

# **GIFTS TO SERVICE MEMBERS AND THEIR FAMILIES FROM NON-FEDERAL SOURCES**

## **Introduction**

As a result of interest in supporting the war effort and our service members, as well as the call-up of Reservists and National Guard personnel, many individuals and organizations have offered gifts to the Department of Defense, military personnel and their families, and victims of war. This paper contains general guidance concerning the acceptance of such gifts. DoD personnel should consult legal counsel regarding specific issues relating to proposed gifts. The families of deceased DoD personnel, assuming they are not Federal personnel themselves, are not bound by these rules.

## **Gifts to DoD Personnel and Their Families**

DoD personnel, including their families, may accept unsolicited gifts from non-Federal sources as long as:

- (1) Such gifts are not offered because of their official position, or
- (2) Such gifts are not offered by a “prohibited source” (any person who seeks official action from the employee’s agency, does or seeks to do business with his agency, conducts activities regulated by his agency, or has interests that may be substantially affected by the individual employee).

If any of the above conditions exist, DoD personnel **may not** accept such gifts unless acceptance is allowed by regulation. Since there are many exemptions and exceptions, DoD personnel should consult their legal counsel or ethics officials prior to accepting such gifts.

DoD personnel may not solicit gifts, even for other DoD personnel, unless the solicitation is part of an official fundraising program.

Group Exceptions (DoD personnel may accept gifts offered in the following circumstances.)

Gifts available to all uniformed military personnel, even if restricted on the basis of geographic location. (5 C.F.R. 2635.203(b)(4))

Gifts offered by non-prohibited sources to a group of personnel that does not distinguish on the basis of official responsibility or favor higher rank or rate of pay. Examples would include all members in a particular unit; all personnel who responded to a particular disaster; and all personnel injured in a particular disaster or event (such as the bombing of the U.S.S Cole, the attack on the Pentagon, the Iraq or Afghanistan theatre of operations). (5 C.F.R. 2635.204(c)(2)(iii))

## **Individual Exceptions**

Non-cash gifts of \$20 or less from one source on any particular occasion, not to exceed \$50 in a calendar year. (5 C.F.R. 2635.204(a))

Bona fide awards for meritorious public service offered by non-Federal entities, including prohibited sources, except for those whose interests may be substantially affected by the individual gift recipient. (5 C.F.R. 2635.204 (d)). Some awards may require written determinations by DoD ethics counselors.

### **Monetary Gifts to DoD Personnel**

Monetary gifts intended for DoD personnel, including deployed service members and their families, should be made directly to private relief organizations that provide assistance to affected personnel. Donations made to charitable organizations with 501(c)(3) tax-exempt status are deductible for those who itemize deductions on their tax returns.

Listed below are several relief organizations that provide support to service members and their families. This list may not be complete and does not constitute an endorsement of any particular organization. All of the organizations listed below qualify as charitable organizations in accordance with 26 U.S.C. 501(c)(3). As such, contributions to these funds may provide tax benefits as permitted by law for donors who itemize expenses for income tax reporting purposes.

#### **The Armed Forces Relief Trust**

Make check payable to: Armed Forces Relief Trust

Send checks to: Armed Forces Relief Trust, Department 6055, Washington, DC 20042-6055

Internet web site: <http://www.afitrust.org>

#### **The Army Emergency Relief (AER) Society**

Make check payable to: "Army Emergency Relief"

Send checks to: AER, 200 Stovall Street, Alexandria, VA 22332-0600

Contact: Colonel Greg Mason at (703) 325-0463

Internet web site: <http://www.aerhq.org>

#### **The Navy & Marine Corps Relief Society**

Make check payable to: NMCRS

Send checks to: 4015 Wilson Blvd, 10<sup>th</sup> Floor, Arlington, VA 22203

Contact: Mr. John Alexander at (703) 696-4904

Internet web site: <http://www.nmcrcs.org>

#### **The Air Force Aid Society**

1745 Jefferson Davis Highway, Suite 202

Arlington, VA 22202

Contact: (703) 607-3135

Internet web site: <http://www.asaf.org>

#### **Coast Guard Mutual Assistance**

Send checks to: 4200 Wilson Boulevard, Suite 610, Arlington, VA 22203-1804

Internet web site: [www.cgmahq.org](http://www.cgmahq.org)

Contact: (202) 493-6622

**The Federal Employee Education & Assistance Fund (FEEA)**, Littleton, CO  
Contact: 1-800-323-4140 or (303) 933-7580  
Name of Fund: The Federal Employee Education & Assistance Fund  
Send checks to: FEEA Freedom Fund  
8441 W. Bowles Avenue, Suite 200, Littleton, CO 80123-9501  
Internet web site: <http://www.feea.org>

