



Defense Health Agency

ADMINISTRATIVE INSTRUCTION

NUMBER 7000. 01

May 17, 2024

Director, J-8

SUBJECT: Defense Health Agency Gift Funds and Donations

References: See Enclosure 1.

1. **PURPOSE.** This Defense Health Agency-Administrative Instruction (DHA-AI), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (j), establishes the Defense Health Agency's (DHA) procedures to review and approve acceptance of gifts that are proffered to the Defense Health Agency, including DHA Headquarters (DHA HQ), Defense Health Networks (DHNs), military medical treatment facilities (MTF), and dental treatment facilities (DTF). All DHA DTFs are considered MTFs for purposes of this DHA-AI, and any reference to an MTF from this point applies to DHA DTFs in the same fashion. This includes gifts that DHA accepts under agency gift acceptance authority and then disseminates to staff assigned, allocated, detailed to, or otherwise used to perform duties and functions associated with DHA's operations and to patients at MTFs and DTFs. It does not apply to gifts of travel, gifts between DHA employees, gifts to individuals from third parties including foreign governments (including foreign decorations and awards), gifts of services from foreign governments, gifts of firearms, or gifts for dissemination to personnel who are not assigned, allocated to, detailed to, or otherwise used to perform duties and functions associated with DHA's operations.

2. **APPLICABILITY.** This DHA-AI applies to the DHA Enterprise (components and activities under the authority, direction, and control of the DHA) to include: assigned, attached, allotted, or detailed personnel.

3. **POLICY IMPLEMENTATION.** It is DHA's policy, pursuant to References (d) through (j), that the decision whether to accept proffered gifts will be a careful one and will expeditiously consider whether it is in DHA's best long-term interests to accept each gift. DHA Acceptance Authorities will follow the provisions in References (d) through (j) and this DHA-AI.

4. STANDARD OPERATING PROCEDURES (SOP). This DHA-AI contains SOPs and Process Flows from the following divisions: Direct Care Financial Management (DCFM) and Defense Health Agency Headquarters Financial Operations (DHA HQ FOD). Ensure the most current version of the documents are referenced.

a. DCFM/MTF

(1) DCFM/MTF Use of Gift Funds SOP

(2) DCFM/MTF Process Flow

b. DHA HQ FOD

(1) DHA HQ FOD Use of Gift Funds SOP

(2) DHA HQ FOD Process Flow

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. For clarifying guidance regarding DCFM, and DHA HQ FOD see Standard Operation Procedures (Section 4 above).

7. PROPONENT AND WAIVERS. The proponent of this publication is the Director, Financial Operations (J-8). When components and activities are unable to comply with this publication the activity may request a waiver that must include a justification, including an analysis of the risk associated with not granting the waiver. The activity director or senior leader will submit the waiver request through their supervisory chain to the Director, J-8 to determine if the waiver may be granted by the Director, DHA or their designee.

8. RELEASABILITY. Cleared for public release. This DHA-AI is available on the Internet from the Health.mil site at: <https://health.mil/Reference-Center/Policies> and is also available to authorized users from the DHA SharePoint site at: [https://info.health.mil/cos/admin/pubs/SitePages/DHA%20Publications%20System%20Office%20\(PSO\).aspx](https://info.health.mil/cos/admin/pubs/SitePages/DHA%20Publications%20System%20Office%20(PSO).aspx).

9. EFFECTIVE DATE. This DHA-AI:

a. Is effective upon signature.

May 17, 2024

b. Will expire 10 years from the date of signature if it has not been reissued or cancelled before this date in accordance with Reference (c).

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Date: 2024.05.17 14:48:56 -04'00'

