

GIFTS TO THE ARMY- **A PRIMER**

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Gifts to Army MWR Entity

Governed by AR 215-1, Chapter 13, which states:

13–14. Acceptance of gifts or donations (by MWR)

For commercial sponsorship agreements, see chapter 11. For gifts to the Government, see AR 1–100.

a. Gifts of real or personal property or gifts of a monetary value may be accepted by a NAFI when voluntarily offered by private individuals or groups, if a determination is made that acceptance is in the NAFI's best interest. In making this determination, the responsible official considers—

- (1) Whether the NAFI/entity needs the proposed gift.
- (2) The cost to the NAFI/entity.
- (3) Whether conditions imposed by the donor, if any, can be met.

b. Gifts will not be solicited. Army personnel may, however, identify NAFI/entity needs in response to inquiries from prospective donors.

c. Donors will not be granted any special privileges or concessions in return for gifts voluntarily offered; all

ownership rights are relinquished. This will not preclude accepting donations of minimal value (score cards, coin wrappers, golf tees, table tents) that include the logo or slogan of a commercial source. Government identity will not be contained on such items.

(1) A posted disclaimer will state that the Army does not officially endorse the product donated or the organization furnishing it.

(2) The donor will not be given exclusive rights to furnish products.

d. The use of donor boxes for voluntary public contributions to museums and chaplain funds is not a public solicitation and is, therefore, authorized. A sign posted near the donor box will state clearly how contributions are used and that donations are not used to support the APF facility where the box is located.

e. The following authorities may approve offers of gifts or donations, subject to value limitations for each gift. The aggregate amount of concurrent gifts from a single source to an individual NAFI/entity will determine the approval level. Requests are forwarded through the following command channels:

- (1) MWR director, up to \$15,000 when delegated by the garrison commander.
- (2) Garrison commanders, up to \$50,000, except for contributions by the local United Way, which may be accepted in any amount.
- (3) IMCOM Regional Directors, up to \$100,000.
- (4) FMWRC (IMWR–PO), amounts up to \$250,000.
- (5) Secretary of the Army, amounts over \$250,000.

Gifts to Army for Distribution to Army *Individuals*

Governed by AR 1-101

General Policy:

- Accept only those gifts that promote health, comfort, convenience, and morale. Examples: reading materials; writing paper.
- Accepting alcoholic beverages is not authorized.
- The donor must pay all transportation charges from point of origin to recipient.

Who accepts:

- MACOM commanders, the Superintendent of the US Military Academy, and the heads of HQDA Staff agencies with command jurisdiction over subordinate commanders to accept gifts for distribution within their respective commands. Refer an offer of gifts for distribution beyond a command's jurisdiction to HQDA(DAAG-PSI), WASH DC 20310.
- Commanders listed above may delegate this authority to subordinate commanders.
- The Adjutant General, Department of the Army, as the designated representative of the Secretary of the Army, may accept gifts for distribution in CONUS and in oversea commands if more than one command is involved (a above)

Restrictions on acceptance:

- Accepting gifts is subject to the following provisions regarding advertising and public announcement:
 - Advertising marked on articles must not be the type that will discredit the military service.
 - The soldier will not be the medium for redistributing the material to others.
 - The donor will not restrict public release of information regarding the gift.
 - DA will make no public announcement of gifts received.
 - Except in rare cases specifically authorized by the Secretary of the Army, gifts will not be acknowledged publicly. However, the commander authorized to accept gifts will send a suitable acknowledgment to the donor on behalf of the military personnel concerned. Letters of acceptance will not imply DA or accepting HQ endorsement. Word these letters so as to avoid seeming to solicit donations from private firms, business, or social organizations, or from the general public.
 - Do not arrange special concessions or privileges for the donor.
- Commanders, not the donor, will decide the category of personnel to receive gifts.
- If two or more corporations or agencies donate similar items or collection of similar items, distribute them equally, as far as possible. Without DA authorization, do not issue more than one item or collection of items to an individual.

