

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

Air Force Instruction 51-506

16 APRIL 2019



Law

**GIFTS TO THE DEPARTMENT OF THE
AIR FORCE FROM DOMESTIC AND
FOREIGN SOURCES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available for downloading or ordering on the e-Publishing web site at www.e-Publishing.af.mil.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: HQ USAF/JAA

Certified by: HQ USAF/JA
(Lt Gen Rockwell)

Supersedes: AFI 51-601, 26 November
2003; AFI 51-901, 19 December 2016

Pages: 59

This instruction implements Air Force Policy Directive (AFPD) 51-5, *Administrative Law, Gifts, and Command Relationships*, as well as 31 United States Code (U.S.C.) § 1353, *Acceptance of Travel and Related Expenses from Non-Federal Sources*, 41 Code of Federal Regulations (C.F.R.) Part 304, *Payment of Travel Expenses from a Non-Federal Source*, DoD Financial Management Regulation (F.M.R.) 7000.14-R, Volume 12, Chapter 30, *Operation and Use of General Gift Funds*, and establishes procedures for receiving, accepting, and processing gifts offered to the Department of the Air Force, including gifts to the Air Force intended for distribution to individual members of the Air Force, and gifts to the United States Air Force Academy (USAFA). It also applies to gifts from foreign governments to Air Force employees that, under certain circumstances, become property of the Air Force. It does not apply to gifts received by the Air Force Chaplain Corps through Chaplain Tithes and Offerings, which are governed by Air Force Instruction (AFI) 52-105, *Chaplain Corps Resourcing*. This instruction applies to all Air Force activities, uniformed members and employees in the Regular Air Force, Air Force Reserve (AFR), and Air National Guard (ANG) units. **Failure to observe the prohibitions and mandatory provisions in paragraph 9.4 of this publication by military members is a violation of Article 92 of the Uniform Code of Military Justice (UCMJ). Violations may result in administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws. Violations of these provisions by civilian employees may result in administrative action being taken without regard to other applicable criminal or civil sanctions for violations of related laws.** The authorities to waive wing/unit level requirements

in this publication are identified with a Tier (“**T-0, T-1, T-2, T-3**”) number following the compliance statement. *See* AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication Office of Primary Responsibility (OPR) for non-tiered compliance items. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System.” This publication may be supplemented at any level, but all supplements must be routed to the OPR of this publication for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the OPR using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command.

SUMMARY OF CHANGES

This document has been revised and must be completely reviewed. It supersedes and replaces AFI 51-601 and supersedes AFI 51-901, the provisions of which are incorporated in Chapter 9. Delegations of gift acceptance authority made in AFPD 51-5 are further clarified. Chapter 4 has been added to provide expanded guidance on donor identification. Chapter 6 has been added to provide new guidance on gifts to the USAFA pursuant to 10 U.S.C. § 2601(e) (gifts conditional upon the granting of naming rights). Chapter 8 has been added to provide new guidance on accepting the gift of travel benefits from a non-Federal entity pursuant to 31 U.S.C. § 1353.

Chapter 1— OVERVIEW	8
1.1. Gifts Covered by this Instruction.	8
1.2. Gifts Not Covered by this Instruction.	8
1.3. Gifts to the Air Force under the General Gift Statute, 10 U.S.C. § 2601.	8
1.4. Donor Identification.	8
1.5. Real Property Gifts to the USAFA Conditioned upon Naming Rights under 10 U.S.C. § 2601(e).	8
1.6. Gifts to the Air Force for Distribution to Individual Airmen under 10 U.S.C. § 2601.	8
1.7. Gifts to the Air Force of Travel Benefits for Air Force Employees under 31 U.S.C. § 1353.	8
1.8. Gifts to Air Force Employees from Foreign Governments under 5 U.S.C. § 7342	9
Chapter 2— ROLES AND RESPONSIBILITIES	10
Section 2A— Roles and Responsibilities related to 10 U.S.C. § 2601 Gifts to the Air Force.	10
2.1. The Secretary of the Air Force has authority pursuant to 10 U.	10

2.2.	Legal Advisors.	11
Section 2B— Roles and Responsibilities Related to Gifts for Distribution to Individual Airmen.		11
2.3.	Gift Acceptance Authorities.	11
2.4.	Director, Air Force Services (AF/A1S).	11
2.5.	Major Commands.	11
2.6.	Unit Commanders and Directors.	12
Section 2C— Roles and Responsibilities Related to Real Property Gifts to the USAFA Conditioned upon Naming Rights.		12
2.7.	The Assistant Secretary of the Air Force (Installations, Environment, and Energy) (SAF/IE) is the only official who may accept gifts of real property to the USAFA made conditional by the donor upon naming rights pursuant to 10 U.....	12
2.8.	The Director, Air Force Civil Engineer Center Installations Directorate, will support SAF/IE with real property valuation assessments, environmental assessments and preparing an analysis of the acceptance factors designated in Chapter 6.....	12
2.9.	The Superintendent of the USAFA will forward real property gift offers to SAF/IE for acceptance, coordinate with donors and execute such acceptance once approved by SAF/IE.	12
Section 2D— Roles and Responsibilities Related to Gifts of Travel Benefits for Air Force Employees.		12
2.10.	SAF/GC will collect the semi-annual gifts of travel report from installation legal offices via Major Command legal offices, in accordance with Chapter 8 of this instruction.	12
2.11.	SAF/GC will review offers of gifts of travel associated with officials in the Secretariat.	12
2.12.	Commanders of Major Commands may approve offers of gifts of travel associated with their own travel except for those that include offers to fund spousal travel, which should be forwarded according to 2.	12
2.13.	First General Officer/Senior Executive Service official in the chain of command of the recipient employee will approve offers of gifts of travel including those offering to fund spousal travel.	12
2.14.	Immediate Supervisor of the Employee will endorse all offers of gifts of travel benefits.....	12
2.15.	Employee for whose travel the gift has been made will forward all relevant information to the approving official in advance of the travel.	12

Section 2E— Roles and Responsibilities Related to Foreign Gifts.	12
2.16. Administrative Assistant to the Secretary of the Air Force (SAF/AA) will provide disposition instruction for gifts from foreign governments when requested from recipient officials.	12
2.17. SAF/GC will provide legal review of all gifts from foreign governments for SAF/AA.	12
2.18. AF/JA may collect and endorse all incoming requests for disposition instructions.	13
2.19. Recipient officials will forward all information required by Chapter 9 of this instruction to SAF/AA when disposition instructions are needed.	13
Chapter 3— GENERAL PROVISIONS FOR 10 U.S.C. § 2601 GIFTS TO THE AIR FORCE	14
3.1. Gift Acceptance Authority.	14
3.2. Determination of the Nature of an Offer of a Gift:	14
3.3. Expenses Prior to Official Acceptance.	14
3.4. Custodial Responsibility.	14
3.5. Records.	15
3.6. Copyrighted or Patented Items.	15
3.7. Gifts of Real Property.	15
3.8. Final Decisions Regarding Offered Gifts.	16
Chapter 4— DONOR IDENTIFICATION	17
4.1. General Guidance.	17
4.2. Personal Property.	17
4.3. General Donor Identification Guidance.	17
4.4. Donor Activities.	18
Chapter 5— CONDITIONAL GIFTS TO THE AIR FORCE	19
Section 5A— Conditional Gifts Under 10 U.S.C. § 2601: Offer and Acceptance	19
5.1. Initial Receipt of a Conditional Offer of Gift.	19
5.2. The Method of Offering Conditional Gifts.	19
5.3. Acceptance of Conditional Gifts.	19
5.4. Who May Accept.	19

5.5.	Form of Acceptance.	19
5.6.	Acceptance at Secretarial Level.	19
5.7.	Forwarding a Conditional Offer to Higher Approval Level.	19
5.8.	Transfer of Title.	20
Section 5B— Declination of Conditional Gifts		20
5.9.	Conditional gifts shall not be accepted under the following circumstances:	20
5.10.	Contents of Declination Letter.	20
5.11.	Declination at the Secretarial Level.	21
5.12.	Processing Gifts of Personal Property for Current Use through Functional Channels.	21
5.13.	Processing Gifts of Historical Significance.	21
5.14.	Processing Gifted or Donated Artwork for Consideration of Acceptance into the Art Program.	21
5.15.	Processing Gifts of Money and Other Intangible Personal Property.	21
5.16.	Processing Gifts of Real Property.	22
5.17.	Processing Gifts of Services Under 10 U.S.C. § 2601(b).	22
Section 5C— Receipt, Use and Disposition of Conditional Gifts.		22
5.18.	Sale of Gift Property.	22
5.19.	Receipt, Use, or Disposition of a Conditional Gift.	23
5.20.	Superintendent of the USAFA.	23
5.21.	Gifts to Nonappropriated Fund Activities.	23
5.22.	Gifts of Historical and Museum Objects.	23
5.23.	Medical Equipment.	23
5.24.	Computer and Data Processing Equipment.	23
5.25.	Religious Items.	24
5.26.	Other Items.	24
Section 5D— Accounting and Recordkeeping		24
5.27.	Accounting for Gift Property Accepted Under 10 U.S.C. § 2601.	24

Section 5E— Conditional Gifts Not Qualified under 10 U.S.C. § 2601	25
5.28. Procedures for Accepting Gifts Other Than Under 10 U.S.C. § 2601.	25
5.29. Doubtful Cases.	26
5.30. Notice of Disposition.	26
Chapter 6— REAL PROPERTY GIFTS TO THE UNITED STATES AIR FORCE ACADEMY CONDITIONED UPON NAMING RIGHTS	27
6.1. Authority.	27
6.2. Conditions for Acceptance.	27
6.3. Appropriate Naming Conventions.	29
6.4. Congressional Notification.	30
6.5. Due Diligence, Pre- and Post-Gift Acceptance.	30
6.6. Records.	30
6.7. Restricting or Excluding USAFA Areas from Naming Rights.	30
6.8. Alternative Donor Identification.	31
Chapter 7— GIFTS FOR DISTRIBUTION TO INDIVIDUAL AIRMEN	32
7.1. Scope.	32
7.2. Acceptable Gifts.	32
7.3. Responsibilities Assigned.	32
7.4. Transportation Charges.	32
7.5. Temporary Custody of Gift Items.	33
Chapter 8— ACCEPTANCE OF TRAVEL BENEFITS FOR AIR FORCE EMPLOYEES UNDER THE AUTHORITY OF 31 U.S.C. § 1353	34
8.1. Background.	34
8.2. Source of Travel Benefits.	34
8.3. Event Type.	34
8.4. Event Location.	34
8.5. Travel Status.	34
8.6. Processing Requests.	34
8.7. Provision of Benefits.	35

8.8.	Reporting Requirement.	36
Chapter 9— GIFTS TO AIR FORCE EMPLOYEES FROM FOREIGN GOVERNMENTS		37
9.1.	Legal Basis for Regulating Gifts.	37
9.2.	Rules for Gift Acceptance.....	37
9.3.	Gifts of Minimal Value.	37
9.4.	Gifts of More Than Minimal Value.	37
9.5.	Acceptance Procedures for Gifts that Exceed the Minimal Value.	38
9.6.	Action By SAF/AA.	39
9.7.	Disposition of Gifts Not Retained.	40
9.8.	Disposition of Firearms Received as Foreign Gifts.	40
9.9.	Procedures for Accepting Gifts from Foreign Governments of Medical Treatment, Educational Scholarships, and Travel or Travel Expenses.	41
Table 9.1.	Approval Authorities for Gifts of Medical, Educational, and Travel Expenses Offered by Foreign Governments.	41
9.10.	Reports.	42
9.11.	Information Program.	42
9.12.	Additional Review for Civil Action.	43
Attachment 1— GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION		44
Attachment 2— SAMPLE OFFER OF GIFT -- CORPORATION		50
Attachment 3— SAMPLE OFFER OF GIFT -- INDIVIDUAL		52
Attachment 4— SAMPLE LETTER OF ACCEPTANCE OF GIFT -- PERSONAL PROPERTY		53
Attachment 5— SAMPLE LETTER OF ACCEPTANCE OF GIFT -- REAL PROPERTY		54
Attachment 6— SAMPLE LETTER OF DECLINATION OF GIFT -- PERSONAL PROPERTY		55
Attachment 7— SAMPLE LETTER OF DECLINATION OF GIFT -- REAL PROPERTY		56
Attachment 8— MEMORANDUM TEMPLATE FOR ACCEPTING OFFERS OF TRAVEL BENEFITS UNDER 31 U.S.C. § 1353		57
Attachment 9— REQUEST TO PURCHASE FOREIGN GIFT		58

Chapter 1

OVERVIEW

1.1. Gifts Covered by this Instruction. This instruction covers gifts to the Air Force from domestic and foreign donors who make a gift for the support of Air Force programs and operations, or for distribution to individual Airmen, pursuant to 10 U.S.C. § 2601, *General Gift Funds*. It also covers those real property gifts to the USAFA, made conditional by the donor upon the granting of naming rights, pursuant to 10 U.S.C. § 2601(e). The most common gift from non-Federal entities is a gift to the Air Force for payment of an employee's travel expenses to a particular event. These gifts of travel benefits, made pursuant to 31 U.S.C. § 1353, are addressed by this instruction. Finally, this instruction covers gifts to Air Force employees from foreign governments, made pursuant to 5 U.S.C. § 7342, which under certain circumstances can become the property of the Air Force.

1.2. Gifts Not Covered by this Instruction. Offers of gifts to the Air Force from domestic and foreign sources not covered by this instruction should be promptly forwarded, through appropriate functional or command channels, to Headquarters Air Force (HQ USAF). Offers sent to HQ USAF should be sent to the attention of one of the offices listed in Section 5C of Chapter 5 of this instruction.

1.3. Gifts to the Air Force under the General Gift Statute, 10 U.S.C. § 2601. The Department of Defense General Gift Statute allows the Military Services to accept gifts from domestic and foreign donors for the benefit of their programs and operations. Donors may make the gift further conditioned that it be used to benefit specific installations, units, facilities or program offices. Gifts of real property and personal property are permitted. Chapters 3 and 5 of this instruction address 10 U.S.C. § 2601 gifts to the Air Force.

1.4. Donor Identification. Donors of gifts to the Air Force are not naturally afforded any public recognition for their act of gifting. However, the Air Force is permitted to make customary expressions of gratitude and to allow some marking of appropriate gifts, for historical identification purposes, with the identity of the responsible donor. Chapter 4 to this instruction governs donor identification.