**Armed Services YMCA of the USA**  
6359 Walker Lane, Suite 200, Alexandria, VA 22310  
Phone: 1-800-597-1260 or (703) 313-9600  
FAX: (703) 313-9668  
Internet web site: <http://www.asymca.org/>

**American Red Cross**  
Armed Forces Emergency Services  
PO Box 91820, Washington, DC 20090  
Contact: 1-800-435-7669  
Internet web site: [www.redcross.org/services/afes/](http://www.redcross.org/services/afes/)

**United Service Organizations (USO) World Headquarters**  
Make check payable to "The USO"  
Department WS. PO Box 96860, Washington, DC 20090-6860  
Contact: 1-800-876-7469  
Internet web site: <http://www.uso.org>

**Veterans of Foreign Wars**  
Unmet Needs Program  
406 W. 34<sup>th</sup> St. Suite 514  
Kansas City, MO 64111  
Contact: (816) 968-1102  
Internet web site: [www.vfw.org](http://www.vfw.org)

### **Special Exception for Gifts to Covered Injured or Ill DoD Service Members**

This special exception is not subject to the preceding rules and exceptions.

Covered DoD service members, including their families, may accept unsolicited gifts from non-Federal sources as long as:

- (1) Gifts are not offered by foreign governments,
- (2) Gifts are not accepted in return for being influenced in the performance of official duties,
- (3) Gifts are not accepted in violation of any other statute (such as bribery and compensation from other sources for performing Federal duties), and
- (4) Gifts with an aggregate market value exceeding the minimal value (\$335) from one source on any particular occasion, or \$1000 from one source in a calendar year have required agency ethics official written determination that:

- (a) The gift is not offered in a manner that discriminates among covered DoD employees on the basis of the type of official responsibility or of favoring those of higher rank or rate of pay;
- (b) The donor does not have interests that may be affected substantially by the performance or nonperformance of the covered DoD employee's official duties; and
- (c) Acceptance would not cause a reasonable person with knowledge of the relevant facts to question the integrity of DoD programs or operations.

An ethics official may issue a blanket determination to cover all or any category of gifts or all or any group of DoD covered employees.

**Covered DoD Service members are:**

- a. Members of the Armed Forces (including Reserve, and National Guard members on Title 10 orders) on active duty, enlisted members of the Reserve on inactive duty for training, and all members of the National Guard performing official duties who
- b. While on active duty on or after September 11, 2001 incurred an illness or injury
  - (a) as a direct result of armed conflict,
  - (b) while engaged in hazardous service,
  - (c) in the performance of duty under conditions simulating war
  - (d) through an instrumentality of war; or
  - (e) In an operation or area designated by the SecDef as a combat operation or combat zone.

**Gifts for Deployed Personnel**

Gifts for deployed personnel are discouraged since they overload the transportation and distribution systems and offer a threat of bio-terrorism to deployed personnel. DoD urges the public not to send unsolicited mail, care packages, or donations to service members unless they are family members or personal friends.

On October 30, 2002, DoD suspended "Operation Dear Abby" and "Any Servicemember" mail programs because of the above concerns. In lieu of sending mail, the public may log on to the following websites to show support, to include greeting cards and virtual thank you cards.

[http://www.defendamerica.mil/support\\_troops.html](http://www.defendamerica.mil/support_troops.html) (on-line thank you card for troops)

<http://www.usocares.org/hom.htm> (contribute to the purchase of a care package of items requested by troops such as sunscreen, disposable cameras, prepared calling cards)

<http://www.army.mil/operations/iraq/faq.htm>.

<http://anyservicemember.navy.mil> (email message to deployed troops of any Service from your home state)

ARCENT/CFLCC handles donations going to OEF/OIF. They coordinate all offers with Joint Command. The POC is Lewis Ingol; [lewis.ingol@us.army.mil](mailto:lewis.ingol@us.army.mil); (404) 464-4145 or 2945.

## **Assistance to Families of Service Members**

Individuals, organizations, and businesses may offer time and resources to help families of deployed troops. Many opportunities are listed “On the Homefront” at [www.usafreedomcorps.gov](http://www.usafreedomcorps.gov) or “How You Can Help” at [www.americasupportsyou.mil](http://www.americasupportsyou.mil).

Donors may support families of service members who are being treated at military and Veterans Affairs hospitals through donations to the Fisher House. Internet web site is <http://www.fisherhouse.org>, or telephone 1-888-294-8560.

Donations may also be accepted by the Commanding Officers of military hospitals.

