§ 2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families

(a) Regulations Governing Acceptance of Gifts.—

(1) The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall issue regulations to provide that, subject to such limitations as may be specified in such regulations, the following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security:

(A) A member of the armed forces described in subsection (b).

(B) A civilian employee of the Department of Defense or Coast Guard described in subsection (c).

(C) The family members of such a member or employee.

(D) Survivors of such a member or employee who is killed.

(2) The regulations required by this subsection shall—

(A) apply uniformly to all elements of the Department of Defense and, to the maximum extent feasible, to the Coast Guard; and

(B) require review and approval by a designated agency ethics official before acceptance of a gift to ensure that acceptance of the gift complies with the Joint Ethics Regulation.

(b) Covered Members.— This section applies to a member of the armed forces who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness—

(1) as described in section 1413a (e)(2) of this title;

(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a); or

(3) under other circumstances determined by the Secretary concerned to warrant treatment analogous to members covered by paragraph (1).

(c) Covered Employees.— This section applies to a civilian employee of the Department of Defense or Coast Guard who, while an employee on or after September 11, 2001, incurred an injury or illness under a circumstance described in paragraph (1), (2) or (3) of subsection (b).

(d) Gifts From Certain Sources Prohibited.— The regulations issued under subsection (a) may not authorize the acceptance of a gift from a foreign government or international organization or their agents.

(e) Application of Certain Regulations.— To the extent provided in the regulations issued under subsection (a) to implement subsection (b)(2), the regulations shall apply to the acceptance of gifts received after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 for injuries or illnesses incurred on or after September 11, 2001.


References in Text

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, referred to in subsec. (e), is the date of enactment of Pub. L. 112–81, which was approved Dec. 31, 2011.
Amendments

2011—Subsec. (b)(2), (3). Pub. L. 112–81, § 543(1), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 112–81, § 543(2), substituted “paragraph (1), (2) or (3) of subsection (b)” for “paragraph (1) or (2) of subsection (c)”.