1.5. Real Property Gifts to the USAFA Conditioned upon Naming Rights under 10 U.S.C. § 2601(e). A provision in the General Gift Statute allows the USAFA to accept gifts consisting of the provision, acquisition, enhancement or construction of real property from outside donors, even though the donor specifies (as a condition placed on the gift) that the real property bear a specific name (honoree) henceforth. Chapter 7 of this instruction governs these gifts to the USAFA.

1.6. Gifts to the Air Force for Distribution to Individual Airmen under 10 U.S.C. § 2601. Some 10 U.S.C. § 2601 gifts to the Air Force are for the purpose of enhancing the morale of Airmen and their families and are intended for distribution through command channels to individual Airmen. At times, the donor may specify (as a condition placed on the gift) the installation, units or geographic area to be benefitted. Otherwise, the amount and nature of the items will determine the method of distribution. Chapter 6 of this instruction governs gifts for distribution to Airmen.

1.7. Gifts to the Air Force of Travel Benefits for Air Force Employees under 31 U.S.C. § 1353. Chapter 8 of this instruction governs gifts from non-Federal entities (including foreign

governments) of the payment of travel expenses for Air Force employees to attend meetings and make speaking presentations. Such expenses would otherwise be official Temporary Duty (TDY) official travel costs to the employee's unit. Under certain circumstances, payment of travel for the employee's spouse can also be accepted.

1.8. Gifts to Air Force Employees from Foreign Governments under 5 U.S.C. § 7342 . Chapter 9 of this instruction governs gifts from foreign governments to military members and civilian employees of the Air Force and to their dependents (which are imputed to the military members and civilian employees). It does not apply to offers of gifts directly to the United States from foreign governments made under 10 U.S.C. § 2608. Gifts to military members and civilian employees below the specified Minimal Value may be accepted and retained by the individual recipient. Gifts above Minimal Value may not be accepted by individuals, but may accepted on behalf of the Air Force and retained by the Air Force for official use (including display purposes). **Note:** Decorations and awards presented to individual Airmen from foreign governments are not considered gifts to the Air Force and are covered by AFI 36-2803, *The Air Force Military Awards and Decorations Program*.

Chapter 2

ROLES AND RESPONSIBILITIES

Section 2A—Roles and Responsibilities related to 10 U.S.C. § 2601 Gifts to the Air Force.

2.1. The Secretary of the Air Force has authority pursuant to 10 U. S.C. § 2601(a) to accept conditional gifts of personal property, whether tangible or intangible, and real property. That authority is delegated to the following officials:

2.1.1. The General Counsel and Principal Deputy General Counsel of the Air Force to accept any gift of personal property.

2.1.2. The Assistant Secretary of the Air Force (Installations, Environment, and Energy), the Principal Deputy Assistant Secretary (Installations, Environment, and Energy), and the Deputy Assistant Secretary (Installations): to accept any gift of real property. However, only the Assistant Secretary of the Air Force (Installations, Environment, and Energy) may accept gifts of real property to USAFA made conditional by the donor upon naming rights pursuant to 10 U.S.C. § 2601(e) and governed by Chapter 6 of this instruction.

2.1.3. The Director, Air Force Civil Engineer Center Installations Directorate, is authorized to accept any gift of real property having a value of \$100,000 or less.

2.1.4. The Superintendent of the USAFA may accept a gift of real property having a value of \$100,000 or less, and which does not require expenditures for acceptance and annual maintenance in excess of five percent of the total gift value. **Note:** This authority does not apply to gifts of real property made conditional upon naming rights (*see* paragraph 1.6. above). This authority may be delegated to the Vice Superintendent and/or the 10th Air Base Wing Commander (provided the 10th Air Base Wing has a real property support element). This authority may not be further delegated.

2.1.4.1. The Superintendent may also accept a gift of real property for the support and benefit of the USAFA Athletic Program having a value of \$250,000 or less, and which does not require expenditures for acceptance and annual maintenance in excess of five percent of the total gift value. **Note:** This authority does not apply to gifts of real property made conditional upon naming rights (*see* paragraph 1.6. above). This authority may be delegated to the Vice Superintendent. This authority may not be further delegated.

2.1.5. The Director of the National Museum of the United States Air Force may accept a gift of real property for the support and benefit of the museum's collections, display, education, or outreach programs having a value of \$100,000 or less, and which does not require expenditures for acceptance and annual maintenance in excess of five percent of the total gift value.

2.1.6. Commanders of installations, who have a qualified real property support element on their staff, may accept a gift of real property, from any donor, having a value of \$100,000 or less, and which does not require expenditures for acceptance and annual maintenance in excess of five percent of the total gift value.

2.1.7. Gifts of personal property having a value of \$100,000 or less, which do not require more than negligible expenditure for its acceptance and maintenance, may be promptly accepted by the following officials who may not delegate such authority unless otherwise indicated:

2.1.7.1. The Chief of Staff of the Air Force, who may delegate this authority to subordinate commanders, but not lower than installation commanders.

2.1.7.2. The commander of a Major Command, who may delegate this authority to subordinate commanders, but not lower than installation commanders.

2.1.7.3. The commanders and directors of field operating agencies.

2.1.7.4. Director, Air Force History and Museums Program.

2.1.7.5. Commanders of Air Force medical treatment facilities (not under Defense Health Agency administration).

2.1.7.6. The Director of Department of Defense Dependent Schools (Pacific area).

2.1.7.7. The Commander, 11th Wing.

2.1.7.8. The Superintendent of the USAFA may also accept the following gifts having a value of \$250,000 or less: (1) gifts, from any donor, of personal property for the support and benefit of the USAFA Athletic Program; (2) gifts, from the Air Force Academy Athletic Corporation (AFAAC), of “funds, supplies, equipment and services” for the support and benefit of the USAFA Athletic Program, pursuant to Title 10 U.S.C § 9362(e) *Support of Athletic Programs*; and (3) gifts, from any donor, of personal property, including research facilities and efforts, for the support and benefit of the USAFA Academic Program.

2.1.7.9. The Director of the National Museum of the United States Air Force may also accept gifts of personal property with historical significance into the Air Force historical collection having a value of \$250,000 or less.

2.1.8. Regardless of any other delegation of gift acceptance authority, installation commanders are authorized to accept a gift of personal property of a value of \$5,000 or less, which does not require more than negligible expenditure for its acceptance and maintenance. This authority is not further delegable.

2.2. Legal Advisors. Gift acceptance authorities should seek legal advice prior to accepting any gift to the Air Force from their servicing legal office. The Secretariat will seek legal advice from the Office of General Counsel (SAF/GC). Air Staff offices may seek legal advice from SAF/GC or the Office of The Judge Advocate General (AF/JA).

Section 2B—Roles and Responsibilities Related to Gifts for Distribution to Individual Airmen.

2.3. Gift Acceptance Authorities. The designated Gift Acceptance Authorities enumerated in Section 2A also apply to the gifts for distribution to individual Airmen.

2.4. Director, Air Force Services (AF/A1S). After acceptance by the proper Gift Acceptance Authority, for gifts to overseas units and for gifts intended to distribution at more than one Major Command, Air Force Services will take receipt of such gifts and determine the manner of distribution.

2.5. Major Commands. After acceptance by the proper Gift Acceptance Authority, for CONUS gifts intended to distribution within their Major Command, Commanders will take receipt of such gifts and determine the manner of distribution.

2.6. Unit Commanders and Directors. After acceptance by the proper Gift Acceptance Authority, unit commanders and directors will execute the distribution plan for gifts as determined by Air Force Services or their parent Major Command, as appropriate.

Section 2C—Roles and Responsibilities Related to Real Property Gifts to the USAFA Conditioned upon Naming Rights.

2.7. The Assistant Secretary of the Air Force (Installations, Environment, and Energy) (SAF/IE) is the only official who may accept gifts of real property to the USAFA made conditional by the donor upon naming rights pursuant to 10 U. S.C. § 2601(e) and governed by Chapter 6 of this instruction.

2.8. The Director, Air Force Civil Engineer Center Installations Directorate, will support SAF/IE with real property valuation assessments, environmental assessments and preparing an analysis of the acceptance factors designated in Chapter 6.

2.9. The Superintendent of the USAFA will forward real property gift offers to SAF/IE for acceptance, coordinate with donors and execute such acceptance once approved by SAF/IE.

Section 2D—Roles and Responsibilities Related to Gifts of Travel Benefits for Air Force Employees.

2.10. SAF/GC will collect the semi-annual gifts of travel report from installation legal offices via Major Command legal offices, in accordance with Chapter 8 of this instruction.

2.11. SAF/GC will review offers of gifts of travel associated with officials in the Secretariat. Air Staff offices may seek legal review of offers of gifts of travel by SAF/GC or AF/JA.

2.12. Commanders of Major Commands may approve offers of gifts of travel associated with their own travel except for those that include offers to fund spousal travel, which should be forwarded according to 2. 14 for approval.

2.13. First General Officer/Senior Executive Service official in the chain of command of the recipient employee will approve offers of gifts of travel including those offering to fund spousal travel. This authority may be delegated when obtaining such approval is impractical, but should be retained at a level of the supervisory or command chain above that of the traveler.

2.14. Immediate Supervisor of the Employee will endorse all offers of gifts of travel benefits.

2.15. Employee for whose travel the gift has been made will forward all relevant information to the approving official in advance of the travel. Employees will not personally accept monetary reimbursement.

Section 2E—Roles and Responsibilities Related to Foreign Gifts.

2.16. Administrative Assistant to the Secretary of the Air Force (SAF/AA) will provide disposition instruction for gifts from foreign governments when requested from recipient officials.

2.17. SAF/GC will provide legal review of all gifts from foreign governments for SAF/AA.

2.18. AF/JA may collect and endorse all incoming requests for disposition instructions.

2.19. Recipient officials will forward all information required by Chapter 9 of this instruction to SAF/AA when disposition instructions are needed.

Chapter 3

GENERAL PROVISIONS FOR 10 U.S.C. § 2601 GIFTS TO THE AIR FORCE

3.1. Gift Acceptance Authority. Authority to accept a gift offered to the Department of the Air Force is primarily vested in the Secretary of the Air Force; the ability to decline to accept a gift is inherent in the authority to accept it. Gift acceptance authority has been delegated in AFPD 51-5, and may be further delegated as specified in AFPD 51-5. Delegation of gift acceptance authority is limited by the value and kind of gift offered, so an accurate assessment of fair market value of an offered gift is essential to determining the official authorized to accept it.

3.2. Determination of the Nature of an Offer of a Gift:

3.2.1. Officials initially receiving an offer of a gift must determine whether the offer is conditional or unconditional. **(T-0)**. Direct communication with prospective donors to determine the nature of a gift and to clarify the conditions under which it is being offered is encouraged.

3.2.2. Unless an offer of a gift is determined to be conditional, it must be processed as unconditional. **(T-0)**. Unconditional gifts may not be accepted by the Air Force. **(T-0)**. Unconditional gifts of funds or negotiable instruments will be considered miscellaneous receipts and must be forwarded to the U.S. Treasury, pursuant to 31 U.S.C. § 3302(b). **(T-0)**. However, gifts made to the Air Force for the benefit of Air Force programs and operations, even if worded in broad terms, are still conditional gifts. Caution should be exercised, and a mutual understanding between the donor and the recipient activity should be obtained, as some functional communities have different meanings for the terms “conditional” and “unconditional.”

3.2.3. Gifts of services offered on the specific condition that they be used for the benefit of personnel who incur a wound, injury, or illness in the line of duty, or for the benefit of dependents or survivors of such personnel, may be accepted pursuant to this instruction under the authority of 10 U.S.C. § 2601(b). Other offers of services may not be accepted under this instruction, but should be considered for acceptance under 10 U.S.C. § 1588, *Authority to Accept Certain Voluntary Services*, and Department of Defense Instruction (DoDI) 1100.21, *Voluntary Services in the Department of Defense*. The acceptance of volunteer services should be memorialized on a DD Form 2793, *Volunteer Agreement for Appropriated Fund Activities & Non Appropriated Fund Instrumentalities*.

3.3. Expenses Prior to Official Acceptance. Officials initially receiving an offer of a gift must provide notice to the prospective donor that the Air Force does not assume responsibility for any expenses incurred before the gift is officially accepted, even if the gift is in temporary custody of the Air Force prior to official acceptance and even if the offer is ultimately declined and the gift returned. **(T-0)**.

3.4. Custodial Responsibility. Except in unusual circumstances, the Air Force shall not accept temporary custody of a gift before it is officially accepted. **(T-0)**. Such unusual circumstances might occur, for example, when delivery of the gift has been completed and when it would be impossible or embarrassing to the donor to retake possession.

3.4.1. **Money or Negotiable Instruments.** Prospective donors shall be advised to retain custody of money or negotiable instruments until officially accepted. (T-0). Air Force officials will not accept temporary custody of funds or negotiable instruments. (T-1).

3.4.1.1. If an authorized official formally accepts such a gift, he or she shall notify the local Defense Accounting Office. The Defense Accounting Office will process an SF 1081, *Voucher and Schedule of Withdrawals and Credits*, to withdraw the funds and deposit them as a conditional gift. Unconditional gifts must be forwarded to the U.S. Treasury. (T-0).

3.4.1.2. If an authorized official declines such a gift, he or she shall notify the local Defense Accounting Office. The Defense Accounting Office shall process an SF 1049, *Public Voucher for Refunds*, to refund money for the value or indorse negotiable instruments to the prospective donor. (T-0). The full value of the gift as of the time it was taken into custody shall be returned or refunded to the prospective donor. (T-0).

3.4.2. **Gifts other than money or negotiable instruments.** If a non-monetary gift is taken into temporary custody before official acceptance, prospective donors shall be notified in writing that the Air Force cannot assume responsibility for any loss, damage, depreciation, or other reduction in value to it. (T-0).

3.5. Records. The command receiving final custody of a gift for official use, storage or display must retain the original letter or instruments offering the gift and a copy of the instrument accepting the gift. These records must be retained as long as the gift remains in the Air Force's possession. (T-0) If the gift is transferred from Air Force possession or otherwise disposed of, its associated records may be disposed of in accordance with an applicable records retention schedule. (T-0).