In addition, many local service organizations are providing ways for volunteers to help local military families.

## **Gifts to the Department of Defense**

Under 10 U.S.C. 2601, non-Federal entities may donate real or personal property and cash to the Secretaries of the Department of Defense and Military Departments for use by their respective departments.

Until December 31, 2007 (longer if the authorizing statute is renewed), under 10 U.S.C. 2601(b), non-Federal entities may also donate real or personal property, cash, or services to the Secretaries of the Department of Defense and Military Departments to be used for the benefit of DoD personnel who incurred a wound, injury or illness while in the line of duty. Such personnel include members performing full-time National Guard duty under 32 U.S.C. 502(c). Dependents of such personnel and family members of such deceased personnel are also covered.

Under 10 U.S.C. 2608, the Secretary of Defense also has the authority to accept gifts. However, 10 U.S.C. 2608 directs that cash contributions to the Secretary be placed in the Defense Cooperation Account, and DoD may spend the money only by a Congressional appropriation. Additionally, under 2608(e), the Secretary of Defense must submit a report to Congress, not later than 30 days after the end of each quarter of each fiscal year, listing contributions of property accepted by the Secretary during the previous quarter. Each report must include a description of all property valued at more than \$1,000,000.

## **DoD Points of Contact for the Acceptance of Gifts**

**Property:** Washington Headquarters Service (WHS) Real Estate and Facilities Directorate (Graphics and Presentations Department) Catherine Zickafoose, (703) 695-4266, [Catherine.zickafoose@whs.mil](mailto:Catherine.zickafoose@whs.mil) or Danny Vaughn, [danny.vaughn@whs.mil](mailto:danny.vaughn@whs.mil)

Pursuant to Volume 12, Chapter 3 of the DoD Financial Management Regulation, the Director of WHS may accept gifts of personal property and supplies made to the Office of the Secretary of Defense, WHS, or WHS-serviced organizations.

**Monetary Donations:** Monetary donations to the Military Departments should be directed to the following offices:

**Army: OAA**

E-mail: Mr. Rodney Webb, (703) 602-2132; fax: (703) 602-1200; E-mail:  
[rodney.webb@hqda.army.mil](mailto:rodney.webb@hqda.army.mil)

Army MWR: Mr. Gary Frankovich (703) 681-7453 or George T. McNamara (703)681-7418; [george.mcnamara@fmwrc.army.mil](mailto:george.mcnamara@fmwrc.army.mil)

**Navy/Marine Corps:** AAUSN/SPD, , Mr. David Neesen (703) 693-0975/0933; fax: (703) 693-1190; E-mail: [david.neesen@navy.mil](mailto:david.neesen@navy.mil)

Navy MWR: Mr. David Neesen (703) 693-0975; [david.neesen@navy.mil](mailto:david.neesen@navy.mil)

Marine MWR (MCCS): Mr. Tom Loughlin (703) 784-3007; [Tom.loughlin@usmc-mccs.org](mailto:Tom.loughlin@usmc-mccs.org)

**Air Force:** HQ USAF/JAA, Mr. Richard Peterson (703) 614-4075; fax (703) 614-2205; E-mail: [Richard.Peterson@af.pentagon.mil](mailto:Richard.Peterson@af.pentagon.mil)

Air Force MWR: Mr. All Sonnenburg, (210) 652-4945; [allen.sonnenburg@randolph.af.mil](mailto:allen.sonnenburg@randolph.af.mil)

**DoD:** DFAS, Indianapolis; Attn: DFAS Trust Fund Accounting Division, Column 203L; 8899 East 56<sup>th</sup> St.; Indianapolis, IN 46449-1500.

### **Donations of Services**

Under 10 U.S.C. 2601(b), the Secretaries of the Military Departments (and the Secretary of Defense) may accept services for use for certain DoD personnel, see above. Authority expires on 12/31/07.

Under 10 U.S.C. 1588, the Secretaries of the Military Departments (and the Secretary of Defense) may accept volunteer services that support members of the armed forces and their families in areas such as medical, dental, nursing or other health-care related services; family support, child development, and youth services programs; library and education programs; religious programs; housing referral programs; employment assistance programs for military spouses; legal assistance; and morale, welfare and recreation programs.

Furthermore, pursuant to 10 U.S.C. 2608, the Secretary of Defense may accept services, but only from foreign governments and international organizations.

### **Combined Federal Campaign Contributions**

All Federal employees may contribute to national and local organizations through their participation in the Combined Federal Campaign. Employees may designate their payroll deduction or make a cash/check contribution to the organization of their choice.

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