TELITA CROSLAND
LTG, USA
Director

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, “Assistant Secretary of Defense for Health Affairs (ASD(HA)),” September 30, 2013, as amended
- (b) DoD Directive 5136.13, “Defense Health Agency (DHA),” September 30, 2013, as amended
- (c) DHA-Procedural Instruction 5025.01, “Publication System,” April 1, 2022
- (d) United States Code, Title 10, Section 2601
- (e) DoD 7000.14-R, Volume 12, Chapter 30, “Department of Defense Financial Management Regulation: Operation and Use of General Gift Funds,” current edition
- (f) DoD Directive 1005.13, “Gifts and Decorations from Foreign Governments,” February 19, 2002, as amended
- (g) DHA-Administrative Instruction 4000.01, “Property Accountability and Management of General Equipment (GE),” October 4, 2021
- (h) DHA-Administrative Instruction 5136.03, “Delegation of Authority and Assignment of Responsibility for Administration and Management of Direct Care,” November 3, 2022
- (i) DHA-Administrative Instruction 5015.01, “Records Management Program,” June 12, 2023
- (j) Subpart B, Code of Federal Regulations, Title 5
- (k) DOD Instruction 4165.70, “Real Property Management”, April 6, 2005, as amended
- (l) DOD Instruction 4165.72, “Real Property Disposal”, December 21, 2007, as amended
- (m) DOD Instruction 5000.64, “Accountability and Management of DoD Equipment and Other Accountable Property”, as amended

ENCLOSURE 2
RESPONSIBILITIES

1. DIRECTOR, DHA. The Director, DHA, will:

a. Serve as the approval authority for all gifts proffered to the DHA of personal property and money under section (a) and (b) of Reference (d) or services under (b) of Reference (d) with a value up to \$500,000 on behalf of the government, in accordance with applicable statute, regulation, and policy, as delegated in paragraph 3.2.4 in Reference (e).

b. Ensure all gifts receive a written legal review from an attorney assigned or detailed to the DHA Office of the General Counsel (OGC) prior to acceptance or denial.

c. Express DHA's appreciation to / recognition of donors for proffers of gifts he or she accepts or declines.

d. Ensure DHA maintains a records retention system for all gifts accepted or declined in accordance with Reference (i).

e. Ensure DHA timely reports all gifts accepted, as required and outlined in Reference (e).

f. Delegate authority to the Assistant Director (AD) for Health Care Administration (HCA), AD for Resources and Personnel Integration (RP&I), AD Support (ADS), AD for J-3/5/7, DHA Chief of Staff (CoS) to accept or reject gifts up to \$250,000 proffered to the government as outlined in this DHA-AI.

g. Delegate authority to DHN Directors to accept or reject gifts up to \$100,000 proffered to the government as outlined in this DHA-AI.

h. Delegate authority to MTF or DTF Directors to accept or reject gifts up to \$50,000 proffered to the government as outlined in this DHA-AI.

2. AD-HCA, AD-RP&I, ADS, Director J-3/5/7, DHA CoS. The ADs and CoS are delegated the authority to accept gifts as outlined in this DHA-AI and will:

a. Serve as the approval authority for all proffered gifts to the DHA of personal property and money under section (a) and (b) of Reference (d) or services under section (b) of Reference (d) with a value up to \$250,000 on behalf of the government, in accordance with applicable statute, regulation, and policy.

b. Ensure all gifts receive a written legal review from an attorney assigned or detailed to the DHA OGC prior to acceptance or denial.

- c. Express DHA's appreciation to/recognition of donors for proffers of gifts that are accepted or declined via a formal letter.
- d. Ensure records for any gifts accepted or declined are maintained in the records retention system.
- e. Ensure any gifts accepted are timely reported, as required and outlined in Reference (e).
- f. Appoint a Gift Coordinator to process proffers of gifts up to \$250,000.

3. DHN DIRECTORS. DHN Directors are delegated the authority to accept gifts as outlined in this DHA-AI, and will:

- a. Serve as the approval authority for all proffered gifts to the DHA of personal property and money under section (a) and (b) of Reference (d) or services under section (b) of Reference (d) with a value up to \$100,000 on behalf of the government, in accordance with applicable statute, regulation, and policy.
- b. Ensure all gifts receive a written legal review from an attorney assigned or detailed to the DHA OGC prior to acceptance or denial.
- c. Express DHA's appreciation to / recognition of donors for proffers of gifts the respective DHN Director accepts or declines.
- d. Ensure records for any gifts accepted or declined by the respective DHN Director are maintained in the records retention system.
- e. Ensure any gifts accepted by the respective DHN Director are timely reported, as required and outlined in Reference (e).
- f. Appoint a Gift Coordinator to process proffers of gifts to specific Medical Treatment Facilities or Dental Treatment Facilities within a Network.

