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DEPARTMENT OF THE NAVY

NATIONAL NAVAL MEDICAL CENTER
BETHESDA, MARYLAND 20889-5600

IN REPLY REFER TO

NATNAVMEDCENINST 4001.2A

09F1

DEC 21 2007

NATNAVMEDCENINST 4001.2A

From: Commander, National Naval Medical Center

Subj: ACCEPTANCE OF GIFTS AND DONATIONS

Ref: (a) SECNAVINST 4001.2G
(b) OPNAVINST 4001.1D
(c) NAVCOMPTMAN, Vol. 3
(d) DoD Directive 5500.7-R
(e) 5 CFR 2635
(f) 41 CFR 304
(g) NAVCOMPTMAN, Vol. 7

Encl: (1) Standard Travel/Training Gift Acceptance Memorandum

1. Purpose. To set forth procedures for the acceptance of gifts and donations made to the National Naval Medical Center (NNMC), to outline the general purposes for which funds held in trust may be used, and to establish the position of Gifts and Donations Advocate (GDA) per references (a) through (g).

2. Cancellation. NATNAVMEDCENINST 4001.2.

3. Background. It is not uncommon for non-federal entities and individuals to offer gifts to the Navy, the National Naval Medical Center, or to specific employees within the command. References (a) through (d) carefully regulate the receipt of gifts offered from outside sources. These regulations further the general policies that gifts may never be solicited from outside sources and that unsolicited gift offers may only be accepted by appropriately designated gift acceptance officials.

4. Scope and Applicability. This instruction applies to all personnel, military and civilian, assigned to NNMC.

a. Acceptance of gifts under 10 USC 2601 (Navy Gift Fund) for the benefit of, or in connection with, the operation or maintenance of NNMC.

ORIGINAL

ORIGINAL

NATNAVMEDCENINST 4001.2A

b. Acceptance of gifts under 10 USC 7220 (Welfare and Recreation Fund) for the recreation, amusement, and contentment of enlisted members of NNMC.

c. Acceptance of gifts of travel to an employee from a non-federal source under 10 USC 1353.

d. Acceptance of other gifts or benefits for an employee as outlined in 5 CFR 2635. These include free attendance at meetings and vendor training.

5. Policy.

a. It is the policy of the Department of the Navy and NNMC that no employee, military or civilian, will accept a gift from an outside source on behalf of the Navy or NNMC. All offers of gifts require appropriate authority for acceptance. Additionally, no gift will be accepted by the Navy which may embarrass the Navy, cause unwarranted publicity for the donor at the expense of the Navy, or for which future favors are expected by the donor as a result of their gift.

b. The offer of a gift to NNMC or for the benefit of an NNMC employee from any commercial enterprise, non-profit organization, or other non-federal entity will be declined if acceptance would appear to be an endorsement of the donor, its product, or its services; or if acceptance would cause a reasonable person with knowledge of the facts to question the integrity of the command's operations.

c. All gifts and bequests of money, which are accepted will be deposited in the Department of the Navy General Gift Fund. Once deposited, the Navy General Gift Fund will issue a fund allotment to NNMC which will be referred to in this instruction as the "NNMC Gift Fund." No gifts or bequests of money will be accepted as gifts of travel or training; rather, all such gifts must be "in kind."

d. All gifts which are offered for a specific purpose, including gifts of money, if accepted and held in the NNMC Gift Fund, will be used specifically for the purpose intended by the donor. Any remainder of a gift of money that has been used for a specific purpose as designated by the donor will be considered

ORIGINAL

to be an undesignated gift and may be used per the guidelines, for undesignated gifts below.

e. Undesignated gifts of money in the NNMC Gift Fund may be used for the benefit of, or in connection with, the establishment, operation, or maintenance of the hospital or command. Expenditures must bear a legitimate relationship to the command or Navy purposes and further official command or Navy purposes. Funds may not be used for any purpose, which would cause a reasonable person with knowledge of the relevant facts to question the integrity of the command's programs or operations.

