



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

OPNAVINST 4001.1F
N09D
2 JUL 2010

OPNAV INSTRUCTION 4001.1F

From: Chief of Naval Operations

Subj: ACCEPTANCE OF GIFTS

Ref: (a) SECNAVINST 4001.2J
(b) DoD 5500.7-R of 30 Aug 93
(c) 10 U.S.C. 2601
(d) 31 U.S.C. 1353
(e) DoD 7000.14-R, DoD Financial Management Regulation,
Volume 12, Chapter 30 of June 2009

1. Purpose. To delegate the Chief of Naval Operations' (CNO) gift acceptance authority. This issuance is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 4001.1E.

3. Discussion. Reference (a) authorizes the CNO, Vice Chief of Naval Operations (VCNO), and Director, Navy Staff (DNS) to accept gifts of personal property valued at \$60,000 or less offered to any institution or organization under CNO's command and to delegate acceptance authority for gifts of a value up to \$12,000. All prior grants of gift acceptance authority from the CNO or VCNO are cancelled and no further delegation of gift acceptance authority is authorized unless approved in writing by CNO or VCNO. Gifts requiring acceptance by higher authority shall be forwarded to the appropriate gift acceptance authority, as defined herein. Prior to acceptance, all gifts will be reviewed by a judge advocate or general counsel to ensure compliance with references (a) and (b).

4. Acceptance Authority. This authority extends to gifts of personal property acceptable under reference (c) (which are not acceptable under a more specific statute); gifts for use in providing recreation, amusement, or contentment of enlisted members under section 7220 of title 10, United States Code (U.S.C.); and acceptance of payment from a non-federal source

for travel expenses under reference (d) (implemented by part 300-2 and chapter 304 of title 41, Code of Federal Regulations (CFR)). The following officials listed in the paragraphs below are delegated gift acceptance authority for gifts of personal property for the benefit of an institution or organization; for providing recreation to enlisted members serving in such organizations under his or her command or subordinate commands; or for acceptance of payment from a non-federal source for travel and related expenses for attendance of personnel in a travel status at a meeting or similar function relating to official duties.

a. Gifts of a Value of \$12,000 or Less

(1) The following officials who have a judge advocate or general counsel assigned to their immediate staffs: all flag officers in command, who ultimately report to the CNO, and their deputies who are flag officers or Senior Executive Service officials; President, Naval Postgraduate School; and Provost, Naval War College.

(2) Chief of Chaplains (CNO (N097)), who must first obtain legal advice from an ethics counselor prior to accepting any gift for the benefit of the chaplain corps. All gifts offered specifically for official use of the CNO (N097), him or herself, should be forwarded to DNS for acceptance.

b. Gifts of a Value of \$3,000 or Less

(1) The following officials who have a judge advocate or general counsel assigned to their immediate staffs: commanders, commanding officers, and officers in charge of field activities of Naval Sea Systems Command; Naval Air Systems Command; Naval Facilities Engineering Command; Naval Supply Systems Command; and Space and Naval Warfare Systems Command. Flag officers in command of subject field activities are authorized to use gift acceptance authority contained in subparagraph 4a(1) of this instruction.

(2) Commander, Strategic Communications Wing ONE.

(3) Director, Navy Safe Harbor Program.

c. Except as otherwise provided in subparagraph 7d below, other commands will promptly forward requests for acceptance of gifts, via the administrative chain of command, to the immediate superior in the chain of command with gift acceptance authority.

5. Gifts to the Naval History and Heritage Command. Director, Naval History and Heritage Command (NHHC) is delegated gift acceptance authority for gifts of personal property having historical significance or artistic work of museum quality of a value of \$5,000 or less (excluding money) for the benefit of the NHHC under reference (c) from non-prohibited sources, as defined in reference (a). Gifts accepted under this authority shall be accounted for in a gift log that reflects type of gift donated, estimated value, donor, and date of donation. The gift log shall be provided semi-annually to Assistant for Legal and Legislative Matters (CNO (N09D)). Gifts received by NHHC that do not contain a professional appraisal shall be evaluated by an NHHC subject matter expert for an estimated value based on other similarly situated items to determine the proper gift acceptance authority.

6. Gifts to Vessels of the Navy under Section 7221 of Title 10, U.S.C.. The following officials are delegated gift acceptance authority for gifts of silver, colors, books, or other articles of equipment or furniture in accordance with custom, that are made to vessels of the Navy, with a value of \$12,000 or less: Commander, Naval Sea Systems Command for vessels that are still under the cognizance of Naval Sea Systems Command and have not been transferred to the fleet commander; Naval Supply Systems Command; and type commanders.

7. Action

a. Gifts from a non-federal source for travel expenses accepted under reference (d) (implemented by part 300-2 and chapter 304 of title 41, CFR) valued over \$250 must be reported semi-annually by all gift acceptance authorities. Echelon 2 commanders with gift acceptance authority will collect and forward to CNO (N09D), semi-annual reports on gifts of travel and related expenses from non-federal sources accepted under

reference (d) by themselves and subordinate commands. Reports must be submitted on a Standard Form 326 Semi Annual Report of Payments Accepted from Non-Federal Source.

b. Individuals granted authority to accept gifts under reference (c) by this instruction are required to report quarterly the information in paragraph 300710 of reference (e). Echelon 2 commanders with gift acceptance authority will collect and forward to CNO (N09D) quarterly reports of gifts accepted under reference (c) by themselves and subordinate commands. The report is due to CNO (N09D) 5 days after the end of each quarter.

c. Before any Navy official accepts a gift of a value of more than \$10,000 from a prohibited source, reference (a) requires the legal counsel (general counsel or judge advocate) for the gift acceptance authority to consult with and request a determination from the Office of General Counsel (Attn: Assistant General Counsel (Ethics)) as to whether the donor is involved in any claims, procurement actions, litigation, or other matters involving the Department of the Navy that might cause the acceptance authority to decline an offered gift. Legal counsel is to provide this information to the gift acceptance authority. Additionally, reference (a) requires gift acceptance authorities to provide a copy of each gift acceptance decision involving a gift from a prohibited source to the Office of General Counsel. Reference (a) contains the definition of "prohibited source."

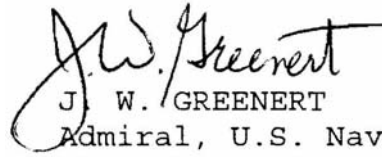
d. CNO (DNS) is responsible for coordinating all gifts requiring acceptance by the Secretary or the Under Secretary of the Navy. Activities receiving offers requiring Secretary or Under Secretary of the Navy acceptance pursuant to reference (a) must promptly notify the Assistant for Administration, Under Secretary of the Navy (AAUSN) upon receipt of such offers.

8. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per the Secretary of the Navy Manual 5210.1 of November 2007.

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9. Forms. Standard Form (SF) 326 Semi Annual Report of Payments Accepted from Non-Federal Source can be downloaded from the GSA Forms Web site:

<http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?formType=SF>.



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