



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-1100

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COMPTROLLER

MEMORANDUM FOR ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS
(FINANCIAL MANAGEMENT AND COMPTROLLER)

SUBJECT: Acceptance of Conditional Gifts of Real Property on Behalf of the Military Service Academies

This memorandum establishes new gift acceptance policy regarding the “naming rights” of conditional gifts of real property on behalf of the Military Service Academies, as authorized by 10 U.S.C. § 2601(e), as amended. This statute enhances authority to accept conditional gifts. This policy is effective immediately.

Section 2601(e) authorizes the Secretary concerned to accept gifts consisting of the provision, acquisition, enhancement, or construction of real property offered to the Service Academies even though the gift is subject to the condition that the real property, or a portion thereof, bear a specified name. As used in 10 U.S.C. § 2601(e) and herein, “Secretary concerned” refers to the Secretary of the Military Department responsible for the particular Service Academy. Section 2601(e) and this policy do not govern the naming of real property in other contexts.

The authority to accept gifts under section 2601(e) may be delegated by the Secretary concerned only to a civilian Presidential Appointee in a Position Requiring Senate Confirmation or “PAS.” This authority may not be further re-delegated. Section 2601(e) also requires the Secretary concerned to issue uniform regulations governing the circumstances under which gifts conditioned on naming rights may be accepted, appropriate naming conventions, and suitable display standards. The naming conventions and suitable display standards must be in accordance with Unified Facilities Criteria (UFC) 3-120-01 and other implementing guidance issued under the purview of the Under Secretary of Defense for Acquisition, Technology and Logistics (AT&L).

Before accepting the gift, the Secretary concerned or his/her PAS designee must determine, after an examination of any/all transactions pending with the Department in which the donor may have an interest, that acceptance of the gift or the imposition of the naming-rights condition does not reflect unfavorably upon the United States. Further, the Secretary concerned or designee shall determine that the real property to be subject to the naming condition, or portion thereof, has not been named by an act of Congress.

The Secretary concerned or PAS designee shall decline conditional gifts offered under section 2601(e) unless the donor agrees in writing that the Military Department retains the right to remove or alter the name if a determination is made that:

- The donor has committed an immoral act or engaged in unethical conduct; or
- The donor has engaged in activities that reflects unfavorably on the United States; or
- A subsequent donor offers to significantly alter a facility, and such subsequent gift is worthy of receiving naming-rights.

Additionally, the Military Departments and Service Academies must keep accurate, auditable, and timely records of all gifts and provide this information for periodic audits. Records must be protected in accordance with Department of Defense (DoD) policy for personally identifiable information. The Secretary concerned must ensure the accuracy and completeness of the real property records for all real property in accordance with the DoD Financial Management Regulation (FMR) Volume 1, Chapter 9 "Financial Records Retention," DoD Instruction (DODI) 4165.14 "Real Property Inventory and Forecasting," DODI 4165.70 "Real Property Management," DODI 4165.71 "Real Property Acquisition," and UFC 1-300-08. Financial reporting of the gift(s) must be in accordance with the DoD FMR Volume 12, Chapter 30 "Operation and Use of General Gift Funds," paragraph 300702.B.

My staff point of contact for gift acceptance policy is Mr. Marlon Moreira. He can be reached at marlon.a.moreira.civ@mail.mil or 703-571-1656.



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cc:
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