



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

April 17, 2014

Incorporating Change 2, Effective March 24, 2016

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
DIRECTOR, COST ASSESSMENT AND PROGRAM
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DIRECTOR, OPERATIONAL TEST AND EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

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"

References: (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness USD(P&R)," June 23, 2008
(b) Title 10, United States Code
(c) Title 18, United States Code
(d) Title 5, Code of Federal Regulations

Purpose. This DTM:

- In accordance with the authority in Reference (a), establishes DoD policy, assigns responsibilities, and provides procedures to implement section 2601a of Reference (b), which permits covered members of the Armed Forces, covered employees of the DoD, their family members, and their survivors to accept gifts from nonprofit organizations, private parties, and other sources outside the DoD under specified circumstances.

- Is effective April 17, 2014; it will be converted to a new DoD instruction. This DTM will expire effective ~~April~~ *January* 17, ~~2016~~ *2017*.

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively in this DTM as the “DoD Components”).

Definitions. See Glossary.

Policy. It is DoD policy that:

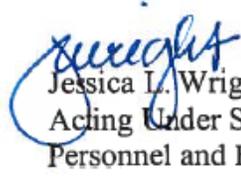
- Pursuant to the authority in section 2601a of Reference (b), covered members of the Armed Forces in the DoD (referred to in this DTM as “covered members”) and covered employees of the DoD (referred to in this DTM as “covered employees”), their family members, and their survivors may accept gifts directly from nonprofit organizations, private parties, and other sources outside the DoD when, while performing military duties or performing duties as a civilian employee on or after September 11, 2001, they incur an injury or illness:
 - As a direct result of armed conflict; while engaged in hazardous service; in the performance of duty under conditions simulating war; or through an instrumentality of war;
 - In an operation or area designated as a combat operation or combat zone by the Secretary of Defense; or
 - Under other circumstances determined by the Secretary concerned to warrant treatment similar to members covered by the first criterion of this section. “Other circumstances” would include, but not be limited to, events that result in injury or illness of covered members or employees such as the shootings at Fort Hood, Texas, on November 5, 2009, and the Washington Navy Yard on September 16, 2013.
- The authority in section 2601a of Reference (b) is in addition to, and in no way limits, any other statutory or regulatory authority of covered members or employees, their family members, and their survivors to accept gifts from non-federal entities.
- The authority in section 2601a of Reference (b) does **not** apply to gifts from foreign governments or international organizations or their representatives, nor does it apply to gifts that:

- Are accepted in return for being influenced in the performance of an official act;
- Are solicited or coerced;
- Are accepted in violation of any other statute or regulations, including sections 201 and 209 of Title 18, United States Code (Reference (c)) and Parts 2635 and 3601 of Title 5, Code of Federal Regulations (Reference (d)); or
- Will reflect adversely on the DoD.

Responsibilities

- Under Secretary of Defense for Personnel and Readiness (USD(P&R)). The USD(P&R) monitors compliance with the provisions of this DTM in accordance with Reference (a).
- Secretary Concerned. The Secretary concerned (see Glossary) determines whether an event occurring within his or her jurisdiction meets the criterion of “other circumstances” as described in this DTM.
- Designated Agency Ethics Official. The relevant designated agency ethics official ensures that an ethics counselor reviews and, when appropriate, approves the acceptance of a gift in accordance with subsection 2601a.(a)(2)(B) of Reference (b). That review and approval includes a determination that:
 - The gift is not offered in a manner that specifically discriminates among covered members or employees on the basis of type of official responsibility or favors those of higher rank or pay.
 - The donor does not have interests that may be affected substantially by the performance or nonperformance of the covered member’s or employee’s official duties.
 - Acceptance would not cause a reasonable person with knowledge of the relevant facts to question the integrity of DoD programs or operations.

Releasability. **Cleared for public release.** This DTM is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.


Jessica L. Wright
Acting Under Secretary of Defense for
Personnel and Readiness

Attachment:
As stated

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DTM	Directive-type memorandum
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this DTM.

covered employee. A civilian DoD employee who, while an employee on or after September 11, 2001, incurred an illness or an injury under the criteria in this DTM.

covered member. A DoD service member who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness under the criteria in this DTM.

designated agency ethics official. A DoD employee, appointed in writing, by the head of the DoD agency to coordinate and manage the agency's ethics program.

ethics counselor. A DoD employee appointed in writing by the designated agency ethics official or designee to assist in implementing and administering the DoD Component command's or organization's ethics program.

family members. Parents, siblings, spouse, biological and adopted children, and dependent relatives of covered members or employees.

gift. Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals. Does **not** include those items excluded from the definition of "gift" in section 2635.203(b)(1)-(9) of Reference (d).

Secretary concerned

The Secretary of a Military Department who has jurisdiction over the military reservation, installation, ship, aircraft, or facility where an event occurs that meets the criterion of this DTM.

The Secretary of Defense, if the event meeting the criterion of this DTM occurs at a DoD location that is not a military reservation, installation, or facility.

survivors. Living family members of a covered member or employee who is killed.