4. MTF/DTF DIRECTORS. The MTF/DTF Directors are delegated the authority to accept gifts as outlined in this DHA-AI and will:

- a. Serve as the approval authority for all proffered gifts to the DHA of personal property and money under section (a) and (b) of Reference (d) or services under section (b) of Reference (d) with a value up to \$50,000 on behalf of the government, in accordance with applicable statute, regulation, and policy.
- b. Ensure all gifts receive a written legal review from an attorney assigned or detailed to the DHA OGC prior to acceptance or denial.

c. Express DHA's appreciation to / recognition of donors for proffers of gifts the Director accepts or declines.

records retention system.

e. Ensure any gifts accepted by the Director get timely reported, as required and outlined in Reference (e).

f. Appoint a Gift Coordinator to process proffers of gifts to a specific MTF or DTF up to \$50,000.

5. DHA OGC. The DHA OGC will:

a. Review for legal sufficiency all gift proffers and make recommendations to the respective Acceptance Authority.

b. Review all periodic gift reports for legal sufficiency.

6. DHA HQ GIFT PROGRAM COORDINATOR. The DHA HQ Gift Program Coordinator will:

a. Coordinate with the DHA OGC, the Office of the Deputy Assistant Secretary of Defense for Health Resources Management & Policy, and other DHA or DoD stakeholders, as necessary, to ensure that DHA Gift Program policies, procedures, and guidance are in accordance with all applicable laws, regulations, and approved business practices.

b. Develop, draft, coordinate, track, and manage all correspondence associated with gifts, requiring the DHA Director's or AD-HCA, AD-RP&I, ADS, Director J-3/5/7, DHA CoS acceptance or denial.

c. Serve as records custodian for gifts accepted by the DHA Director or AD-HCA, AD-RP&I, ADS, Director J-3/5/7, DHA CoS.

d. Provide guidance and oversight to Acceptance Authorities' field gift program offices.

e. Assist in establishing any new accounts or subaccounts deemed necessary for deposit of gifts accepted.

f. Compile and submit, in coordination with all field gift program offices, quarterly reports to Defense Finance Accounting Service (DFAS) as required by Reference (e).

7. GIFT COORDINATORS FOR THE DHNs AND MTF/DTFs. The Gift Coordinators for the DHNs and MTF/DTFs will:

- a. Acknowledge, to the donor, the receipt of any gift proffer to the DHN or MTF and advise the donor that a decision to accept/decline the gift is pending processing.
- b. Ensure all proffers of gifts are in writing, contain a description of the gift (e.g., quantity, condition, amount, material, approximate size and weight, and intended uses), identify the value of the gift, specify any conditions associated with gift acceptance, and all pertinent facts concerning the donor's present and prospective business relationships with the DHA, under section 7.0 of Reference (e).
- c. Prepare gift acceptance/declination packages (to include letter of proffer and any associated/supporting documentation and letter of acceptance/rejection for the respective Acceptance Authority), and route to the appropriate Acceptance Authority via the DHA assigned or detailed legal counsel supporting the Acceptance Authority.
- d. Maintain records for any gifts accepted or declined by the Acceptance Authority.
- e. Prepare periodic reports, ensure review by DHA HQ legal counsel, and submit as required. See Reference (e).

ENCLOSURE 3

PROCEDURES

1. RESPONSIBILITIES OF PROFFER. Advise prospective donors to submit gift offers in writing (proffer).

a. The proffer does not need to be in any specific format, but it needs to include the following:

(1) A complete description of the gift, including as appropriate, information such as the quantity, condition, material, approximate size and weight, serial numbers as applicable, value and intended use(s);

(2) An indication of the item's location and availability.

(3) A description of any unusual or large expense which would be incurred by accepting and using the gift, including but not necessarily limited to equipment maintenance and installation costs (including modifications to rooms, doorways, power outlets, etc.);

(4) Any conditions or implicit assumptions under which the offer of gift is being made (for example, if a donor is proffering baby blankets for use in an MTF infant/maternal ward);

(5) If being proffered by an organization or entity, sufficient evidence that the offeror has the authority to make the gift on behalf of the organization or entity. If the donor is an individual, the donor needs to include a statement that the donor is the owner of the property.

(6) A statement that the gift/donation is being freely given (i.e., was not solicited).