3.6. Copyrighted or Patented Items. The Air Force should make every effort to obtain documented transfer of copyright through reasonable research and/or contact with the copyright owner. If a copyrighted or patented gift could be used for governmental purposes within the scope of its copyright or patent, it may be accepted only if the donor also grants the Air Force a royalty-free license or gratuitously assigns the copyright or patent to the United States. (T-0). If such gifts could not be used by the Air Force within their protected scope (e.g. a patented piece of equipment that could only be disassembled and used for spare parts), they shall be processed in the same way as similar non-protected ordinary gifts. (T-0). Copyright owner claims for items already in Air Force possession will be processed for appropriate action. (T-0).

3.7. Gifts of Real Property.

3.7.1. Offers of gifts of real property shall be transmitted, through appropriate functional or command channels, to the first official with delegated gift acceptance authority. (T-1). Include the information specified in paragraph 5.16 of this instruction in the transmittal. (T-1).

3.7.2. Gifts of real property to the USAFA conditioned upon naming rights shall be processed in accordance with Chapter 6 of this instruction. (T-0).

3.7.3. When a gift of real property involves construction on Air Force land or any modification, alteration, or addition to Air Force structures that will result in additions to the Air Force real property inventory, process the proposed gift to the Air Force Civil Engineering Center, who will forward the request, through appropriate channels, to Assistant Secretary of the Air Force (Installations, Environment, and Energy). (T-1). The request shall contain the information required by paragraph 5.16 of this instruction and AFI 32-9001, *Acquisition of*

Real Property. (T-1). If construction costs are \$500,000 or more, also process a copy of the gift package through functional channels for reporting purposes. (T-1). (See DoDI 7700.18., *Commissary Surcharge, Nonappropriated Fund (NAF), and Privately Financed Construction Reporting Procedures.*) Upon approval or acceptance of the gift, the Major Command (MAJCOM) will be directed to issue a right-of-entry for construction of the gift. Upon completion of the construction, the donor will deliver a deed to the Air Force installation commander, who will accept the gift on behalf of the Secretary of the Air Force. (T-1)

3.8. Final Decisions Regarding Offered Gifts. Donors shall be provided with written notice, consistent with the guidance and limitations in this instruction, informing them whether an offered gift was accepted or declined. (T-3).

3.8.1. **Tax benefits.** Air Force personnel shall not provide a donor advice or opinions as to whether a gift to the Department of the Air Force may be deductible for tax purposes. (T-0). Air Force personnel shall not provide or certify a gift's value for donor tax purposes, but may suggest the donor consider consulting a civilian expert for such advice. (T-0).

3.8.2. **Official Acceptance Dates.** Official gift acceptance occurs on the date it is provided in writing by an official with properly delegated acceptance authority. Written acceptance of a gift constitutes its official receipt by the Air Force. Written acceptance may not be adjusted, amended, or "backdated" for any purpose. (T-0).

Chapter 4

DONOR IDENTIFICATION

4.1. General Guidance. Identifying donors for gifts presented to the Air Force shall be done in accordance with applicable laws, regulations, and ethical guidance. Donor identification made pursuant to this chapter must be for the limited purpose of official public acknowledgement of the source of a gift accepted by the Air Force. Donors may be private individuals, groups of individuals (e.g., USAFA Class of 1975), nonprofit organizations or commercial entities. Providing a means for donor identification for accepted gifts is subject to the discretion of the designated gift acceptance authorities; donors shall not be entitled to any form of recognition for any gift offered or accepted. Where a donor entity collects contributions from other individuals or entities toward a gift that is proffered, acknowledgment by the Air Force will be of the donor individual or entity and not of individual contributors. Exceptions to this restriction may be approved by the Designated Agency Ethics Official, after appropriate consultation with the Department of Defense Standards of Conduct Office and the Office of Government Ethics, where the underlying fundraising activity or recognition is formally sanctioned by Congress or is otherwise specifically allowed by law. **(T-0)**.

4.2. Personal Property. Gifts of tangible personal property may be accompanied by modestly-sized, non-permanent physical markers that identify the property as having being donated, or otherwise acquired through a donation, by the donor (e.g. “Donated by [donor name]”). Air Force acceptance of an appropriately marked gift of personal property shall not be construed as providing advertising or publicity for the gift or the donor. The Air Force may remove such marker at its discretion.

4.3. General Donor Identification Guidance.

4.3.1. The official authorized to receive the gift on behalf of the Air Force will acknowledge the gift’s receipt by an appropriate letter to the donor on behalf of the members and employees of the command or organization concerned. **(T-3)**. A simple statement of gratitude may be included in such a letter so long as it does not imply endorsement of the donor by the Air Force or any Air Force member or employee.

4.3.2. Do not grant special concessions or privileges to a donor in recognition of a gift. **(T-0)**.

4.3.3. Statements of gratitude should be limited to acknowledgement of the gift accepted. Do not provide statements of gratitude or recognition beyond the gift itself (e.g., do not reference a corporate donor’s products, a non-profit organization’s services, or an individual donor’s charitable works). **(T-1)**.

4.3.4. Any public announcement (such as a Public Affairs media release) associated with the Air Force’s acquisition of new property by gift should focus on the impact of the acquisition on the Air Force mission and/or Air Force community. Such announcements may make incidental mention of the identity of a donor, but they should not include any corporate or business logos, trademarks, websites, or other information that could be interpreted as providing publicity, advertising, or endorsement of the donor. **(T-1)**.

4.3.5. At the discretion of the appropriate commander or gift acceptance authority, donors may be invited, present, and identified at a ribbon-cutting or similar ceremonial public event. However, such events shall not be planned or conducted solely to commemorate acceptance of

a gift or acknowledge donors. (T-1). Additionally, appropriated funds may not be used to fund travel, lodging, or donor expenses to be present at such events. (T-0).

4.4. Donor Activities. Donors are permitted to engage in their own independent donor advertising or publicity regarding gifts to the Air Force. Donors may not be prohibited or otherwise restricted from announcing or publicizing their gift, but they may be cautioned against advertising or publicity that might imply Federal endorsement or sanction of non-Federal entities. Commanders and gift acceptance authorities should consult their servicing Staff Judge Advocate for additional guidance regarding inappropriate donor activities. Do not withhold or refuse to issue a gift acknowledgment letter solely because the donor may make public use of it (e.g., post it on its website). Donor identification pursuant to this instruction shall not be considered commercial sponsorship pursuant to AFI 34-108, *Commercial Sponsorship and Sale of Advertising*.

Chapter 5

CONDITIONAL GIFTS TO THE AIR FORCE

Section 5A—Conditional Gifts Under 10 U.S.C. § 2601: Offer and Acceptance

5.1. Initial Receipt of a Conditional Offer of Gift. Any person, military or civilian, in the Department of the Air Force may receive a conditional offer of a gift, or receive and take custody of a conditional gift, subject to paragraphs 3.3 and 3.4 of this instruction. Initial receipt and custody of a gift shall not constitute, nor be implied to constitute, formal Air Force acceptance of that gift.

5.2. The Method of Offering Conditional Gifts. An offer of a conditional gift made under 10 U.S.C. § 2601 from an individual shall be in written form, signed by the donor, witnessed, and dated. However, if the donor is a corporation, a corporate officer must sign the offer on behalf of the entity and include a certificate establishing authority to make the gift. (T-1). See Attachment 2 and Attachment 3 of this instruction for samples.

5.3. Acceptance of Conditional Gifts.

5.3.1. Accept all conditional gifts unless there are grounds to reject the gift. See Section 5B below. (T-3).

5.3.2. If an offer of a gift requires Secretarial level acceptance, the person receiving the gift offer shall forward it through appropriate functional channels to the SAF/AA for action by, or at the direction of, the Secretary of the Air Force. (T-1).

5.4. Who May Accept. The Secretary of the Air Force or designee may accept conditional gifts at the Secretarial level. When the value of a gift or the cost of accepting and maintaining a gift cannot be confidently ascertained to permit acceptance below the Secretarial level, the person receiving the gift offer will forward the offer to the Secretarial level. (T-1). An authorized person who accepts a gift below the Secretarial level will forward a copy of the gift acceptance letter to the appropriate functional activities. (T-1).

5.5. Form of Acceptance. Sample gift acceptance letters are provided in Attachment 4 and Attachment 5 of this instruction and may be modified as circumstances warrant. Modification is generally warranted when a gift offer contains special conditions or arrangements that should be formally acknowledged and recorded.

5.6. Acceptance at Secretarial Level. When acceptance of a conditional gift requires Secretarial approval, the HAF office concerned will prepare the letter of acceptance and submit it, in accordance with current HAF staffing policies, to the Office of the Secretary of the Air Force, or his/her designee, for signature.

5.7. Forwarding a Conditional Offer to Higher Approval Level. Gifts should normally be accepted at the lowest level of delegated authority specified in AFPD 51-5 or Chapter 2 of this instruction. When forwarding an offer to a higher level, including the Secretarial level, is required for acceptance the memorandum of transmittal, with offer of gift documentation attached, must be forwarded through appropriate functional channels. (T-1). The memorandum shall contain all pertinent information concerning the proposed offer to include, but not necessarily be limited to:

- 5.7.1. A description of the item(s) (including quantity if applicable), including condition, material, and approximate size and weight. **(T-1)**.
- 5.7.2. The conditions and limitations of the offer. **(T-1)**.
- 5.7.3. An explanation of the present use, location, and availability of the item. **(T-1)**.
- 5.7.4. Any unusual or large expenses involved in accepting and using the item. **(T-1)**.
- 5.7.5. The donor's present, pending, or prospective (if known) business relationships with the Department of the Air Force. **(T-1)**.
- 5.7.6. A summary of the item's significance and/or benefit to the Air Force. **(T-1)**. Include the recommendation of the installation commander (or equivalent) transmitting the offer, as well as any intermediate commander's coordination or recommendation, for acceptance or declination. **(T-1)**.

5.8. Transfer of Title. With respect to accepting conditional gifts pursuant to 10 U.S.C. § 2601, the offer of a gift of real property is merely an offer to formally transfer title to the property to the Secretary of the Air Force on behalf of the United States of America at a later date. Offers of conditional gifts of personal property that convey via formal title, such as vehicles and aircraft, are also merely offers to formally transfer title to the property to the Secretary of the Air Force on behalf of the United States of America at a later date. For all other conditional gifts, the offer of a gift affects a transfer of title of the gift property to the Secretary of the Air Force on behalf of the United States upon acceptance.

Section 5B—Declination of Conditional Gifts

5.9. Conditional gifts shall not be accepted under the following circumstances:

- 5.9.1. Acceptance involves the expenditure or use of funds in excess of amounts appropriated by Congress. **(T-0)**.
- 5.9.2. The offered item is extremely dangerous. **(T-0)**.
- 5.9.3. The offered item is offensive, in poor taste, or inconsistent with Air Force core values. **(T-0)**.
- 5.9.4. Acceptance of the gift would raise a serious question of impropriety in light of the donor's present, pending, or prospective business relationships with the Department of the Air Force. **(T-0)**.
- 5.9.5. The cost of acceptance and maintenance is disproportionate to any derived benefit. **(T-0)**.
- 5.9.6. The acceptance of the gift would not be in the best interest of the Air Force. **(T-0)**.

5.10. Contents of Declination Letter. Declination to accept a conditional gift must be in writing and signed by an authority eligible to accept it. **(T-1)**. The letter must acknowledge receipt of the offer (or the gift itself) and clearly state it is not being accepted by the Air Force. An explanation of why the Air Force is not accepting it may be provided to the donor at the responding authority's discretion, but it is sufficient to simply notify the prospective donor that acceptance is not currently in the best interests of the Air Force.

5.11. Declination at the Secretarial Level. The Headquarters Air Force office concerned will submit a proposed letter of declination (*see* Attachment 6 or Attachment 7 of this instruction), in accordance with current Headquarters Air Force staffing policies, to the Office of the Secretary of the Air Force, or designee, for signature.

5.12. Processing Gifts of Personal Property for Current Use through Functional Channels. All offers of gifts of personal property items for current use (*see* terms in Attachment 1 of this instruction) are staffed through functional channels to the lowest appropriate level that can accept them. (T-1). For example, a gift of equipment items should be staffed to the acceptance authority through logistics channels and Air Force Acquisition (SAF/AQ), or a gift of medical and nonmedical items for use in a medical facility to HQ Air Force Surgeon General (AF/SG).

5.13. Processing Gifts of Historical Significance. Send a gift having historical significance that requires Secretarial approval through the National Museum of the United States Air Force, Wright-Patterson AFB, Ohio, and a gift of personal papers to the Director, Air Force History and Museums (AF/HO). (T-1).

5.13.1. Gifts of historical significance are processed according to AFI 84-101, *Historical Products, Services and Requirements* or AFI 84-103, *United States Air Force Heritage Program*.

5.13.2. Direct communication between AF/HO and the National Museum of the Air Force and other commands on the collection, inventory, and disposition of Air Force historical properties is authorized.

5.14. Processing Gifted or Donated Artwork for Consideration of Acceptance into the Art Program. When an artist or donor presents an original artwork as a gift, the Air Force Art Program (SAF/AAO) will determine whether to accession it or not, pursuant to AFI 84-104, *Art Program*. For consideration, contact SAF/AAO workflow and coordinate an electronic or hard copy submission. However, acceptance of the artwork into the Air Force Art Program does not constitute gift acceptance. Depending on fair market value, the artwork will still need to be processed for gift acceptance in accordance with Chapter 2. **Note:** SAF/AAO will consult with AF/HO to determine the historical significance of artistic gifts. If the item is determined to have historical significance and is art, SAF/AAO may consider acceptance into the Art Program's collection.

5.15. Processing Gifts of Money and Other Intangible Personal Property. Offers of intangible property must be forwarded to the Air Force Deputy Assistant Secretary for Financial Operations (SAF/FMF) for review, which will staff the offer for acceptance by the Secretary of the Air Force or his/her designee. (T-1). Provide the following information to SAF/FMF via memorandum of transmittal:

5.15.1. The amount of cash or value of the instruments involved. (T-0).

5.15.2. The donor's present, pending, or prospective business relationships with the Department of the Air Force. (T-0).

5.15.3. Any conditions of the offer not otherwise specified in the formal offer. (T-0).

5.15.4. Recommendation from the recipient official to accept or decline the offer. (T-1).

5.15.5. SAF/FMF will notify the recipient official of acceptance or declination and furnish instructions as to the disposition of the gift. (T-1).