6. Action. The general procedures for accepting gifts are set forth in references (a) through (f).

a. The Commander, NNMC has authority to accept offers of gifts of money or property valued at less than \$10,000 under 10 USC 2601 or 10 USC 7220 and gifts of travel under 10 USC 1353. Gift offers whose values exceed \$10,000 must be forwarded to higher authority for acceptance approval.

b. The Commander, NNMC will tentatively accept all gifts and donations deemed appropriate, for custodial purposes only, pending formal acceptance by the appropriate level of authority.

Procedure.

a. All personnel within NNMC will ensure that all offers of gifts, except gifts of travel or training, regardless of source or value, are referred to the GDA for processing. All gifts of travel and training will be forwarded directly to the Staff Judge Advocate and processed per the guidelines provided below. Additionally, all questions, whether from within or outside the command, concerning gifts and donations will be forwarded to the GDA.

b. The GDA will:

(1) Be located within the Resources Directorate and shall be appointed in writing by the Commander, NNMC and function as the single official point of contact concerning gifts and donations made to NNMC.

(2) Ensure that the processing of gifts occurs in the most expeditious manner possible.

(3) Consult with the Staff Judge Advocate on gifts and donations received from corporations to ensure there are no conflicts of interest or ethical concerns in regard to the donor or gift involved.

(4) Arrange for all in-kind gifts to be secured by the service leader for Logistics pending an acceptance decision and then forward item(s) that are accepted to the appropriate department for their use.

(5) Track all offers that have been submitted and are awaiting approval from a higher level of authority.

(6) Notify each department by memorandum when a donation of money designated for them has been accepted, indicating the amount and purpose for which it is given.

c. The Staff Judge Advocate will:

(1) Review gifts and donations that are brought to their attention to ensure there are no conflicts of interest or ethical concerns in regards to the donor or the gift involved.

(2) Review and process all gifts of training and travel made to NNMC.

d. The Director for Resources will:

(1) Evaluate offers of gifts and donations of personal property (i.e., equipment, furnishings, etc.) and determine if they meet a minimum criteria of usefulness that will benefit the command over the expected life of the property.

(2) Review and process all gifts and donations received under the authority of Title 10 USC 2601 (Navy Gift Fund) and under 10 USC 7220 (Welfare and Recreation Fund).

(3) Draft a letter of acknowledgement for signature by the Commander, NNMC thanking donors for those gifts which do not exceed \$10,000. For those gifts exceeding this amount, send a

letter of acknowledgement advising the donor that the gift offer has been forwarded to higher authority for acceptance approval.

(4) Forward those offers whose value exceeds \$10,000 to the appropriate level of higher authority for acceptance. Documentation shall include:

- (a) Name and address of donor.
- (b) Recommendation for acceptance or rejection.
- (c) Copy of correspondence from the donor indicating the intended use of the donation.
- (d) Copy of the acknowledgement letter.
- (e) In cases of donations of money, ensure that the check or negotiable instrument is properly endorsed (i.e., "Pay to the Order of the Department of the Navy").
- (f) In cases of donations of personal property, a description of the donation, and its actual or estimated value, serial numbers, brand names, and purpose are noted.

(5) Store all donations of money for safekeeping until accepted by the appropriate authority.

(6) Ensure that proper accounting procedures, as outlined in references (c) and (g), are performed upon receipt of approval for acceptance of the donation. Ensure that all accounting and procurement documents are processed into the Standard Accounting Reporting System/Field Level (STARS/FL).

(7) Update Plant Account records after acceptance approval has been received for personal property donated.

e. The Service Leader for Logistics will:

(1) Store all donations of personal property in a secured area until receipt of approval for acceptance from higher authority.

(2) Ensure appropriate property and or equipment markings are made on the gift.

(3) Perform quarterly audits of the command's gift funds to include detail about the nature of the gift and whether or not the gift was used in accordance with the intent of donor.

f. The Operations Service Leader shall ensure that donations acceptable under 10 USC 7220 are routed to the Director of Resources for processing.