(7) Real property must meet all legal and safety requirements (e.g., removal of lead paint before conveyance, no presence of invasive vegetation on property, etc.). (References k-m)

b. Approval of proffered gifts will take into consideration such factors as the long-term cost of maintaining the property, the need of DHA, the Defense Health Network (DHN) or the MTF/DTF for such property and who is making the proffer. The potential recipient should address any issues of potential concern, e.g., how they plan to maintain equipment, how items would be stored, how the items would be accounted for, how they would train personnel to use donated equipment, and the like that should be considered prior to accepting an item.

c. Gift acceptance statutes do not contemplate accepting a gift before the gift is actually available for transfer to the DHA. However, the DHA may accept offers of future gifts or offers to purchase real or personal property for delivery to a DHA activity specifically as follows:

(1) When a donor makes an offer of a future gift, whether a one-time gift or a gift made in several installments, the total cumulative amount of the future gift determines the appropriate Acceptance Authority. The Acceptance Authority shall determine whether the DHA is likely to accept the gift under the criteria of this DHA-AI when the actual donation occurs. If the DHA is likely to accept the gift, the Acceptance Authority will acknowledge the gift and advise the donor that gift acceptance will likely occur after actual presentation of the gift, portion, or installment to the DHA.

(2) Once the donor presents the gift, portion, or installment to the DHA, the value of the gift presented on that occasion determines the proper Acceptance Authority for that gift, portion, or installment. The Acceptance Authority will determine whether to accept the gift, or that portion or installment thereof, applying the acceptance criteria and utilizing the procedures set forth in this DHA-AI. DHA Activities may request a one-time delegation of authority to accept a gift, portion, or installment of gifts in amounts greater than their acceptance authority for gifts previously acknowledged. In the instance of a one-time delegation, contact J-8.

2. GUIDANCE FOR ACCEPTANCE. It is never recommended that DHA take possession of any item prior to acceptance. However, in some limited circumstances, a DHA activity may already be in possession of a loaned item before formal acceptance. For instance, a cooperative research and development agreement partner may have procured items used in a research study that MTF staff are conducting. Prior to the conclusion of the research, the cooperative research and development agreement partner may wish to donate the items. In these situations, the gift coordinator should send an acknowledgement of receipt. The letter would simply state, "We acknowledge we have possession of the item being contemplated for donation. However, formal acceptance of the item is still pending. We must inform you that we will not be responsible for any damage or loss to the property before it is formally accepted. We thank you for your support." Until formally accepted, the donor understands that DHA will not be responsible for damage or loss to the property before it is formally accepted. If the donor does not agree, the donor could take the item back and/or keep possession of the items until formal acceptance.

3. ACCEPTANCE AUTHORITY. Upon receipt of the proffer, the gift coordinator must promptly forward offers through the supervisory chain via the appropriate Acceptance Authority's DHA legal counsel.

4. ACCEPTANCE DOCUMENTATION. Forwarding correspondence concerning acceptance of gifts to the Acceptance Authority must include:

- a. All pertinent facts concerning the donor's present and prospective business relationships with the DHA and any documentation relevant to the gift or donor, including the written proffer;
- b. A summary of the item's significance to the DHA, including need for the gift and any benefits to DHA in accepting the gift;

c. A recommendation for acceptance or declination. A proposed acceptance or declination letter should be included with the forwarding correspondence.

d. A written legal opinion from a DHA OGC attorney regarding acceptance of the gift.

5. ACCEPTANCE LETTER. If the Acceptance Authority accepts the gift, he or she will send an acceptance letter specifically to the donor and suitably convey the DHA's appreciation for the gift. If the Acceptance Authority decides to decline the gift, he or she will send a letter to the donor declining the gift, provide a brief explanation for why the DHA is declining the proffer and suitably convey the DHA's appreciation for the offer.

a. Suggested wording for an acceptance letter: "Dear DONOR. On behalf of the Defense Health Agency, I am pleased to accept your offer of [description of gift]. I am pleased to have the opportunity to write to you to express our thanks. Please accept my sincere appreciation for this generous and thoughtful gift."

b. Suggested wording for a declination letter: Dear DONOR. On behalf of the Defense Health Agency, I am writing to recognize your generosity in offering [description of gift]. Although we are unable to accept the gift, we sincerely appreciate the generous and thoughtful offer."

6. ETHICS COUNSELOR RESPONSIBILITIES. All gifts must receive a legal review from an attorney with Ethics Counselor responsibilities assigned or detailed to the DHA OGC.