5.16. Processing Gifts of Real Property. Process an offer of gift of real property that requires Secretarial level approval through the receiving Major Command to the Assistant Secretary of the Air Force (Installations, Environment and Energy). **(T-1)**. Provide the following information to the approving authority:

- 5.16.1. Complete general description of the real property, or a legal description if it is land. **(T-1)**.
- 5.16.2. Geographic location, including its relation to existing Air Force facilities. **(T-1)**
- 5.16.3. Initial costs, if any, and anticipated recurring costs to the Air Force upon acceptance of the gift. **(T-1)**.
- 5.16.4. Realized and unrealized potential use of the real property. **(T-1)**.
- 5.16.5. Current use of the real property. **(T-1)**.
- 5.16.6. Proposed Air Force possession date. **(T-1)**.
- 5.16.7. Utility services available. **(T-1)**.
- 5.16.8. Approximate current fair market value of the gift. **(T-1)**.
- 5.16.9. Impact of the gift on the civilian economy, including the community, other agencies, and individuals. **(T-1)**.
- 5.16.10. Conditions under which the offer of gift is being made. **(T-1)**.
- 5.16.11. All pertinent facts concerning the donor's present, pending, and prospective (if known) business relationships with the Department of the Air Force. **(T-0)**.
- 5.16.12. Recommendation of the commander transmitting the offer, and of any intermediate commander, on whether to accept or decline it. **(T-1)**.
- 5.16.13. All offers of gifts involving future construction on Air Force land must contain the additional information required by AFI 32-9001, *Acquisition of Real Property*, and must be processed according to paragraph 3.7.3 of this instruction. **(T-1)**. All other offers of gifts of real property are processed under this instruction and must also comply with AFI 32-9001. **(T-1)**.

5.17. Processing Gifts of Services Under 10 U.S.C. § 2601(b). All offers of gifts of services for wounded, ill, or injured Airmen should be accepted in accordance with paragraph 3.2.3 of this instruction. **(T-2)**. Offers of one-time or recurring voluntary services not acceptable under 10 U.S.C. § 2601(b) should be considered for acceptance under 10 U.S.C. § 1588 and DoDI 1100.21.

Section 5C—Receipt, Use and Disposition of Conditional Gifts.

5.18. Sale of Gift Property. The Secretary of the Air Force may, except when specifically prohibited by the terms of the offer, sell any gift or property received under 10 U.S.C. § 2601. Treat the proceeds of sale in the same manner as a gift of money and deposit the proceeds in the appropriate account. **(T-0)**. The funds are subject to disbursement at the discretion of the Secretary of the Air Force, according to the terms and conditions of the gift. AFI 32-9004, *Disposal of Real Property*, governs the disposal of all real property.

5.19. Receipt, Use, or Disposition of a Conditional Gift. Responsibility for the receipt, use, or disposition of a conditional offer of gift accepted under 10 U.S.C. § 2601 is as follows:

5.19.1. Real Property. Maintain records for the receipt, use, and disposition of gifts of real property according to AFI 32-9005, *Real Property Accountability and Reporting*. (T-1).

5.19.2. Tangible Personal Property for Current Use. AF/ILSS will prescribe the procedures for receiving, accounting, and disposing of tangible personal property for current use. (See AFI 23-111, *Management of Government Property in Possession of the Air Force* and AFI 23-101, *Air Force Materiel Management*). (T-1).

5.19.3. Artwork. SAF/AAO will maintain records for the receipt, use, reproduction, and disposition of officially accessioned artwork. (T-1). Local units will maintain records for locally accepted artwork not accessioned into the Art Program controlled by SAF/AAO.

5.19.4. Intangible Personal Property. Major Commands, Direct Reporting Units, Field Operating Agencies, and Defense Finance and Accounting Service (DFAS) will identify fully liquidated allocated funds of all gifts of money and similar documents deposited to the Department of the Air Force General Gift Fund, and issue appropriate Budget Authorization or Allocation documents so that total final reporting action can be completed.

5.19.4.1. DFAS will arrange for acquisition of US Government securities when required. **Note:** Amounts offered for the purpose of US Government securities will not be allocated to the recipient command. DFAS will maintain adequate investment files, schedules of availability by Operating Agency Code and reconcile Gift Fund balances to the Treasury Trial Balance.

5.19.4.2. When DFAS makes the collection and deposits it in the Department of the Air Force General Gift Fund, DFAS will establish budget authorizations and allocate funds to the MAJCOM or Field Operating Agency responsible for the designated Air Force organization or institution.

5.20. Superintendent of the USAFA. The Superintendent may, except when specifically prohibited by the terms of the offer, sell any books and library materials deemed excess to the needs of the USAFA library.

5.21. Gifts to Nonappropriated Fund Activities. The Air Force Director of Services (AF/A1S), will prescribe the procedures for receiving, accounting, and disposing of all gifts to Nonappropriated Fund Activities, according to AFMAN 34-201, *Use of Nonappropriated Funds (NAFS)*, or coordinate the receipt, accounting, and disposition with appropriate functional channels.

5.22. Gifts of Historical and Museum Objects. AF/HO and the Director, National Museum of the United States Air Force, will keep records for the receipt, use, and disposition of Air Force historical properties according to AFI 84-103.

5.23. Medical Equipment. The Air Force Surgeon General (AF/SG) will prescribe the procedures for receiving, accounting, and disposing of all tangible personal property for use in a medical facility, according to AFMAN 41-209, *Medical Logistics Support*.

5.24. Computer and Data Processing Equipment. The Under Secretary of the Air Force or the Deputy Chief Information Officer will prescribe the procedures for receiving, accounting, and

disposing of tangible personal property for current use which relates to automatic data processing, according to AFMAN 17-1203, *Information Technology (IT) Asset Management (ITAM)*.

5.25. Religious Items. The Chief of Chaplains (AF/HC) will prescribe the procedures for receiving, accounting and disposing of all items of religious significance, included those religious items intended for distribution to individuals, in accordance with Department of Defense Manual (DoDM) 4160.21 Volume 4, *Defense Materiel Disposition: Instructions For Hazardous Property And Other Special Processing Materiel*, Enclosure 3, and AFI 52-105, *Chaplain Corps Resourcing*.

5.26. Other Items. Account for other specialized commodities, such as Military Affiliate Radio System items, Programmed Communications Support Program items, cryptographic and associated equipment, given for current use but not covered above, will be processed for acceptance according to procedures prescribed by the functional activity involved. **(T-1)**

Section 5D—Accounting and Recordkeeping

5.27. Accounting for Gift Property Accepted Under 10 U.S.C. § 2601. Keep all records of property received by the Air Force under 10 U.S.C. § 2601 separate from property acquired otherwise. **(T-1)**. Account for conditional gift property accepted under 10 U.S.C. § 2601 as follows:

5.27.1. Real Property. Use records prescribed by AFI 32-9005. **(T-1)**.

5.27.2. Historical Property. Use records prescribed by AFI 84-103. **(T-1)**.

5.27.3. Tangible Personal Property. Account for tangible personal property using records and procedures prescribed by AFI 23-111, *Management of Government Property in Possession of the Air Force*. **(T-1)**.

5.27.4. Money and Other Intangible Personal Property. Funds received as gifts or proceeds from the sale or investment of these gifts will be deposited into the Department of the Air Force General Gift Fund. **(T-0)**. Do not deposit gifts in this account until the offer has been accepted in accordance with paragraph 3.4.1 of this instruction. **(T-1)**.

5.27.4.1. Officials authorized to accept gifts will direct the appropriate agency to deposit gift funds to the Department of the Air Force General Gift Fund and forward a copy of DD Form 1131, *Cash Collection Voucher*, or SF 1081 to DFAS with a request for issuance of Allocation/Authority documents. **(T-1)**. DFAS will issue a Budget Authorization/Allocation document to the MAJCOM. Funds cannot be spent until Budget Authorization/Allocation documents have been received and recorded. **(T-0)**.

5.27.4.2. When a gift (other than those accepted below the Secretarial level) has been accepted, SAF/FMF will advise recipient official to accept and deposit the financial instrument to the Department of the Air Force General Gift Fund.

5.27.4.3. DFAS is responsible for investment in government securities as required by limitations set forth in the conditions of the gift. Funds used for investment are not allocated. DFAS will allocate proceeds from the investment (discount or interest earned) to the recipient command when realized.

5.27.4.4. When a gift amount is not fully spent, dispose of the unused balance as follows:

- 5.27.4.4.1. If the nature of the conditions of the gift is such that the unused funds cannot be used for another purpose or by another activity, advise the donor of the amount of unused funds and ask him or her to provide disposition instructions. **(T-0)**. Either refund the unused gift balance to the donor or consider it a new gift, depending on the donor's instructions. **(T-0)**. If the donor does not desire a refund, do not process the balance as a new offer of a gift, provided the donor's disposition instructions authorize use of the funds for a purpose or by an activity other than that indicated in the original offer of gift. **(T-0)**.
- 5.27.4.4.2. If the condition of the gift allows use of the residual funds by activities other than those originally funded, the unused balance should be identified, through channels, to SAF/FMF as available for withdrawal and subsequent reallocation to another activity. **(T-0)**. For example, the Secretary (or other authorized official) may withdraw the unused balance and reallocate it to the USAFA, if such is within the scope of the conditions of the original gift.
- 5.27.5. Artistic Property. SAF/AAO will maintain records for artwork accepted into the collection. Local units will maintain records for locally accepted artwork not accessioned into the Air Force Art Program. **(T-1)**.
- 5.27.5.1. Property records must positively identify the property as gift property. **(T-1)**.
- 5.27.5.2. Prominently and clearly stamp the records described in paragraphs 5.27.1, 5.27.2, 5.27.3 and 5.27.5 of this instruction: "PROPERTY ACQUIRED UNDER PROVISIONS OF 10 U.S.C. § 2601." **(T-1)**.
- 5.27.5.3. Prominently and clearly stamp the records described in paragraph 5.27.4 of this instruction: "FUNDS ACQUIRED UNDER PROVISIONS OF 10 U.S.C. § 2601." **(T-1)**.

Section 5E—Conditional Gifts Not Qualified under 10 U.S.C. § 2601

5.28. Procedures for Accepting Gifts Other Than Under 10 U.S.C. § 2601. When an Air Force command receives an offer of a conditional gift and determines that the gift cannot be accepted under 10 U.S.C. § 2601 take the following steps:

- 5.28.1. Money or Other Intangible Personal Property. The receiving command:
- 5.28.1.1. Acknowledges receipt of the gift and its referral to the Department of Defense, but will not indicate acceptance or rejection of the gift on behalf of the United States. **(T-0)**.
- 5.28.1.2. Sends the money or other intangible personal property, together with the acknowledgment and original correspondence, to DFAS-IN. **(T-0)**.
- 5.28.1.3. Recommends, in the letter of transmittal to DFAS-IN, acceptance or declination of the gift and cites the appropriation or fund account to which the proceeds of the gift should be credited to carry out the donor's intent. **(T-0)**.
- 5.28.2. Real Property or Tangible Personal Property. The command receiving a conditional offer of a gift of real property or tangible personal property:

5.28.2.1. Acknowledges receipt of the offer and advises the donor of its referral to the Department of Defense, but will not indicate acceptance or rejection of the gift on behalf of the United States. (T-0).

5.28.2.2. Notifies SAF/FMF and recommends acceptance or rejection of the gift. (T-1). SAF/FMF will, in turn, notify the Assistant Secretary of Defense (Comptroller). (T-1).

5.28.2.3. Sends a copy of the acknowledgment with notification and recommendation to SAF/FMF. (T-1).

5.29. Doubtful Cases. In case of doubt as to whether a conditional gift may properly be accepted under 10 U.S.C. § 2601 or whether it must be processed under 10 U.S.C. § 2608; *Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account*, resolve it in favor of 10 U.S.C. § 2601 and process the offer according to this Chapter. (T-0). The Secretary of the Air Force or delegated official will make the final determination as to which statute grants the authority to accept the gift and will direct that the gift be transmitted to DFAS or the Assistant Secretary of Defense (Comptroller), if appropriate. (T-0).

5.30. Notice of Disposition. The Director, Defense Finance and Accounting Service (in the case of a conditional gift of money or intangible personal property) and the Assistant Secretary of Defense (Comptroller) (in the case of a conditional gift of real or tangible personal property) are responsible for the official acceptance or declination of the gift and for notifying the donor and the agency concerned of the action taken. (T-0).

Chapter 6

REAL PROPERTY GIFTS TO THE UNITED STATES AIR FORCE ACADEMY CONDITIONED UPON NAMING RIGHTS

6.1. Authority. 10 U.S.C. § 2601(e) authorizes the Secretary of the Air Force to accept gifts consisting of the provision, acquisition, enhancement, or construction of real property to the USAFA even though the gift will be subject to the condition that the real property, or a portion thereof, bear a specified name (honoree) that is designated by the donor as a condition placed upon the gift. The Secretary has delegated this authority to the SAF/IE, the Principal Deputy SAF/IE, via AFD 51-5, paragraph 3.1.2.2. Neither delegee may further delegate this authority. **(T-0)**.

6.2. Conditions for Acceptance. SAF/IE may accept a real property gift for the benefit of the USAFA under the authority of this chapter subject to the following conditions:

6.2.1. The gift must be for the provision or construction of new real property (e.g., construction of a new facility) or significant improvement of existing Air Force real property located at the USAFA. The estimated total cost of the construction or improvement project associated with the offered gift must equal or exceed \$750,000 to be considered for naming rights under this Chapter. The provision, construction, or improvement must result in complete and useable real property for naming rights to be granted. Examples of projects eligible for naming rights include:

6.2.1.1. Construction of a new complete and useable facility without requiring any supplemental funding from the United States; or

6.2.1.2. Enhancements that are real property improvements to an existing complete and useable facility constructed with appropriated funds; or

6.2.1.3. Enhancements that are real property improvements to an existing complete and useable facility constructed solely with non-appropriated funds.

6.2.2. Donors must certify all necessary funds, pledges of funds, or subscriptions have been fully secured in amounts to completely fulfill their offered gift. Required certification must be provided to the Superintendent, or designee, before any construction or improvements work may begin. **(T-1)**.

6.2.3. Donors must provide the following for all work to be performed on Air Force property: performance bonds, worker's compensation insurance, liability insurance against damages to property and injuries to persons caused by their activities or personnel, and surety bonds covering payment for provided labor and materials. If a donor is unable or unwilling to provide any of these items, an acceptable explanation as to why must be provided to the Superintendent, or designee, before any construction or improvements work may begin. **(T-1)**.

