphs (a) through (c)).

§84.7 DoD guidance.

(a) *Gifts*—(1) *Procurement officials.* In addition to the restrictions on gifts in 5 CFR part 2635, subpart B, procurement officials are subject to the gift acceptance restrictions of the procurement integrity statute. See 41 U.S.C. 423 and 48 CFR 3.104.

(2) *Gifts from foreign governments.* There are special DoD rules governing gifts from foreign governments. See 5 U.S.C. 7342 and 32 CFR part 95.

(3) *Ship launch and similar ceremonies.* A DoD employee may not accept gifts in connection with a ceremony to mark the completion of a milestone in shipbuilding, aircraft completion, or similar vehicle launch or roll-out unless attendance is official and is approved by the head of the DoD component command or organization and the gifts are limited to the following (see 5 U.S.C. 7301 note):

(i) Attendance at appropriate functions incident to the ceremony, such as a dinner preceding the ceremony and reception following it, and related food, hospitality and entertainment, as long as the function and related benefits are not lavish, excessive, or extravagant;

(ii) Tangible gifts or mementos in connection with the ceremony to DoD employees, their spouses, and their dependent children, who are official participants in the ceremony, as long as the aggregate retail value does not exceed \$100 per family and the cost is not borne by the Federal Government. When such gifts exceed the \$100 limit, the recipient shall pursue one of the following alternatives:

(A) Return the gift to the donor;

(B) Retain the gift after reimbursing the donor the full value of the gift; or

(C) Forward the gift to the appropriate DoD component official for disposition as a gift to the Federal Government in accordance with statute. See 10 U.S.C. 2601.

(b) *Use of Federal Government telephone systems.* See GSA regulation 41 CFR

part 201–21, subpart 201–21.6, on management of Federal Government telecommunications resources.

(1) The use of Federal Government telephone systems (including calls over commercial systems which will be paid for by the Federal Government), except as provided in paragraph (b)(2) of this section shall be limited to the conduct of official business. Such official business calls may include emergency calls and calls that the DoD components determine are necessary in the interest of the Federal Government.

(2) Personal calls (such as calls to speak to spouse/minor children or to arrange for emergency repairs to residence or automobile) that must be made during working hours over the commercial local/long distance network may properly be authorized as being in the best interest of the Federal Government if the call is consistent with the following criteria:

(i) It does not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(ii) It is of reasonable duration and frequency; and

(iii) It could not reasonably have been made at another time;

(iv) And, in the case of long distance calls, is:

(A) Charged to the employee's home telephone number or other non-Federal Government number (third number call);

(B) Made to an 800 toll-free number;

(C) Charged to the called party if a non-Federal Government number (collect call);

(D) Charged to a personal telephone credit card; or

(E) When traveling for more than one night on Federal Government business in the United States, a brief call to his residence to notify family of a schedule change.

(c) *Gambling.* (1) [The following is a General Order] A DoD employee shall not participate while on Federally-owned or leased property or while on duty (for military members, this means, in this context, present for duty) for the Federal Government in any gambling activity prohibited by 5 CFR 735.201 except:

(i) Activities necessitated by a DoD employee's law enforcement duties;

(ii) Activities by organizations composed primarily of DoD employees or their dependents for the benefit of welfare funds for their own members or for the benefit of other DoD employees or their dependents, subject to the limitations of local law and of § 84.9(k) and (l), when approved by the Head of the DoD Component or designee;

(iii) Private wagers among DoD employees if based on a personal relationship and transacted entirely within assigned Federal Government living quarters and within the limitations of local laws [end of General Order; or

(iv) Purchases of lottery tickets authorized by any State from blind vendors licensed to operate vending facilities in accordance with 20 U.S.C. 107a(5).

(2) Gambling with a subordinate may be a violation of Articles 133 and 134 of the Uniform Code of Military Justice (UCMJ) (10 U.S.C. 801-940).

(3) Gambling may be prohibited by Federal Government building and grounds regulations, such as 32 CFR part 40b which prohibits gambling in the Pentagon.

(d) *Outside employment and activity.* In addition to 5 CFR 3601.107 except to the extent that when procedures have been established by higher authority for any class of DoD employees (e.g., DoD Directive 6025.7⁴), agency designees may require DoD employees under their jurisdiction to report any outside employment or activity prior to engaging in the employment or activity. See § 84.10(g).

(1) The commander, head of the organization, or supervisor may prohibit the employment or activity if he believes that the proposed outside activity will detract from readiness or pose a security risk.

(2) If action is not taken to prohibit the employment or activity, the DoD employee is free to engage in the employment or activity in keeping with other restrictions of this part.

(e) *Use of military title by retirees or reserves.* Retired military members and

members of reserve components, not on active duty, may use military titles in connection with commercial enterprises, provided they clearly indicate their retired or inactive reserve status. However, any use of military titles is prohibited if it in any way casts discredit on DoD or gives the appearance of sponsorship, sanction, endorsement, or approval by DoD. In addition, in overseas areas, commanders may further restrict the use of titles by retired military members and members of reserve components.

[59 FR 13214, Mar. 21, 1994, as amended at 60 FR 20029, Apr. 24, 1995]

Subpart C—Activities With Non-Federal Entities

§ 84.8 Office of Government Ethics regulation.

See 5 CFR part 2636, "Limitations on Outside Employment and Prohibition of Honoraria; Confidential Reporting of Payments of Charities in Lieu of Honoraria."

§ 84.9 Official participation in non-Federal entities.

(a) *Attendance.* (1) Agency designees may permit their DoD employees to attend meetings, conferences, seminars or similar events sponsored by non-Federal entities in their official DoD capacities at Federal Government expense if there is a legitimate Federal Government purpose in accordance with 5 U.S.C. 4101 *et seq.* and 37 U.S.C. 412, such as training a DoD employee beyond maintaining professional credentials or gathering information of value to the DoD.

(2) DoD employees are prohibited from attending events in their official DoD capacities at Federal Government expense in order to acquire or maintain professional credentials that are a minimum requirement to hold the DoD position. See 5 U.S.C. 5946 and 31 U.S.C. 1345.

(b) *Membership.* DoD employees may serve as DoD liaisons to non-Federal entities when appointed by the head of the DoD Component command or organization who determines there is a significant and continuing DoD interest to be served by such representation. Liaisons serve as part of their official

⁴Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.