7. DECLINING GIFTS OR DONATIONS. Acceptance Authorities shall decline gifts under any of the following circumstances:

a. The use of the gift is in connection with any program, project, or activity that would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

b. The gift or conditions attached to the gift are inconsistent with applicable law or regulation;

c. The use of the gift would reflect unfavorably on the ability of the DHA or any DHA personnel to carry out any responsibility or duty in a fair and objective manner;

d. The use of the gift would compromise the integrity or appearance of integrity of any program of the DHA or any individual involved in such a program; or

e. Acceptance of the gift would not be in the best interest of the DHA, including but not limited to the following, where it:

- (1) Creates the appearance or expectation of favorable consideration as a result of the gift;
- (2) Creates the appearance of an improper endorsement of the donor, its events, products, services, or enterprises (except for those authorized charitable organizations);
- (3) Raises a serious question of impropriety in light of the donor's present or prospective business relationships with the DHA;
- (4) Involves the expenditure or use of funds in excess of amounts appropriated by Congress; or
- (5) Requires substantial expenditures or administrative efforts and maintenance are disproportionate to any benefit.

8. SPECIAL CIRCUMSTANCES. Acceptance of gifts from prohibited sources requires heightened sensitivity because acceptance may create embarrassment to the DHA or the appearance of influencing official decision-making or actions of the DHA, in accordance with Reference (j). Consequently, before accepting a gift of more than \$10,000 from a prohibited source, the legal counsel for the Acceptance Authority shall consult the DHA General Counsel to determine whether the donor is involved in any claims, procurement actions, litigation, or other matters involving the DHA that might cause the Acceptance Authority to decline an offered gift.

9. EVALUATING A GIFT OR DONATION. At the outset, personnel shall pay particular attention to evaluating whether a gift offer may include items that are subject to a patent or copyright (e.g., video footage the DHA organization intends to copy, post, display, or screen). Intellectual property (IP) matters are sometimes overlooked in the gift process and can result in processing delays if not addressed early. The DHA shall evaluate offers of gifts of copyrighted or patented items with the same degree of scrutiny with which all other offers of gifts are evaluated. Examples of gifts that require an IP review include works of art; audiovisual works; photographs; graphic designs; and patented materials, articles, or equipment (if the gift offer places any restrictions on use). If the donor owns the patent or copyright, the DHA should accept the gift only if the donor also grants a royalty-free license commensurate with the DHA's intended use of the gift or assigns the copyright or patent to the United States. In such cases, the DHA organization that received the gift offer shall consult a DHA IP attorney to determine the sufficiency of any proposed license or assignment, or to seek assistance in drafting an appropriate document. IP reviews and paperwork must be completed and documented prior to gift packages being forwarded to the ultimate Acceptance Authority.

10. NON-SOLICITATION OF GIFTS. Gifts shall not be solicited or otherwise be requested or encouraged from a non-federal entity. However, in response to an inquiry, the applicable Acceptance Authority or ASD may inform a prospective donor of the needs of the DHA HQ, DHN, or MTF/DTF.

11. ACCEPTANCE LIMIT CONDITIONS. Multiple similar gifts from the same donor to the same recipient (e.g., books, blankets, or educational material) or gifts of items that are separable, but together reasonably constitute one item (e.g., computer screen, hard drive, keyboard, printer and software) may not be split in order to keep the gift under a particular acceptance limit.

12. IMPERMISSIBLE GIFTS OR DONATIONS. No entity should be a conduit or “pass through” to proffer gifts from entities that would otherwise be impermissible for DHA acceptance or would otherwise require the review of a gift from a prohibited source. If this occurs, the legal reviewer will analyze the gift as one from a prohibited source.

13. DONOR NOTIFICATION. During the gift acceptance process, prospective donors must be informed that the DHA cannot assume responsibility for any expenses associated with, or damage to, the gift, incurred before the offered gift is accepted, even if the gift is in the Acceptance Authority’s temporary custody.

14. UNUSUAL CIRCUMSTANCES. Except in unusual circumstances, acceptance authorities will not accept custody of a gift (property, money, or negotiable instruments) before it is officially accepted. An example of an unusual circumstance may be medical equipment purchased by a research partner that is installed in the MTF as part of research and is donated to the MTF after conclusion of the research.

15. RECORD/AUDIT RETENTION. There must be an official record maintained for every gift accepted or declined by a DHA Acceptance Authority in accordance with Reference (e). All records, to include supporting documentation, for gifts will be retained in accordance with appropriate DoD/DHA record retention requirements and consistent with Reference (i). Acceptance authorities will follow the guidance in Reference (e) for keeping accurate, auditable, and timely records of all gifts and will provide this information as required for periodic audits or reports. Acceptance authorities will report quarterly, gifts accepted pursuant to this instruction and Reference (e). MTF/DTF staffs via their gift coordinators will report to their respective DHNs. DHNs staff via their gift coordinators will consolidate their MTF/DTF reports and report to DHA HQ. DHA HQ staff via their gift coordinators will consolidate DHN reports and report to Defense Finance Accounting Services. Reports will contain information required by Reference (e).