6.2.4. Donors must provide the USAFA and SAF/IE satisfactory assurance that the real property, or improvements thereto, to be gifted will satisfy all applicable laws and regulations, including, but not limited to, compliance with historical preservation and environmental requirements. **(T-1)**.

6.2.5. For gifts of title to land, donors must provide a recent title survey confirming there are no title defects or outstanding liens on the real property.

6.2.6. The gift offer must include specific provisions for donors to install, or pay for installation of, the naming display as part of the gift. **(T-1)**. Naming displays must comply with the suitable non-permanent display standards described in paragraph 4.3 above and be installed to the satisfaction of the Civil Engineer at the USAFA. **(T-1)**.

6.2.7. Upon completion of the improvements or construction to the satisfaction of the Civil Engineer at the USAFA, the donor must provide the Air Force with applicable title documents by completing a DD Form 1354, *Transfer and Acceptance of DoD Real Property*. Ownership of the improvements or constructed facility must be transferred clear of liens and free from potential title defects. **(T-1)**.

6.2.8. The acceptance of the gift and the imposition of the naming rights condition must not reflect unfavorably upon the United States. **(T-0)**. At a minimum, SAF/IE shall consider the following factors prior to accepting gifts under the authority of this chapter:

6.2.8.1. Whether the honoree is worthy of the proposed naming rights at the USAFA. Considerations include, but are not limited to, whether the honoree, if an individual, corporation or educational institution, has a record of service in or to aviation, space, or cyber. In the case of an educational or athletic facility, whether the honoree has a record of service reasonably related to the intended purpose of the facility. **(T-1)**.

6.2.8.2. Whether the use of the property or money, or the performance of construction services, offered in connection with any program, project, or activity would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity. **(T-1)**.

6.2.8.3. Whether the conditions attached to the property, money, or construction services offered are inconsistent or incompatible with applicable law or regulations. **(T-1)**.

6.2.8.4. Whether the use of the property or money or the performance of the construction services offered would reflect unfavorably upon or otherwise adversely impact the ability of the Department of Defense (DoD), the Air Force, or any DoD or Air Force member or employee, to carry out any official responsibility or duty in a fair and objective manner. **(T-1)**.

6.2.8.5. Whether the use of the property or money, or the performance of the construction services, offered would compromise, or appear to compromise, the integrity of any DoD program or individual. **(T-1)**.

6.2.8.6. Whether, after examination of any and all business affiliations or transactions with the Air Force, current, pending, or projected, in which the donor or honoree may have an interest, acceptance of the gift would reflect unfavorably upon the United States. **(T-1)**.

6.2.8.7. If the donor or honoree is a commercial entity, whether the naming of the real property after the honoree would create an unfavorable appearance of Air Force endorsement, advertising, or commercial sponsorship for the benefit of the honoree or the donor. **(T-1)**.

6.2.8.8. The estimated cost of annual maintenance to operate, sustain, and repair the proffered real property, and whether, as part of the gift offer, the donor has indicated a willingness or intent to commit to pay for all or a portion of such costs, and for what duration. **(T-1)**.

6.2.8.9. The value of the donation and type of real property that is proffered as a gift are additional factors to be considered by SAF/IE. A gift of real property conditioned on naming rights for the donor under 10 U.S.C. § 2601(e) should, in total value, exceed \$750,000 to warrant, but not guarantee, consideration for acceptance. The Air Force shall neither encourage nor solicit increases in the gift amount or number of gifts from the donor as part of the discussions regarding the merits of the proffered gift. **(T-0)**.

6.2.9. The real property to be subject to the naming condition, or the subject portion thereof, cannot have already been named by an act of Congress **(T-0)** or named pursuant to AFI 36-3108, *Memorialization Program and Ceremonies*. **(T-1)**.

6.2.10. The donor, and honoree (if the donor is not the honoree), must acknowledge, in writing:

6.2.10.1. Consent by the honoree, or by a designated representative of the honoree if the honoree consists of a group of individuals (e.g., the USAFA Class of 2002), to the proposed naming of the real property after the honoree, if the donor and honoree are not the same individual or entity and the honoree is not deceased or otherwise not legally incapacitated to provide knowing consent; **(T-1)**.

6.2.10.2. Acknowledgement of the right of the Air Force to remove or modify the honoree's name pursuant to a final and conclusive determination by the Secretary of the Air Force or SAF/IE that the donor or honoree has, either before or after acceptance of the gift by the Air Force, engaged in illegal, unethical, or inappropriate conduct, or in activities that reflect unfavorably on the United States. **(T-1)**.

6.2.10.3. Acknowledgement by the donor and honoree that future illegal, unethical, inappropriate, or other conduct or activities that reflect unfavorably on the United States could result in the removal of any previously granted naming rights. **(T-1)**.

6.2.10.4. Acknowledgement of the right of the Air Force to remove or modify the honoree's name, without assigning the honoree's name to another building or facility, pursuant to a determination by the Secretary of the Air Force or SAF/IE that a subsequent gift will significantly improve the named facility and warrants higher naming priority. **(T-1)**.

6.2.10.5. Acknowledgement of the right of the Air Force to remove or modify the honoree's name if the Air Force authority to accept gifts of real property conditioned on naming rights under 10 U.S.C. § 2601(e) is subsequently rescinded or repealed by law. **(T-1)**.

6.3. Appropriate Naming Conventions.

6.3.1. Proposed honoree names must not reflect unfavorably on the United States, Department of Defense, or the Air Force. Donors must specify the exact spelling of the proposed honoree name as part of the conditions of the gift offer. Slogans, mottos, quotes, or similar text are not considered appropriate naming conventions. SAF/IE approves the names to be displayed, and notification of decisions regarding final display approval will be provided to donors before a gift is officially accepted.

6.3.1.1. **Persons.** The full legal name of a person should normally be used. Derivatives or alternatives of given names, or use of initials alone, may be used if appropriate.

Identification of persons may also include military rank or other applicable titles, to include professional, educational, or other honorifics. The Air Force may consider including nicknames or call signs that do not carry any derogatory or negative connotations. All such identifications must be of reasonable length, as determined by the Air Force. (T-2).

6.3.1.2. Corporations, partnerships, businesses, military units, or similar organizations. The full legal name of such organizations should normally be used. If an organization does not have a legally registered name, the name by which is normally conducts its business or other activities should be used. Organizational designations, such as Inc., Corp., LLC, or P.C., may also be included.

6.3.1.3. Groups of persons, unofficial activities, and other honorees. Proposed names must be suitable to use to refer to real property, and must therefore be of reasonable length and sufficiently appropriate for incorporation into USAFA operations.

6.3.2. Suitable naming display standards. The naming display must comply with Unified Facilities Criteria (UFC) 3-120-01 for standardization of sign material, color, style, and placement. (T-0). An electronic copy of UFC 3-120-01 can be found at the Whole Building Design Guide website (<http://www.wbdg.org/>).

6.3.2.1. Only alphanumeric characters may be used. (T-1). Commercial logos, trademarks, shields, crests, badges, or other photos, images, or graphics are not permitted. Images or symbols created via alphanumeric characters are also not permitted.

6.3.2.2. The staff at the USAFA shall consult and document, as appropriate, with the responsible State Historic Preservation Office to seek exclusion of such naming displays from constraints that otherwise would restrict modification of the naming of the real property, including signage, as specified in this memorandum. (T-1). This coordination may be accomplished through an overall Memorandum of Agreement with the responsible State Historic Preservation Office but at a minimum should be accomplished prior to acceptance of any gift.

6.4. Congressional Notification. If the value of a proposed real property gift is in excess of \$750,000, SAF/IE will notify the congressional armed services committees prior to accepting the gift pursuant to 10 U.S.C. § 2662, as appropriate. (T-0).

6.5. Due Diligence, Pre- and Post-Gift Acceptance. The USAFA will be responsible for conducting pre-acceptance donor and honoree background reviews to ensure acceptance of the gift is appropriate. (T-1). Prior to forwarding the gift offer to SAF/IE through the Installations Directorate, Air Force Civil Engineer Center (AFCEC/CI), the USAFA shall ensure that all requirements in paragraph 6.2 have been satisfied. (T-0). After a gift is accepted, the USAFA will promptly notify SAF/IE if it becomes aware of allegations that a donor and/or honoree engaged in illegal, unethical, inappropriate, or other activities that reflect unfavorably on the United States, the Department of Defense, or the Air Force. (T-1).

6.6. Records. The USAFA will maintain accurate, auditable, and timely records of all gifts of real property to the USAFA accepted pursuant to AFI 32-9005. (T-1).

6.7. Restricting or Excluding USAFA Areas from Naming Rights. The Superintendent of the USAFA may, with SAF/IE approval, restrict or preclude areas or facilities (or portions thereof) on the USAFA from potential naming under 10 U.S.C. § 2601(e) based on their historical significance

or other factors, or may reserve certain areas or facilities for particular classes of donors (e.g., athletic facilities). Such restrictions are solely for the benefit of the Air Force and are not intended to benefit or disadvantage any non-Federal entity or group.

6.8. Alternative Donor Identification. Disapproval of naming rights under this chapter does not preclude approval of suitable non-permanent donor identification markers consistent with Chapter 4 of this instruction.

Chapter 7

GIFTS FOR DISTRIBUTION TO INDIVIDUAL AIRMEN

7.1. Scope. This chapter refers to gifts made to the Air Force of items of a personal nature for the benefit of, and distribution to, individual Air Force members and employees. It does not apply to gifts offered to Air Force personnel directly from sources outside the Department of Defense (*see* 5 C.F.R. 2635 Subpart B); to gifts among Air Force personnel (*see* 5 C.F.R. 2635 Subpart C); gifts given to non-appropriated fund instrumentalities (*see* AFMAN 34-201), or to gifts offered to Air Force personnel from foreign governments. (*see* Chapter 9).

7.2. Acceptable Gifts. The Air Force may accept under this chapter only those gifts that contribute to the health, comfort, convenience, or morale of military personnel (e.g., playing cards, books, or personal electronic devices for deployed or hospitalized Airmen). Products containing tobacco, alcohol, or nicotine (e.g., e-cigarettes and/or vaping liquids) are not acceptable gifts. **(T-1)**.

7.3. Responsibilities Assigned.

7.3.1. Gifts offered to the Air Force for distribution to Air Force members and employees must be accepted or declined by the Secretary of the Air Force, or designee, in compliance with the provisions of Chapter 2 of this instruction. **(T-0)**. **Note:** Before accepting proposed gifts that would need to be distributed under paragraph 7.3.4, coordinate with the Director of Air Force Services (AF/AIS) to determine whether acceptance would be in the best interest of the Air Force. **(T-0)**. Gifts offered to the Air Force for distribution (including blocks of admission tickets to sporting and entertainment events) should be distributed in a manner that does not favor military members and civilian employees of a higher grade or official position. **(T-0)**.

7.3.2. After acceptance of gifts under this chapter, unit commanders and other directors of organizations in the continental United States may receive gifts and determine the method for distribution for distribution to personnel solely within their command or organizations. Commanders/directors may delegate this authority to subordinate commanders/directors.

7.3.3. After acceptance of gifts under this chapter, overseas Major Command commanders may receive gifts from donors located within their geographic area and determine the method of distribution of such gifts within their command. Commanders may delegate this authority to subordinate commanders.

7.3.4. The Director of Air Force Services is designated to receive gifts from persons or organizations in the United States for distribution to overseas units, and for CONUS distribution when gifts are intended for military personnel or employees of more than one Major Command. The Director of Air Force Services shall determine the method of distribution.

7.4. Transportation Charges.

7.4.1. Packaging and Transportation Charges Paid by the Donor. Except for gifts discussed in 7.4.4, accept gifts under this chapter only if the donor pays all packaging and transportation charges to the following points:

7.4.2. Gifts for Distribution in the CONUS. The distribution point or points designated by the receiving commander/director or Director of Air Force Services. **(T-1)**.

7.4.3. Gifts for Distribution in Overseas Commands. The port of embarkation or other coastal activity designated by the Director of Air Force Services, or to the point designated by the receiving overseas commander/director. (T-1). Overseas commanders/directors must make all necessary arrangements with the port of embarkation for shipment of gift property to its destination in the overseas area. (T-2).

7.4.4. Transportation Charges Paid by the Air Force. The Air Force may pay transportation charges from current appropriations for gifts in this chapter under the following conditions:

7.4.4.1. The gift consists of supplies or materials that would otherwise be purchased with appropriated funds and transported to their destination at Government expense; and

7.4.4.2. No conditions of any kind are attached to the gift.

7.5. Temporary Custody of Gift Items. If an offer of gift under this chapter is made to someone who is not authorized to accept it and the donor specifically requests that the Air Force assume custody of the gift while the offer is processed, inform the donor that the Air Force cannot assume responsibility for any loss or damage to the property before it is officially accepted and delivered to a point designated under paragraph 7.4.1 or paragraph 7.4.2.

Chapter 8

ACCEPTANCE OF TRAVEL BENEFITS FOR AIR FORCE EMPLOYEES UNDER THE AUTHORITY OF 31 U.S.C. § 1353

8.1. Background. 31 U.S.C. § 1353, *Acceptance of Travel and Related Expenses from Non-Federal Sources* and 41 C.F.R. Part 304, *Payment of Travel Expenses from a Non-Federal Source*, authorizes the Air Force to accept travel benefits from non-Federal sources under certain conditions. These benefits are considered to be a gift to the Air Force rather than the individual traveler. Gifts of travel benefits shall not be solicited (**T-0**), but communicating with prospective donors to clarify the terms of an initial gift offer is permissible. This chapter does not apply to gifts of overseas travel benefits offered to Air Force members from a foreign government that may be accepted pursuant to 5 U.S.C. § 7342, *Receipt and Disposition of Foreign Gifts and Decorations*.

8.2. Source of Travel Benefits. The offer of benefits must be from a non-Federal source, such as a commercial corporation, nonprofit organization, individual person, educational institution, or a State, local or foreign government. (**T-0**).

8.3. Event Type. The travel benefits must be in connection with a meeting or similar event. (**T-0**). The term “meeting” is defined broadly but subject to certain exclusions. A meeting does not include attendance to attend musical performances or sporting events; however, where travel in an official capacity involves participation in or active support of such events, travel benefits may be accepted. (**T-1**).

8.4. Event Location. Travel benefits may only be accepted to attend an event outside an employee’s permanent duty station. (**T-0**). Gifts of travel may not be accepted for travel to a location for which temporary duty is not authorized by current travel regulations.