Gifts to Army – Conditional

Governed by AR 1-100

Definition of “Conditional:”

- *Conditional gift.* Money or other intangible personal property (stocks and bonds) offered with specified limitations on its ownership and use; or real property or tangible personal property offered on condition that it would be used in a manner, or for a purpose, or in a place that is not considered normal use or placement; or real property or tangible personal property offered on condition that it would be used by specific organizations other than those that normally use such property.

- Normally, a gift with a value of \$1,000 or less and whose acceptance and maintenance entail negligible costs will be treated as unconditional and processed as discussed in [paragraph 6b](#) of AR 1-100. Therefore, when this type of gift is offered, the recipient should recommend that the donor make it unconditional.

- If there is any doubt about the offer being conditional or unconditional and if clarification cannot be obtained from the donor, it will be treated as a conditional gift.

Processing Conditional Gifts:

- Installation Commander advises donor that Sec. Army must approve acceptance. A written offer or bequest from donor must be obtained.

- Commander sends offer, details, expenses to Army, recommendation through the major Army commander to: Admin. Asst. to *The Sec. of Army, Directorate of Logistics (attn: Mr. Ward), 2511 Jefferson Davis Highway, Arlington, VA, 22201* (*note: address in AR 1-100, para 6, dated Nov '83 is incorrect) Commander should include whether acceptance could be construed as an action to be avoided under AR 600-20 dealing with standards of conduct/ethics. Commander utilizes advice of installation contracting officer and/or legal advisor. Legal review is also forwarded.

- Checks should be made payable to: Treasurer of the US. Tangible property gifts normally remain in possession of donor, although Army can possess/protect pending acceptance

Gifts to Army - Unconditional

Definition of “Unconditional:”

- Money or real or personal property offered with no condition on its ownership or use. If donor does specify that a gift be used in a certain place, manner, or for a certain purpose, but the condition is for normal use, the gift is to be considered unconditional.

- Normally, a gift with a value of \$1,000 or less and whose acceptance and maintenance entail negligible costs will be treated as unconditional and processed as discussed in [paragraph 6b](#) of AR 1-100. Therefore, when this type of gift is offered, the recipient should recommend that the donor make it unconditional.

- If there is any doubt about the offer being conditional or unconditional and if clarification cannot be obtained from the donor, it will be treated as a conditional gift.

Processing Unconditional Gifts:

- When consistent with the donor's intent, unconditional gifts of money or personal property made directly to Army units will be treated as gifts to the unit welfare fund or other nonappropriated fund and not as gift to the US Government.

- If unconditional gifts of money or personal property offered directly to Army units cannot be construed as gifts to the unit welfare fund or other NAF, they will be treated as unconditional gift to US (see AR 1-100, para 6b3; \$\$ goes to US Treasury, not unit)

Note re Gifts to school, hospital, museum, or cemetery: 10 USC 2601 states:

Sec. 2601. General gift funds

(a) The Secretary concerned *may* (emphasis added) accept, hold, administer, and spend any gift, devise, or bequest of real or personal property, made on the condition that it be used for the benefit, or in connection with the establishment, operation, or maintenance, of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of his department. He may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest made under this subsection.

(b) Gifts and bequests of money, and the proceeds of the sale of property, received under subsection (a) shall be deposited in the Treasury in the fund called--`Department of the Army General Gift Fund''

NOTE: AR 1-100 para 5(a), which states the following, contains confusing language (paraphrased) which language probably reflects inartful drafting:

- **“If gift is over \$1,000 then it is normally treated as conditional and processed under para 7a. However, exceptions are gifts to museums, historical collections, NAFIs, or where acceptance/maintenance costs are more than negligible.”** [the last clause infers such gifts should be treated as unconditional, but common sense would suggest they should be conditional because they entail more than negligible costs to maintain. This confusion is reinforced by Para 5a(2) which states, “Normally, if a gift is under \$1,000 and the gift's acceptance/maintenance entail negligible costs, then it is treated as unconditional.” Additionally, I note that while it is referred to above, there is no “para 7a” in the regulation.