16. TAX PURPOSES GUIDANCE. Gifts accepted under Reference (d) are considered gifts or bequests to the United States under the Internal Revenue Code and written notification of acceptance constitutes acceptance and receipt by the DHA. Acceptance authorities will not render any opinion of the value on a specific gift that a donor has offered and will not back date or accept an offer on the condition that it be back dated for tax purposes.

17. GIFT EXPENSES. Acceptance authorities may pay all or some of the necessary expenses in connection with the conveyance or transfer of a gift. The gift acceptance action will detail any expenses paid in connection with a gift.

18. CHECK ACCEPTANCE. For MTFs in the General Fund Enterprise Business System, checks need to be made payable to: "US Treasury/DSSN 8522." For procedures for processing monetary gifts, see Reference (e), volume 12, paragraphs 300601 and 300602.

19. MAINTENANCE AND ACCOUNTABILITY. Once gifts are accepted, they become accountable items. See Reference (g) for maintenance and accountability.

20. ENDORSEMENT PROTOCOL. Should a donor wish to advertise to others the gift made, the donor may not imply any federal endorsement. Further, the DHA official who receives the gift may express appreciation for the gift but may not imply endorsement.

21. UNSOLICITED OFFERS. In some instances, a donor may make an unsolicited offer to either donate funds to purchase items that the MTF/DTF may need or directly purchase and donate the specific items themselves. How these items are proffered should not present a problem. However, Acceptance Authorities will still need to consider the status of the donor (i.e., prohibited source or not) and the other gift acceptance criteria included in this DHA-AI.

22. REAL PROPERTY GIFTS OR DONATION GUIDANCE. Offers of gifts of real property, or of improvements to real property, require additional analysis and coordination due to their complexity and the lasting impact of any such gift once it is underway. When an individual approaches a DHA activity about an offer or potential offer of a gift of real property, elevate the matter to the DHA General Counsel for discussion/decision on whether to entertain the proffer. Such gifts require extensive coordination with other agencies/Military Departments.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AD	Health Care Administration
DCFM	Direct Care Financial Management
DHA	Defense Health Agency
DHA HQ	Defense Health Agency Headquarters
DHA-AI	Defense Health Agency-Administrative Instruction
DHN	Defense Health Network
DTF	Dental Treatment Facility
HCA	Health Care Administration
IP	Intellectual Property
J-8	Financial Operations
MTF	Military Medical Treatment Facility
OGC	Office of the General Counsel
SOP	Standard Operating Procedures

PART II. DEFINITIONS

Acceptance Authority. The official or officer of the DHA who, on behalf of the DHA, may accept gifts in accordance with this instruction.

DHA HQ Directors. For the purpose of this DHA-AI DHA HQ Directors as approval authorities; Deputy Assistant Directors and designees by the DHA Director.

Foreign Government. For purposes of this DHA-AI, “foreign government” means any unit of foreign governmental authority, including any foreign national, state, local, and municipal government; any international or multinational organization whose membership is composed of any unit of foreign government; or any agent or representative of any such unit or such organization, while acting as such.

Gift. Includes any conveyance, devise, or bequest of real or personal property, or money, without consideration. See also section 2635.203(b) of Reference (j).

Money. Cash, checks, or other forms of negotiable instruments.

Non-Federal Entity. For purposes of this DHA-AI, a self-sustaining, non-Federal person or organization, established, operated, and controlled by any individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal Government. Non-Federal entities may include elements of state, interstate, Indian tribal, and local government, as well as private organizations.

Personal Property. Includes tangibles such as food, fuel, clothing, jewelry, household furnishings, and vehicles; intangibles such as stocks, bonds, patents, tickets of various types such as transportation, tickets to events, copyrights, and all other property not defined as real property of any kind or interest.

Prohibited Source. As defined in Section 2635.203(d) in Reference (j).

Real Property. Land and any interest in land, together with any buildings, fixtures, affixed improvements and structures, growing crops located thereon, and related appurtenances regardless of funding source.