8.5. Travel Status. The employee must be in an official (i.e. funded) travel status for travel benefits to be accepted under this Chapter. The Air Force must issue the employee (and/or the employee’s spouse, when applicable) a travel authorization before the travel begins **except** as noted in paragraph 8.6.5. Travel benefits not covered by the offered gift remain official Temporary Duty costs payable by the employee’s unit or other appropriate source. (**T-0**).

8.6. Processing Requests.

8.6.1. The first General Officer/Senior Executive Service official in the chain of command above an employee is authorized to accept travel benefits under this Chapter. This approval level may be further delegated, but should be retained at a level of the supervisory or command chain above that of the traveler. (**T-2**).

8.6.2. The accepting authority must determine that acceptance will not undermine the integrity of Air Force or Department of Defense programs or operations. (**T-0**). The accepting authority shall be guided by all relevant considerations, including the following:

8.6.2.1. Identity of the non-Federal source; (**T-0**).

8.6.2.2. Purpose of the meeting or similar event; (**T-0**).

8.6.2.3. Identity of other expected participants; (**T-0**).

8.6.2.4. Nature and sensitivity of any non-Federal source matter pending before the agency; **(T-0)**.

8.6.2.5. Significance of the employee's role in such matters; **(T-0)** and

8.6.2.6. Monetary value and character of the travel benefits offered by the non-Federal source. **(T-0)**.

8.6.2.6.1. The offered benefit can include payment of hotel expenses in excess of General Services Administration (GSA) established lodging per diem rates, but only if all other invited travelers receive the same benefit. *See* 41 C.F.R. 304-5.5. However, this authority should only be used where there is a mix of DoD and non-DoD speakers. If all invited speakers are Air Force personnel, the offer of premium lodging should be declined. **(T-1)**. In all cases, approval shall be required by the designated travel approval official, consistent with paragraph 8.6.1 above. Offers of premium class travel may only be accepted in accordance with guidance in AFI 24-602V1, *Passenger Movement*.

8.6.2.6.2. An accepted gift may also include spouse travel benefits, but only when it is in the interest of the Air Force and authorized in advance consistent with paragraph 8.6.1 above. **(T-0)**. The same limitations and requirements for the acceptance of payment from a non-Federal source for travel expenses for the employee apply to the accompanying spouse. A spouse's presence at an event is in the interest of the Air Force if the spouse will:

8.6.2.6.2.1. Support the Air Force mission or substantially assist the member in carrying out his or her official duties; or

8.6.2.6.2.2. Attend a ceremony at which the traveler will receive an award or honorary degree from a non-Federal entity (*See* AFI 24-602, Vol 1).

8.6.2.6.2.3. Participate in substantive programs related to the Air Force's programs or operations.

8.6.3. Authorization to accept benefits must be in writing and shall be rendered before travel commences, except as noted in paragraph 8.6.5. **(T-1)**. *See* Attachment 8 for a sample authorization template.

8.6.4. The accepting authority must have written concurrence from the servicing Staff Judge Advocate or designated ethics counselor. **(T-2)**.

8.6.5. In exceptional cases where advance written acceptance cannot be obtained prior to travel, acceptance authorities may grant verbal acceptance to enable timely travel. Verbal acceptance shall be promptly (within 7 working days after travel ends – per 41 CFR 304-3.13) documented in writing and shall be accompanied by an explanation as to why acceptance could not be accomplished in writing prior to the commencement of travel.

8.6.6. Travel benefits offered to a traveler after travel has already commenced may be accepted consistent with the provisions of 41 C.F.R. 304-3.13.

8.7. Provision of Benefits.

8.7.1. Provision of "in-kind" travel benefits (such as electronic commercial airline tickets, prepaid hotels, meal vouchers, and waiver of fees) is strongly preferred over monetary

reimbursement of official travel expenses. Once a donor has expressed an interest in providing a gift of travel benefits, it shall not be considered solicitation of a gift to coordinate with the donor to provide the benefits in kind rather than via monetary reimbursement or to conform the terms of said offer to traditional government travel per diem categories.

8.7.2. Reimbursement of eligible travel expenses by direct electronic transfer or via check payable to the Air Force is permitted. Monetary reimbursement shall be credited to the appropriation from which the official travel is paid. **(T-0)**. Monetary reimbursement is limited to the total amount of all official travel expenses allowable under the applicable law and regulation, and any reimbursement in excess of that amount must be promptly returned to the donor. **(T-0)**.

8.7.3. Travelers may not personally accept monetary reimbursement, whether by cash, check payable to the traveler, or other means, from a non-Federal source for any official government travel expense. This includes reimbursement of per diem expenses and provision of allowances for meals and incidental expenses. **(T-1)**.

8.7.4. All official travel expenses not covered by the provision of travel benefits must be paid for by the government; in no instance may a traveler pay differences or shortfalls from personal funds. **(T-1)**.

8.8. Reporting Requirement. Gifts of travel expenses exceeding \$250 per event must be reported. **(T-0)**.

8.8.1. The traveler must submit a report within 30 days through the travel approving authority to the servicing legal office for filing with the U.S. Office of Government Ethics using Standard Form 326, *Semiannual Report of Payments Accepted from a Non-Federal Source*. **(T-0)**.

8.8.2. Legal offices shall collect all reports and submit a consolidated report covering April 1 through September 30 and October 1 through March 31 of each year in accordance with their Major Command legal office's procedures. **(T-1)**.

Chapter 9

GIFTS TO AIR FORCE EMPLOYEES FROM FOREIGN GOVERNMENTS

9.1. Legal Basis for Regulating Gifts. The Constitution of the United States prohibits any person holding any office of profit or trust with the United States from accepting a gift from foreign personages or governments without the consent of the Congress (United States Constitution, Article 1, Section 9, Clause 8). Congress has consented to accepting and retaining certain gifts from foreign governments (5 U.S.C. § 7342). Consult the local Staff Judge Advocate or servicing legal office as to any questions regarding gifts from foreign governments.

9.2. Rules for Gift Acceptance.

9.2.1. Military and civilian members of the U.S. Air Force and dependents will not request, solicit, or otherwise encourage gift offers from foreign governments. **(T-0)**. They will not accept or retain a gift from a foreign government, unless the gift is of minimal value and as permitted by this instruction. **(T-0)**. They shall refuse acceptance of gifts from foreign governments unless doing so would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. **(T-0)**. When practical to do so, prior to refusal of any gift, recipients will notify SAF/AA, who will consult with the Department of State. **(T-1)**.

9.2.2. A recipient must take all reasonable steps to determine the United States retail value of the gift. **(T-1)**. The recipient may use the price of the same or a substantially similar item offered for sale in a legitimate United States retail market such as in department and specialty stores; in a U.S. military exchange; in a U.S. mail order catalog; a reputable Internet seller (but not reseller of second-hand items); or by a similarly reliable method for determining fair market value. Normally, it is a best practice to derive U.S. retail value from a comparison of three (3) similar items.

9.2.3. If none of the methods suggested in paragraph 9.2.2 reveals the value of the item or there is genuine doubt as to the actual U.S. retail value, the recipient shall obtain an appraisal from a reputable appraiser who can provide a U.S. retail value. **(T-1)**.

9.3. Gifts of Minimal Value. A person may accept, outright and without prior approval, a gift of minimal value presented by a foreign government (a gift of minimal value is one that has a retail value in the U.S. at the time of acceptance of \$390 or less; the General Services Administration (GSA) periodically adjusts this amount). The recipient should always be aware of the circumstances and appearances of accepting a gift, even if it can be accepted outright. The recipient shall keep a brief record of the circumstances surrounding the presentation of the gift (date and place of presentation, identity of foreign government, name and official position of the presenter, description of gift, U.S. retail value of gift, and means by which value was determined). **(T-1)**. Once accepted, a gift of minimal value becomes the recipient's personal property and the recipient may retain or dispose of the gift as they see fit.

9.4. Gifts of More Than Minimal Value. A person subject to this instruction is required to refuse the offer of a gift of more than minimal value from a foreign government whenever it is practical to do so (e.g., intention of the gift is known ahead of receiving it). **(T-1)**. However, the gift may not be declined until so advised by the Department of State, via SAF/AA, to ensure that its return will not adversely affect U.S. foreign relations. **(T-0)**. When a gift of more than minimal

value is offered and the Department of State permits, the recipient must advise the donor that U.S. law prohibits persons in the service of the U.S. and their dependents from accepting the gift. (T-0). No person may accept or retain a gift from a foreign government except as expressly permitted by this instruction. (T-0). **Failure by military members to obey this paragraph is a violation of Article 92 of the Uniform Code of Military Justice. Violations may result in administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws. Violations of these provisions by civilian employees may result in administrative action being taken without regard to other applicable criminal or civil sanctions for violations of related laws.** A person may accept a gift of more than minimal value under the following circumstances:

9.4.1. When refusal is likely to offend or embarrass the donor or could adversely affect U.S. foreign relations, the gift becomes the property of the U.S. upon acceptance by the recipient. Recipients must seek approval to retain the gift for official Air Force use or obtain instructions for disposition. (T-1). *See* paragraph 9.5. herein. When such a gift is in the nature of an educational scholarship, medical treatment, or travel, the recipient may accept travel or expenses for travel, including transportation, and food and lodging, only if that travel meets the following:

9.4.1.1. Will take place entirely outside the U.S., except when travel across the continental U.S. is necessarily the shortest, least costly, or only route available to the destination. (T-1).

9.4.1.2. Is in the best interest of the Air Force and the U.S. government as determined by travel approval authority. (T-1).

9.4.1.3. Is proper and consistent with other Air Force directives. (T-1).

9.4.1.4. Is approved in advance as provided in paragraph 8.6.5 of this instruction. (T-1).

9.4.1.5. Does not fall within the category of travel expense governed by 31 U.S.C. § 1353 (T-1).

9.4.2. Offers falling under 31 U.S.C. § 1353 shall be processed in accordance with Chapter 6 of this instruction.

9.5. Acceptance Procedures for Gifts that Exceed the Minimal Value. Gifts of more than minimal value become property of the U.S. and must be deposited with the Air Force within 60 days for: (1) return to the donor; (2) approval for official use (including display) within the Air Force; or (3) for disposition by the General Services Administration (GSA). (T-1). Accordingly, gift recipients must obtain approval from SAF/AA to retain a gift item for official Air Force use or to obtain disposition instructions. (T-1). Recipients must keep the gift at the workplace in a designated area for storage (as determined by individual offices) until SAF/AA authorization is received. (T-3). Items proposed for retention and official display by the Air Force may be displayed pending SAF/AA approval.

9.5.1. Request for Retention for Official Use. Any person, who receives a gift of more than minimal value and who wishes to retain it for official Air Force use, must within 60 days from receipt request SAF/AA to approve its retention by the recipient's organization or any other unit. (T-1). The request will include the information required by paragraph 9.5.2 of this instruction and will detail where and how the gift will be used. (T-1).

9.5.1.1. The unit receiving the gift, for which retention is approved, will:

9.5.1.2. Place the gift item on the appropriate equipment authorization inventory using the allowance source code established by HQ AF/A4/7. **(T-1)**.

9.5.1.3. Place the gift item on the appropriate custodian authorization/custody receipt listing (CA/CRL), with disposition remarks requiring SAF/AA be notified in writing within 30 days after the date official use ends. **(T-1)**.

9.5.1.4. When the gift item is no longer displayed or its official use has ended, turn in the gift item to the Logistics Readiness Squadron (LRS) in sufficient time for LRS to notify SAF/AA within 30 days. **(T-1)**.

9.5.1.5. The LRS will notify SAF/AA in writing of all gift turn-ins within 30 days from the date the official use ended. The notification letter will request disposition instructions and will provide all the information required in paragraph 9.5.2 of this instruction. **(T-1)**.

9.5.2. Request for Disposition Instructions from SAF/AA. If the recipient does not wish to retain (and pay fair market value for) the gift (i.e., of more than minimal value) or does not receive approval to retain the gift item for official Air Force use after making a retention request IAW paragraph 9.5.1, the recipient will, within 60 days after acceptance, send a memorandum to SAF/AA (except as provided in paragraph 6.6.), requesting instructions as to disposition. **(T-1)**. Do not forward the gift to SAF/AA unless directed to do so. If not previously provided, include the following information:

9.5.2.1. Recipient's name, grade, title, organization and place of assignment. **(T-1)**.

9.5.2.2. Detailed gift description and circumstances surrounding presentation. **(T-1)**.

9.5.2.3. Identity of foreign government and full name, grade, title, or position of the foreign official who presented the gift. **(T-1)**.

9.5.2.4. Date gift was accepted. **(T-1)**.

9.5.2.5. Estimated value of gift at time of acceptance. **(T-1)**.

9.5.2.6. If applicable, a statement by recipient indicating he or she wishes to purchase the gift item for fair market value if it is subsequently offered for sale by the Air Force or GSA. **(T-1)**. Attachment 9 of this instruction provides an example of such a statement.

9.5.2.7. If a recipient wishes to recommend that the Air Force donate the gift to a public agency or nonprofit, tax-exempt organization (per 26 U.S.C. § 501(c)(3)), including a recognized private organization per AFI 34-223, *Private Organizations Program*, having non-profit, tax-exempt status for public display, use, or auction, the recipient must submit a statement including the recommended donee's name, mailing address, website address, and commercial telephone number. **(T-3)**. Provide reasons for the recommendation including how the donee will use the gift, any special significance of the gift to the donee, and any conditions on receipt of the gift. **(T-3)**. Selections should be made based on the criteria listed above and whether the circumstances would cause an impartial observer to question the integrity of Air Force missions or operations. **(T-3)**.

9.6. Action By SAF/AA. After receiving a request to retain a gift for official use, SAF/AA will:

9.6.1. Review and approve a request to keep a gift for official Air Force use if the gift can be properly and beneficially used for official purposes (*see* paragraph 9.5 of this instruction). (T-1).

9.6.2. If a retention request is disapproved, advise the recipient to return the gift to the donor if this can be done without embarrassing the donor and without adversely affecting foreign relations of the U.S. (T-0). If it is likely that refusal of the gift will cause embarrassment to the donee or could adversely affect foreign relations of the U.S., SAF/AA will seek guidance from the Department of State. (T-0).

9.6.3. If the gift retention request is disapproved or the Air Force no longer wishes to keep a gift, report the gift to SAF/AA, as directed by paragraph 9.5.2 of this instruction and DoDD 1005.13. (T-1).

