



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAY 16 2013

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

SUBJECT: Waiver of Application of the Standards of Conduct Prohibition on Acceptance of Gifts From Outside Sources for Enlisted Personnel, E-6 and Below, for the Limited Purpose of Gift Acceptance From Charitable and Veterans Service Tax-Exempt Organizations

I hereby waive application of DoD Directive 5500.07, "Standards of Conduct," paragraph 2.2.5.1, to the extent that it applies the general prohibition on acceptance of gifts from outside sources set forth in section 2635.202(a) of title 5 of the Code of Federal Regulations and as incorporated by reference in DoD 5500.07-R, "the Joint Ethics Regulation" (JER), paragraph 2-100, to enlisted members of the Military Departments and enlisted title 32 National Guard Members, E-6 and below, for the *limited purpose* of permitting them to accept gifts (e.g., items valued in excess of \$20), other than cash, from charitable and veterans service tax-exempt organizations, as defined by section 501(c)(3), (19), and (23) of title 26 of the United States Internal Revenue Code. To conform to this change, I further waive application of section 4 of Chapter 3 of the JER for enlisted members of the Military Department and enlisted title 32 National Guard Members, E-6 and below, when offered by the aforementioned tax exempt organizations.

Acceptance of such a gift must, however, otherwise comply with the other applicable Standards of Conduct rules and regulations. This includes a ban on acceptance of gifts where the intent is to influence the enlisted member in the performance of his official duties or as improper supplementation of his or her salary. *See e.g.*, 18 U.S.C. § 201 and JER 1-300(b). Furthermore, Service members may not solicit gifts from the aforementioned tax exempt organizations, and any solicited gift would not qualify for acceptance under this waiver.

This policy change will be incorporated in the next revision of the DoD Directive 5500.07 and DoD 5500.07-R.