

SEC. ____ . AUTHORITY TO ACCEPT CERTAIN GIFTS.

(a) GENERAL GIFT FUND.—Section 2601 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ", use of facilities or services" after "real or personal property"; and

(2) by adding at the end the following new subsection:

"(e) For purposes of this section, the term 'services' means services that directly benefit the welfare, morale, or recreation of employees, service members, and/or their families, or are related or incidental to the conveyance of a gift of real or personal property offered and received pursuant to this section."

(b) ACCEPTANCE OF CONTRIBUTIONS.—Section 2608 of such title is amended—

(1) in subsection (a), by striking "money or real or personal property" and inserting "money, use of facilities, real or personal property, or non-personal services"; and

(2) by amending subsection (f) to read as follows:

"(f) AUTHORITY TO USE PROPERTY, FACILITIES, AND SERVICES.—Property, the use of facilities, or services accepted under subsection (a) may be used by the Secretary of Defense without specific authorization. Such property, use of facilities, and services may not be used—

"(1) in connection with any program, project, or activity if the use of such property would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

"(2) if conditions that are inconsistent with applicable law or regulations are attached;

"(3) if use would reflect unfavorably on the ability of the Department of Defense,

1 any employee of the Department, or member of the armed forces to carry out any
2 responsibility or duty of the Department in a fair and objective manner; or
3 "(4) if use would compromise the integrity or appearance of integrity of any
4 program of the Department of Defense or any person involved in such program."

Section-by-Section Analysis

This section would clarify that the Secretaries concerned may accept property or the use of facilities as gifts. It would authorize the acceptance of services that benefit employees, service members, and/or their families, or are related or incidental to gifts of real or personal property. It also would authorize the Secretary of Defense to accept non-personal services from any person when there is no conflict of interest or violation of law or regulation.

This section would eliminate several gaps in existing law. For example, this section would permit the acceptance of such services as the provision of technical expertise or initial training and familiarization of donated equipments or materials. This section is distinct from the acceptance of "personal services" pursuant to section 1588 of title 10, United States Code.

This section contains standards of conduct and other safeguards that must be met before the Secretaries may accept these gifts and services.

Certain other agencies and organizations, such as the Asia Pacific Center for Strategic Studies (10 U.S.C. 2611) and the Office of Government Ethics (5 U.S.C. App. 403), already have the authority to accept gifts of services.