9.6.4. Confirm that a commercial appraisal has been obtained or, in the alternative, a comparable cost of a similar item from a retailer or retail catalog has been determined when the recipient has expressed an interest in purchasing the gift and the Air Force will no longer retain the gift. (T-1).

9.7. Disposition of Gifts Not Retained. When SAF/AA disapproves the retention of a gift or when the Air Force or recipient no longer wishes to keep a gift:

9.7.1. SAF/AA will complete SF 120, *Report of Excess Personal Property*, and send it to "GSA, Property Management Division, Washington DC 20406 (IRCN: 0015-GSA-AN)". Attach a copy of any commercial appraisal obtained under paragraph 9.2.3 of this instruction, as well as any request from the recipient expressing an interest in purchasing the gift or recommending the gift be donated to a public agency or nonprofit institution. (T-1).

9.7.2. If GSA directs that the gift be forwarded to GSA for disposition, SAF/AA will provide forwarding instructions to the recipient.

9.7.3. If GSA determines that no federal requirements exist for the gift, SAF/AA will offer it for sale to the recipient if he or she previously expressed interest in buying the gift. The sale price, to be paid to GSA, will be the appraised value of the gift plus the cost of the appraisal. If the recipient declines to purchase the gift, the recipient shall turn in the gift to the local LRS with forwarding instructions. (T-1).

9.7.4. If approved by GSA, SAF/AA may authorize that the gift be donated to a public agency or nonprofit tax-exempt institution.

9.7.5. Gifts of minimal value or less that are not retained by the recipient may be disposed of or discarded by the recipient.

9.8. Disposition of Firearms Received as Foreign Gifts. SAF/AA may approve retention of a firearm received as a foreign gift. Follow the procedures in paragraphs 9.5 and 9.6 of this instruction, except as indicated below.

9.8.1. Firearms may not be sold to recipients, pursuant to paragraph 9.5.2.6, even if they are willing to pay fair market value.

9.8.2. Firearms may not be donated, pursuant to paragraph 9.5.2.7, to a public agency or nonprofit, tax-exempt organization.

9.8.3. When approved by GSA, SAF/AA may transfer a firearm to another federal agency.

9.8.4. Firearms not retained by the Air Force or transferred to another federal agency will be destroyed pursuant to 41 C.F.R. 101- 42.1102.10.

9.9. Procedures for Accepting Gifts from Foreign Governments of Medical Treatment, Educational Scholarships, and Travel or Travel Expenses. Before accepting offers for gifts of medical treatment, educational scholarships, and travel or travel expenses as defined in paragraph 9.4.1 of this instruction, any person seeking to accept such a gift must request approval from the proper authority in Table 9.1. **(T-1)**. This paragraph does not apply to any grant or other form of assistance offered under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. § 2452) nor to any non-Department of Defense medical treatment received under a Status of Forces Agreement or similar agreement providing for the treatment of Air Force personnel. It also does not apply to offers for payment of travel-related expenses from non-federal sources which may be processed in accordance with 31 U.S.C. § 1353.

9.9.1. Include in the approval request:

9.9.1.1. Name, grade, title, organization and place of assignment of the recipient. **(T-0)**.

9.9.1.2. Gift description, its estimated value, and the circumstances surrounding its offer and justification for acceptance. **(T-0)**.

9.9.1.3. Identity of the foreign government, and name, grade, title or position of the foreign official making the gift offer or presentation. **(T-0)**.

9.9.1.4. Date the gift was offered or accepted. **(T-0)**.

9.9.2. A person may accept a gift of emergency medical treatment from a foreign government without prior approval. However, within 30 days after accepting treatment, the recipient must send the information required in paragraph 9.9.1 of this instruction to the appropriate approval authority. **(T-1)**

9.9.3. The approval authority reviews and evaluates a request to ensure that accepting the gift is proper, consistent with the interests of the U.S., and not prohibited by this instruction or any other law, directive, or policy. **(T-1)**.

9.9.4. The approval authority notifies the applicant of the decision on the request. If the request is approved, send a copy to SAF/AA. **(T-1)**.

Table 9.1. Approval Authorities for Gifts of Medical, Educational, and Travel Expenses Offered by Foreign Governments.

	A	B	C
R U L E	If the beneficiary is	and is	then the approval authority is
1	a member on active duty, an employee, or an expert or consultant	assigned or employed in the CONUS	the commander of assignment or employment (see note)

2		assigned or employed outside CONUS	the commander of the overseas major command (MAJCOM) in which the recipient is located (see note)
3		assigned to or employed by an office in the Air Force Secretariat	SAF/AA
4		assigned to or employed by an Air Staff office	HAF/DS
5	a retired member of the regular Air Force who is entitled to pay	location not material	SAF/AA
6	a reserve component member not on active duty		
7	a dependent of any of the above		

Note: Commanders may delegate approval authority to their vice commanders or directors of staff.

9.10. Reports. Not later than 15 January annually, SAF/AA will prepare a report listing each gift of more than minimal value that has been sent or reported to SAF/AA during the preceding year. For each gift, report the information required under paragraph 9.5.2 of this instruction. Also, if possible, give the current location of the gift or describe its disposition. SAF/AA will obtain SAF/GC review before signing and sending the report to the Secretary of State. The report must reach the Secretary of State no later than 31 January. **(T-0).**

9.11. Information Program. Each commander will develop an information program designed to familiarize members and employees with the requirements of this instruction. **(T-3).** Commanders will also ensure that persons subject to this instruction receive refresher information at least annually thereafter as long as they remain on active duty or employed by the Air Force; however, an annual reminder is not necessary for people who are not likely to be offered a gift by a foreign government (commanders may include this refresher training in ethics training for OGE Form 278e, *Executive Branch Personnel Public Financial Disclosure Report* and OGE Form 450, *Confidential Financial Disclosure Report*, filers as appropriate). **(T-1).**

9.11.1. The information program shall emphasize the mandatory requirements to:

9.11.1.1. Report every gift that has more than minimal value within 60 days after acceptance. **(T-3).**

9.11.1.2. Report and account properly for gifts of travel expenses and emergency medical treatment of more than minimal value. **(T-3).**

9.11.1.3. Dispose of gifts retained for official use after termination within 60 days of such use per GSA guidelines. **(T-3).**

9.11.2. Use available information programs and resources to inform dependents, retirees, and reserve component members of the Air Force not on active duty where to seek assistance if a gift from a foreign government is received. **(T-3)**.

9.11.3. As appropriate, present this information at commanders' calls, military law seminars, and newcomer briefings, and publish it in the base newspaper, daily bulletin, and similar online publications.

9.11.4. Advise that legal advice is available from the Office of the Staff Judge Advocate or servicing legal office on questions relating to statutory or regulatory provisions on gifts from foreign governments. **(T-3)**.

9.12. Additional Review for Civil Action. Commanders will report each violation of the mandatory provisions of this instruction through their respective approval authorities (Table 1) to SAF/AA. Send all available evidence, whether or not any other action is taken. **(T-0)**. SAF/AA will review the case file and refer the case to the SAF/GC who will, in consultation with AF/JA, decide whether to refer it to the Department of Justice. **(T-1)**.

JEFFREY A. ROCKWELL
Lieutenant General, USAF
The Judge Advocate General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

United States Constitution, Article I, Section 9, Clause 8

5 U.S.C. § 2105, *Government Organization and Employees*

5. U.S.C. § 3109, *Employment of Experts and Consultants; Temporary or Intermittent*

5 U.S.C. § 7342, *Receipt and Disposition of Foreign Gifts and Decorations*

10 U.S.C. § 1588, *Authority to Accept Certain Voluntary Services*

10. U.S.C. § 2601, *General Gift Funds*

10. U.S.C. § 2608, *Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account*

10 U.S.C. § 9362, *Support of Athletic Programs*

22 U.S.C. § 2452, *Authorization of Activities*

26 U.S.C. § 152, *Dependent Defined*

31 U.S.C. § 1353, *Acceptance of Travel and Related Expenses from Non-Federal Sources*

31 U.S.C. § 3302, *Custodians of Money*

5 C.F.R. Part 2635, *Standards of Ethical Conduct for Employees of the Executive Branch*

41 C.F.R. Part 304, *Payment of Travel Expenses from a Non-Federal Source*

DoDD 1005.13, *Gifts from Foreign Governments*, February 19, 2002, Incorporating Change 1, December 6, 2002

Unified Facilities Criteria (UFC) 3-120-01

DoD Financial Management Regulation (FMR) 7000.14-R

DoDM 4160.21 Volume 4, *Defense Materiel Disposition: Instructions For Hazardous Property and Other Special Processing Materiel*, January 12, 2018

DoDI 1100.21, *Voluntary Services in the Department of Defense*, 11 March 2002, Incorporating Change 1, 26 December 2002

DoDI 7700.18, *Commissary Surcharge, Nonappropriated Fund (NAF), and Privately Financed Construction Reporting Procedures*, 15 December 2004

AFPD 51-5, *Administrative Law, Gifts, and Command Relationships*, 31 August 2018

AFI 23-101, *Air Force Materiel Management*, 12 December 2016

AFI 23-111, *Management of Government Property in Possession of the Air Force*, 19 November 2018

AFI 24-602V1, *Passenger Movement*, 28 April 2017

AFI 32-9001, *Acquisition of Real Property*, 28 September 2017

AFI 32-9004, *Disposal of Real Property*, 24 September 2018
AFI 32-9005, *Real Property Accountability and Reporting*, 4 March 2015
AFI 33-360, *Publications and Forms Management*, 1 December 2015
AFI 34-108, *Commercial Sponsorship and Sale of Advertising*, 21 August 2018
AFI 34-223, *Private Organizations (PO) Program*, 13 December 2018
AFI 36-2803, *The Air Force Military Awards and Decorations Program*, 18 December 2013
AFI 36-3108, *Memorialization Program and Ceremonies*, 31 August 2011
AFI 52-105, *Chaplain Service Resourcing, Appropriated Funds*, 23 June 2015
AFI 84-101, *Historical Products, Services, and Requirements*, 13 December 2018
AFI 84-103, *United States Air Force Heritage Program*, 22 May 2015
AFI 84-104, *Art Program*, 20 July 2017
AFMAN 41-209, *Medical Logistics Support*, 4 January 2019
AFMAN 17-1203, *Information Technology (IT) Asset Management (ITAM)*, 18 May 2018
AFMAN 33-363, *Management of Records*, 1 March 2008
AFMAN 34-201, *Use of Nonappropriated Funds (NAFS)*, 28 September 2018

Adopted Forms

DD Form 1131, *Cash Collection Voucher*
DD Form 1354, *Transfer and Acceptance of DoD Real Property*
DD 2793, *Volunteer Agreement*
Air Force Form 847, *Recommendation for Change of Publication*
Standard Form 120, *Report of Excess Personal Property*
Standard Form 1049, *Public Voucher for Refunds*
Standard Form 326, *Semiannual Report of Payments Accepted from a Non-Federal Source*
Standard Form 1081, *Voucher and Schedule of Withdrawals and Credits*
OGE Form 278e, *Executive Branch Personnel Public Financial Disclosure Report*
OGE Form 450, *Executive Branch Personnel Confidential Financial Disclosure Report*

Abbreviations and Acronyms

AFAAC—Air Force Academy Athletic Corporation
AFI—Air Force Instruction
AFMAN—Air Force Manual
AFPC—Air Force Personnel Center
AFPD—Air Force Policy Directive

AFR—Air Force Reserve
AFRIMS—Air Force Records Information Management System
AFW2—Air Force Wounded Warrior Program
ANG—Air National Guard
CFR—Code of Federal Regulations
CONUS—Continental United States
DD—Department of Defense (as used on forms)
DFAS—Defense Finance and Accounting Service
DoD—Department of Defense
DoDD—Department of Defense Directive
DoDI—Department of Defense Instruction
DoDM—Department of Defense Manual
FMR—Financial Management Regulation
GSA—General Services Administration
HQ USAF or HAF—Headquarters Air Force, includes the Secretariat and the Air Staff
LLC—Limited Liability Company
LRS—Logistics Readiness Squadron
MAJCOM—Major Command
NAF—Nonappropriated Funds
OGE—Office of Government Ethics
OPR—Office of Primary Responsibility
PC—Professional Corporation
SF—Standard Form (as used on forms)
TDY—Temporary Duty
UCMJ—Uniform Code of Military Justice
UFC—Unified Facilities Criteria
USAFA—United States Air Force Academy
USC—United States Code

Terms

Conditional Gift—A gift is conditional if offered with specified limitations upon its ownership, use, expenditure, or disposition. However, a gift's limitations do not need to be specific for it to be conditional. Examples of conditional gifts include an offer of \$10,000 to buy new speakers for a base theater; a gift of surgical equipment to be used at a specific Military Treatment Facility, a

gift of historical memoirs to the National Museum of the United States Air Force, or a gift of \$5,000 for the general purpose of enhancing an installation's support programs for deployed Airmen.

Decoration—Any order, device, medal, badge, insignia, emblem, or award.

Dependent—Spouse (except a legally separated spouse) or dependent (as defined by the Internal Revenue Code, Title 26 U.S.C. § 152) of a member or an employee of the Air Force. This does not include a spouse or dependent who is also an employee or member of the Air Force.

Donor Identification—The means by which donated gifts may be identified as having been donated by a particular person, group, or organization (the donor) and which includes, but is not limited to, markers, plaques, wall bricks, and paver stones. Such means shall be in good taste, reasonable in relative size compatible with the surrounding décor and not viewable upon casual observation, and must not be worded so as to endorse or imply endorsement of the donor by the Air Force. Examples of appropriate donor identification include, but are not limited to, phrases such as “donated by” or “this lecture hall was made possible by.” Donor identification shall not imply naming rights, memorialization or a special relationship with the property or the Air Force.

Employee—A civilian employee of the Air Force (Title 5 U.S.C. § 2105) or an expert or consultant who is under contract with the Air Force (Title 5 U.S.C. § 3109).

Foreign Gift—Any tangible or intangible present, other than a decoration, tendered by or received from a foreign government.

Foreign Government—The term includes:

1. Any unit of a foreign governmental authority, including any foreign national, state, local, or municipal government.
2. Any international or multinational organization whose membership is composed of any unit of a foreign government.
3. Any agent or representative of any such unit or organization while acting as such.

