

INFORMATION PAPER

ARNO-JA
10 July 2014

SUBJECT: Gifts for Injured Personnel and Surviving Family Members

1. **Purpose.** To provide information concerning acceptance of gifts from outside sources to, or for the benefit of, injured Army personnel and surviving Family members.
2. **Gifts to Army Personnel.** The gift rules for gifts from outside sources, subpart B of the Standards of Conduct, generally prohibit government employees (and their family members) from accepting gifts (1) from a prohibited source, or (2) given because of the employee's official position. This prohibition is directly applicable to civilian employees and commissioned officers, and indirectly applicable (through the Joint Ethics Regulation) to enlisted personnel.
 - a. The prohibition does not apply to surviving Family members of deceased Army personnel.
 - b. The prohibition has been waived for enlisted personnel, E-6 and below, for the limited purpose of permitting them to accept gifts (e.g., items valued in excess of \$20), other than cash, from charitable and veterans service tax-exempt organizations, as defined by section 501(c)(3), (19), and (23) of title 26 of the US Internal Revenue Code.¹
 - c. Army personnel and surviving Family members may accept educational scholarships and grants pursuant to the gift prohibition exception at JER § 2-202.
 - d. Army personnel and surviving Family members may accept gifts or donations from entities that are not prohibited sources and whose gift was completely unrelated to the recipient's status as a Soldier or government employee (e.g, NFEs such as a state Crime Victims' Compensation Fund, the Red Cross, and the United Way typically make gifts for victims of crime or natural disaster).
 - e. Army personnel with combat-related or similar injuries may qualify for the gift prohibition exception at 10 USC § 2601a, which permits Army personnel and surviving

¹ Memorandum, Secretary of Defense, 16 May 2013, subject: Waiver of Application of the Standards of Conduct Prohibition on Acceptance of Gifts From Outside Sources for Enlisted Personnel, E-6 and Below, for the Limited Purpose of Gift Acceptance From Charitable and Veterans Service Tax-Exempt Organizations.

ARNO-JA

SUBJECT: Gifts for Injured Personnel and Surviving Family Members

Family members of Army personnel who are injured or killed under certain conditions to accept gifts. Consultation with an ethics counselor is required.²

f. Army personnel and their Family members may accept non-cash gifts from other Army personnel who are not subordinate to them. They may accept non-cash gifts from subordinates that are appropriate to the occasion. They may accept non-cash gifts from a group of Army personnel, provided it complies with the limitations at JER § 2-203.

g. Soldiers and surviving Family members may accept any need-based loans or grants offered by Army Emergency Relief. See AR 930-4.

3. **Gifts to the Army.**

a. Under 10 U.S.C. § 2601(b), the Secretary of the Army may accept gifts, including services, for the benefit of Army personnel injured in the line of duty, their family members, and the surviving Family members of Army personnel whose death was in the line of duty.

(1) The Surgeon General has been delegated limited gift acceptance authority (may be further delegated to the regional medical commanders) to accept gifts pursuant to 10 U.S.C. § 2601(b) for Army hospitals and military treatment facilities.

(2) The IMCOM Commander has been delegated limited gift acceptance authority (may be further delegated) to accept gifts pursuant to 10 U.S.C. § 2601(b) for FMWR programs, including Soldier and Family Assistance Centers. Monetary donations of up to \$10,000 may be made for the benefit of Soldiers and Families online at <http://giftstoarmy.army.mil>.

(3) The donor may not condition a gift to the Army on its use for the benefit of a particular Soldier or family member, but may stipulate that it be used for the benefit of a limited class of personnel (e.g., victims and family members of the 2 April 2014 shooting incident at Fort Hood.)

b. Under 10 U.S.C. § 2601(a), the Secretary of the Army may accept gifts (other than services) for the benefit of organizations under the jurisdiction of the Secretary.

(1) ACOM commanders, the Superintendent of the US Military Academy, and the heads of certain HQDA Staff agencies have been delegated very limited gift acceptance

² Memorandum, Acting Under Secretary of Defense for Personnel and Readiness, 17 April 2014, subject: Directive-type Memorandum (DTM) 14-004, "interim Guidance on Personal Acceptance of Gifts from Outside Sources for Combat-Related and Similar Injuries or Illnesses."

ARNO-JA

SUBJECT: Gifts for Injured Personnel and Surviving Family Members

authority to accept gifts (personal property only), that promote health, comfort, convenience, or morale, for distribution to Soldiers within their respective commands. See AR 1-101.

(2) Commanders, not the donor, determine the category of personnel to receive the gifts.