8. Gifts of Travel and Training. All offers of gifts of travel and training will be processed in the following manner:

a. Upon receipt of an offer of a gift of travel and training, the member or employee being offered the gift shall complete the Standard Travel and Training Gift Acceptance Memorandum found in enclosure (1) of this instruction. This form, along with all enclosures (i.e., proffer letter), will then be forwarded via the chain of command to the office of the Staff Judge Advocate. The Staff Judge Advocate will then endorse the request and forward to the Commander for approval/disapproval.

b. Enclosure (1) must be received by the Staff Judge Advocate with all supporting documentation at least five working days before travel is scheduled to commence in order to be considered timely.

c. After an approval/disapproval decision by the Commander, one copy of the completed Standard Travel and Training Gift Acceptance Memorandum shall be forwarded to the member requesting travel/training and one copy shall be forwarded to the GDA for the preparation of a thank you letter.

d. All members and employees are reminded that travel/training offers may not be accepted or received (i.e., travel may not commence) until the offer has been properly accepted by the Commander.

9. Disbursement of NNMC Gift Funds.

a. Purchases made using NNMC Gift fund monies will adhere to all procurement regulations and practices. In all cases enclosure (1) will be used to document the authorization of the expenditure of funds.

ORIGINAL

NATNAVMEDCENINST 4001.2A

b. Specific donor requests that the money will be used by a specific department or be used to procure specific item(s) will be honored if possible.



W. T. MOCK

Deputy

Acting

Distribution:
NNMC INTRANET

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Date _____

From: _____

To: Commander, National Naval Medical Center

Via:

- ____ Chairman for Department Recommend Approval/Disapproval (Circle One)
- ____ Director for _____ Recommend Approval/Disapproval (Circle One)
- ____ Staff Judge Advocate Recommend Approval/Disapproval (Circle One)
- ____ Director for Resources Recommend Approval/Disapproval (Circle One)
- ____ Deputy Commander

Subj: ACCEPTANCE OF NON-FEDERAL TRAVEL AND EXPENSES

Ref: (a) DOD Directive 5500.7R (Joint Ethics Regulation)

- Encl: (1) Donor letter of proffer
- (2) Detailed itinerary/agenda
- (3) TAD worksheet

1. Per reference (a), I hereby request your acceptance of a gift of non-federal travel and expenses, as set forth below:

Donor: _____
 Program/purpose: _____
 Location: _____
 Travel dates: _____
 Expenses offered: _____

Type	Yes/No	In kind?	Estimated Amount
Comm Air	Y / N	Y / N	_____
Comm Train	Y / N	Y / N	_____
POV mileage	Y / N	Y / N	_____
Rental car	Y / N	Y / N	_____
Lodging	Y / N	Y / N	_____
Meals	Y / N	Y / N	_____
Other (specify)	Y / N	Y / N	_____
Total:			_____

2. Enclosure (1) is a copy of the donor's letter of proffer. Enclosure (2) is a detailed itinerary/agenda for the proposed program. Enclosure (3) TAD worksheet.

I hereby certify that (please initial each item):

() Neither I nor, to the best of my knowledge, any other member of the Department of the Navy, solicited or coerced this gift.

() This gift is not being offered in return for my being influenced in the performance of an official act.

() I have not accepted gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe I am using my public office for private gain.

() This gift does not constitute prohibited vendor promotional training or other meetings held for the primary purpose of marketing a non-federal source's product or service.

_____ (Traveler/Date)

Accepted / Declined _____
Commanding Officer

¹By initialing here, the department head certifies that acceptance of this gift will further the Navy's interest and the benefit gained by this employee's participation outweighs the cost of the absences of the member from his/her duties.

² If "reimbursable", is the donor a tax-exempt organization described by 26U.S.C.501(c)(3) Y/N

³ Acceptance of this gift would not cause a reasonable person any impact the performance or non-performance of this member's official duties might have on non-federal source.