Functional Channels—This term refers to the coordination of information within, between, or across echelons of command primarily among members of a particular career field or operational activity (e.g. civil engineering, logistics, medical, legal, services, and others) rather than the transmission of information via formal chains of command.

Gift—A contribution, donation, bequest, or devise of real property, or tangible or intangible personal property.

Gift of Services—Performance of work or labor on behalf of the Air Force with no expectation of payment. (e.g., a week-long equine therapy camp for members of the Air Force Wounded Warrior Program; free Internet gaming site rights for inpatient Airmen at an Air Force Military Treatment Facility).

Gift to the Department of the Air Force—A gift offered to the United States, or to the Secretary of the Air Force acting on behalf of the United States.

Intangible Personal Property—Money, checks, money orders, drafts, bonds, shares of stock, and similar documents with a present or future value.

Items for Current Use—All other goods, wares and merchandise, including items which, upon acceptance, are used by or for the benefit of some command, organization, or institution under the jurisdiction of the Department of the Air Force.

Items of Artistic Significance—Paintings, prints, sculptures, and other art objects.

Items of Historical Significance—Historical property items, including personal papers, having value because of their association with the history of the US Air Force.

Meeting or Similar Event—(For travel payments covered under Title 31 U.S.C. § 1353) A conference, seminar, speaking engagement, symposium, training course, or similar event that takes place away from the member's or employee's official duty station, and is sponsored or cosponsored by a non-federal source. This term does not include a meeting or other event required to carry out Air Force functions required by statute or regulation (i.e., a mission-essential function), such as investigations, inspections, audits, site visits, negotiations, or litigation. The term also does not include sales presentations, promotional vendor training or other meetings held for the primary purpose of marketing the non-federal source's products or services. A meeting or similar function need not be widely attended for the purpose of this definition and includes, but is not limited to the following:

1. An event at which the member will participate as a speaker or panel participant, including an event at which the member will give an oral presentation focusing on his/ her official duties or on the policies, programs, or operations of the Uniformed Services;
2. A conference, convention, seminar, symposium or similar event the primary purpose of which is to receive training other than promotional vendor training, or to present or exchange substantive information concerning a subject of mutual interest to a number of parties; or,
3. An event at which the member will receive an award or honorary degree, which is in recognition of meritorious public service that is related to the member's official duties, and which may be accepted consistent with the applicable standards of conduct regulation.

Member—A member of the Air Force on active duty, a retired member of the regular component of the Air Force who is entitled to pay, a member of a reserve component of the Air Force regardless of duty status, and members of the Air National Guard when federally recognized.

Minimal Value—A gift that has a retail value in the U.S. at the time of acceptance of \$390 or less, or such other amount as the Administrator of General Services may prescribe after the date of this instruction.

Qualified Real Property Support Element—An installation office qualified to assess real property acquisitions and valuation. At a minimum, it shall consist of: (1) a Government employee (not a contractor) appointed as the Real Property Accountable Officer by G-Series Orders; and (2) the Real Property Accountable Officer must have completed the Air Force Institute of Technology (AFIT) Real Property Management Course.

Real Property—For the purpose of this instruction, real property includes any right, title, or interest in land and buildings, fixed improvements, utilities, and other permanent type additions to land. All offers of gifts involving construction on Air Force land or any modification, alteration, or addition to Air Force structures which will result in additions to the Air Force real property

inventory will be considered and processed under this instruction and AFI 32-9001, *Acquisition of Real Property*, as gifts of real property.

Tangible Personal Property—For the purpose of this instruction, tangible personal property is divided into three categories: Items of Historical Significance; Items of Artistic Significance; and Items of Current Use.

Unconditional Gift—A gift offered without the donor specifying a purpose for the gift or limits for its use. Examples of unconditional gifts include a blank envelope containing \$100 in cash or a \$1000 personal check that states “from a grateful citizen” on the memo line. However, a monetary gift intended for the general benefit of an Air Force unit’s programs and operations is not an unconditional gift, but rather is conditional in nature.

Attachment 2**SAMPLE OFFER OF GIFT -- CORPORATION**

KNOW ALL MEN BY THESE PRESENTS:

That the (Name of Company), a corporation, the owner of the property listed below, acting by and through (Name of Corporate Officer Signing), (The President), (One of its Vice Presidents) (), does hereby voluntarily give, transfer, convey, and assign said property, free and clear of all encumbrances, to the Secretary of the Air Force, acting on behalf of the United States of America, to have and to hold the same forever, hereby relinquishing for itself, its successors and assigns all ownership, rights, title, interest and possession therein to the donee absolutely:
(Description of Property.)

The herein described gift and transfer of said property does not entail the granting by the donee of special concessions or privileges to the donor.

The herein described gift and transfer of said property is made for the benefit of or use in connection with the establishment, operation, or maintenance of (Designated Air Force Organization or Institution) or other institution or organization under the jurisdiction of the Department of the Air Force, in conformance with 10 U.S.C. § 2601.

IN WITNESS WHEREOF the (Name of Company) has affixed its seal and caused this instrument to be executed by (Name of Person Signing), (The President), (One of its Vice Presidents) (for and on behalf of the (Name of Company) this

(Day) of (Month)(Year).

(Name of Company) By (Signature)

CERTIFICATE

I, (Name), certify that I am the (Secretary) (Assistant Secretary) (of Company), a corporation; that (Name), who signed this Offer of Gift, dated (), of the (Name), on behalf of the (Name of Company), is (The President) (A Vice President) of the (Name of Company); and that said Offer of Gift was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

(Date)_ (Name)_____

_____(Corporate Seal)

Note: For offers of gifts of real property, the above language should be modified as follows: In the first paragraph, after the word "voluntarily," add the words "offer to" and change the phrase "hereby relinquishing" to read "relinquishing upon such gift and conveyance." At the end of the first paragraph, add the following sentence: "Pursuant to this offer, I will deliver to the Department of the Air Force a deed transferring valid title to said property to the Secretary of the Air Force, acting on behalf of the United States of America." In the first line of both the second and third paragraphs, change the phrase "The herein described gift and transfer of said property. . ." to read, "The gift and conveyance of said property offered herein . . ." If the gift of real estate is under a different statute, cite that statute instead of 10 U.S.C. § 2601.

Attachment 3**SAMPLE OFFER OF GIFT -- INDIVIDUAL**

KNOW ALL MEN BY THESE PRESENTS:

That I, (Name), the owner of the property listed below, do hereby voluntarily give, transfer, convey, and assign said property, free and clear of all encumbrances, to the Secretary of the Air Force, acting on behalf of the United States of America, to have and to hold the same forever, hereby relinquishing for myself, my executors, administrators, heirs and assigns all ownership, rights, title, interest and possession therein to the donee absolutely: (Description of Property).

The herein described gift and transfer of said property does not entail the granting by the donee of special concessions or privileges to me or my executors, administrators, heirs and assigns.

The herein described gift and transfer of said property is made for the benefit of, or use in connection with, the establishment, operation, or maintenance of the (Designated Air Force Organization or Institution) or other institution or organization under the jurisdiction of the Department of the Air Force, in conformance with 10 U.S.C. § 2601.

(Signature)____(Seal)

(Dated)_____

WITNESS:

(Signature)_____

Note: See the note in [Attachment 2](#).

Attachment 4

SAMPLE LETTER OF ACCEPTANCE OF GIFT -- PERSONAL PROPERTY

Dear (Donor):

I have received your "Offer of Gift," dated (Date), by which you, on behalf of the (Name of Company), transferred (Description of Property) to the United States of America as a gift.

By authority of the Secretary of the Air Force, I accept with pleasure your gift of the (Property), pursuant to 10 U.S.C. § 2601.

Thank you for your kindness and generosity.

Sincerely yours

Note: If the donor is an individual, omit the words "on behalf of the (name of company)." Change the second paragraph as appropriate, if the offer is submitted to the Office of the Secretary to accept or reject the gift. This letter should ordinarily: (1) Acknowledge receipt of the offer of gift; (2) Describe the property briefly but completely enough to make the gift readily identifiable; (3) Actually accept the gift. (Advise where the donor may send the gift, when appropriate.); (4) State that the gift is accepted under 10 U.S.C. Section § 2601; (5) Express sincere appreciation for the gift; and (6) Be signed.

Attachment 5**SAMPLE LETTER OF ACCEPTANCE OF GIFT -- REAL PROPERTY**

Dear (Donor):

I have received your "Offer of Gift," dated (Date), by which you, on behalf of the Name of Company), offered to convey (Description of Property) to the United States of America as a gift. I accept with pleasure your gift and conveyance of the (Property), pursuant to 10 U.S.C. § 2601. This acceptance is subject to delivery to the Air Force of a deed transferring valid title to the property.

Thank you for your kindness and generosity.

Sincerely yours,

Note: The words "on behalf of the (Name of Company)" should be omitted if the donor is an individual.

Attachment 6

SAMPLE LETTER OF DECLINATION OF GIFT -- PERSONAL PROPERTY

Dear (Donor):

I have received your "Offer of Gift," dated (Date), by which you, on behalf of the (Name of Company), proposed to transfer (Description of Property) to the United States of America as a gift.

By authority of the Secretary of the Air Force, I am unable to accept your gift of the (Property), pursuant to 10 U.S.C. § 2601. The reason for the declining your gift is as follows:

(Describe the issues identified with the gift citing to the relevant regulatory paragraph.)

Thank you for your kindness and generosity.

Sincerely yours

Note: If the donor is an individual, omit the words "on behalf of the (name of company)." Change the second paragraph as appropriate, if the offer is submitted to the Office of the Secretary to accept or decline the gift. This letter should ordinarily: (1) Acknowledge receipt of the offer of gift; (2) Describe the property briefly but completely enough to make the gift readily identifiable; (3) Actually decline the gift.; (4) State that the gift is declined under 10 U.S.C. Section § 2601; (5) Express sincere appreciation for the gift; and (6) Be signed.

Attachment 7**SAMPLE LETTER OF DECLINATION OF GIFT -- REAL PROPERTY**

Dear (Donor):

I have received your "Offer of Gift," dated (Date), by which you, on behalf of the Name of Company), offered to convey (Description of Property) to the United States of America as a gift. Unfortunately, I cannot accept your gift and conveyance of the (Property), pursuant to 10 U.S.C. § 2601. The reason for the non-acceptance of you gift is as follows:

(Describe the issues or defects found with the gift citing the relevant statutory or regulatory paragraphs)

Thank you for your kindness and generosity.

Sincerely yours

Note: The words "on behalf of the (Name of Company)" should be omitted if the donor is an individual.

Attachment 8

MEMORANDUM TEMPLATE FOR ACCEPTING OFFERS OF TRAVEL BENEFITS UNDER 31 U.S.C. § 1353

MEMORANDUM FOR RECORD

SUBJECT: Approval of Acceptance of Travel Benefits Under 31 U.S.C. § 1353

1. Travel benefits have been offered by _____ to _____ to permit (him/her) to attend or present at the following meeting or similar event: _____ . This event will occur on _____. The Air Force employee's role at the meeting or similar event will be _____. This meeting is not essential to the Air Force's mission and is not promotional vendor training or other marketing. The travel is related to the employee's official duties and the employee will be participating in an official capacity. This travel is in the interest of the Government and travel authorization has been issued. Travel benefits will be provided in kind or by check or similar instrument made payable to the "U.S. Treasury."

2. I have considered the identity of the sponsoring organizations, the purpose of the meeting, the identity of other expected participants, and the monetary value and character of the travel benefits. I have also considered whether there is any matter pending with the Air Force that may affect the interest of the sponsoring organization, and if so its nature and sensitivity and the significance (if any) of _____'s role in the matter. I have considered any impact the performance or nonperformance _____'s official duties might have on the sponsoring organizations. Based on these considerations, I find that the Donor is not disqualified due to a conflict of interest and make the following determination:

Acceptance of these travel benefits would not cause a reasonable person with knowledge of all the relevant facts to question the integrity of the Air Force's programs or operations.

3. Acceptance of these travel benefits is approved. This memorandum has been coordinated with [the installation Staff Judge Advocate's Office] prior to acceptance.

4. A copy of this memorandum and attachments shall be retained by the recipient of the travel benefits and a copy will be forwarded to the traveler's servicing legal office, along with a completed form SF 326 as appropriate.

Signature block and title of travel approval authority

Ethics Counselor Coordination

Concur _____

Nonconcur _____

Attachment 9

REQUEST TO PURCHASE FOREIGN GIFT

MEMORANDUM FOR AF/JAA
SAF/GCA
SAF/AA
IN TURN

FROM: OFFICE SYMBOL (NAME OF REQUESTOR)
Official Office Address

SUBJECT: Request to Purchase a Gift Received from a Foreign Government

1. Request to Purchase Foreign Gift: In accordance with AFI 51-506, *Gifts to the Department of the Air Force* paragraphs 9.5.1 and 9.5.2.6, I request permission to purchase from the United States Air Force (or, from the General Services Administration (GSA), as appropriate) the (INSERT DESCRIPTION OF GIFT HERE) presented to me as a gift by (INSERT DONOR'S NAME HERE), as described below. **Note:** Should my request to purchase the (INSERT NAME OF GIFT HERE) described here be disapproved; in the alternative, I request approval for my parent unit to retain the gift for official use; for display here at (INSERT OFFICE SYMBOL), (INSERT NAME OF DUTY STATION, STATE), in accordance with AFI 51-506, paragraph 9.5).

2. Required Information: Consistent with AFI 51-506, paragraph 9.5.2, the following information is provided in support of my request to purchase the identified foreign gift (paragraph references shown below here are to AFI 51-506, *Gifts to the Department of the Air Force*):

a. Paragraph 9.5.2.1. Recipient's name, grade, title, organization and place of assignment;

b. Paragraph 9.5.2.2. Detailed gift description and circumstances surrounding presentation;

c. Paragraph 9.5.2.3. Identity of foreign government and full name, grade, title, or position of the foreign official who presented the gift;

d. Paragraph 9.5.2.4. Date gift was accepted;

e. Paragraph 9.5.2.5. Estimated U.S. retail value of gift at time of acceptance;

f. Paragraph 9.5.2.6. If applicable, a statement by recipient indicating he or she wishes to purchase the gift item if it is subsequently offered for sale by the Air Force or GSA. **Note:** This option is not available to recipients when the gift item is a firearm.

3. Please contact me by phone or via email should you have any questions. I can be reached at (INSERT DUTY PHONE NUMBER AND E-MAIL ADDRESS).

NAME, Grade, USAF
Duty Title