



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
OFFICE OF THE STAFF JUDGE ADVOCATE
1336 PLUMMER STREET, BLDG. 275
MONTEREY, CALIFORNIA 93944

ATZP-JA

06 April 2011

MEMORANDUM FOR ALL

SUBJECT: Fundraising Rules for Unit and Informal Funds

1. GENERAL RULE: Fundraising is authorized, but it is limited by Congress, the Office of Government Ethics (OGE), the Department of Defense (DoD), and the Department of the Army (DA).

2. REFERENCES.

- a. Title 5, Code of Federal Regulations (C.F.R.), §§ 2600-2636.
- b. DoD 5500.7-R, Joint Ethics Regulation (JER).
- c. AR 210-22, Private Organizations on Department of the Army Installations.
- d. AR 215-1, Morale Welfare, and Recreation Activities and Non-appropriated Fund Instrumentalities.
- e. AR 600-20, Army Command Policy.
- f. AR 600-29, Fund-Raising within the Department of the Army.
- g. AR 210-22, Private Organizations on Department of Army Installations.
- h. Army Commander's Guide to Family Readiness Group Operations (26 September 2005).
- i. POM Pam 600-29, Guide to Fundraising.

3. APPLICABILITY. This information paper only addresses fundraising for unit and informal funds. It does not address fund maintenance or spending rules, and it does not apply to the following activities:

- a. Combined Federal Campaign (CFC) fundraising (see AR 600-29 for guidance).
- b. Army Emergency Relief (AER) fundraising (see AR 600-29 for guidance).

c. Post-disaster fundraising (permitted only if authorized by the Office of Personnel Management).

d. Chaplain fundraising (see AR 165-1 for guidance).

e. On-post charitable fundraising by off-post private organizations (POs) or non-Federal entities (NFEs) (see JER 3-210 and 3-211 for guidance).

f. On-post fundraising by on-post POs, such as an Alumni Association or the Retired E-9 Association (see AR 210-22 and AR 600-29 for guidance).

g. Personal participation in NFE fundraising (see JER 3-300 for guidance).

h. Commercial solicitation (see AR 210-7 for guidance).

i. Product sales when the original buyer re-sells the product to another person for its actual cost to the original buyer (see definitions of fundraising in AR 600-29 and 5 CFR 2635.808).

4. DISCUSSION.

a. Authority to Fundraise:

(1) Unit fund fundraising is authorized by AR 600-29, para. 1-5.

(2) Informal fund fundraising is authorized by AR 600-20, para. 4-21, and AR 600-29, para. 1-5. Examples of informal fund include Family Readiness Group (FRG) funds, unit cup and flower funds, annual picnic funds, and Mayors Program fund.

b. Limitations on Fundraising.

(1) Limitations on WHEN and WHERE Fundraising May Occur.

(a) You may not fundraise in the Federal workplace, and the CFC is the only authorized solicitation of employees in the Federal workplace on behalf of charitable organizations. 5 C.F.R. § 950.102; JER 3-210; AR 600-29, para. 1-10. The Senior Commanders have the authority to determine which areas on post are outside the Federal workplace. JER 3-300.

(b) You may not fundraise on duty. Only CFC and AER may solicit on the job. AR 600-29, para. 1-12. This generally prohibits fundraising during normal work hours.

(c) Unit funds may not fundraise during CFC or AER campaign periods. AR 600-29, para. 1-7. Informal funds must limit the scope and frequency of their fundraising activities during CFC and AER campaign periods. AR 600-20, para. 4-21; AR 600-29, para. 1-7.

(2) Limitations on WHO May be Solicited.

(a) You may only solicit persons who benefit from the unit or informal fund. AR 600-29, para. 1-7. This includes all persons regularly assigned or regularly working on the Presidio of Monterey or the Ord Military Community.

(b) You may not solicit outside sources (e.g., non-DoD personnel, local businesses, etc.). 5 C.F.R. §§ 2635.202 and 2635.808.

(c) You may not solicit contractors or other prohibited sources.¹ 5 C.F.R. §§ 2635.202 and 2635.808.

(d) You may not solicit your subordinates. AR 600-29, para. 1-7. Therefore, relatively junior Soldiers should generally be placed in charge of fundraising events.

(3) Other Limitations.

(a) You may not fundraise in uniform.

(b) You may not do anything to coerce personnel to contribute to or participate in a fundraising event. AR 600-29, para. 1-7 and 1-8. For example, you may not:

(i) Ask subordinates whether they have contributed or how much they have contributed AR 600-29, para. 1-10b; or

(ii) Maintain a list of non-contributors. AR 600-29, para. 1-10d.

(c) You may not grant special favors, privileges, or entitlements (e.g., passes, the authority to wear civilian clothes, light duty, etc.) to personnel based upon their contribution to or participation in a fundraising event. AR 600-29, para. 1-10e. Leaders should not use privileges, favors, or entitlements to circumvent the spirit of Army fundraising policies and regulations. Id.

(d) You may not generally use Government resources to support a fundraising event, or in any way that would interfere with the performance of official duties, or detract from readiness. JER 2-301, 3-211, 3-300, and 3-305.

¹ A prohibited source is someone who: (1) is seeking official action from DoD, DA, or DLIFLC & POM; (2) does business or is seeking to do business with DoD, DA, or DLIFLC & POM; (3) conducts activities regulated by DoD, DA, or DLIFLC & POM; (4) has interests that can be substantially affected by the performance or non-performance of a DLIFLC & POM employee's official duties., or (5) is an organization a majority of whose members are described in points (1) through (4) of this footnote. 5 C.F.R. § 2635.203(d).

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c. Appearance Concerns. DoD personnel must avoid even the appearance of impropriety. JER 8-500. Fundraising events are especially susceptible to negative appearance issues. Every effort should be taken to avoid the appearance of impropriety.

d. Requirements to Fundraise. You must receive written permission from the Directorate of Community Activities, Financial Management Division (currently the POC is Ms. Gardiner at x 6632) before conducting any fundraising event. Written requests must be submitted at least two weeks prior to the anticipated event. POM Pam 600-29, para. 5.

e. Private Organizations. There are generally no fundraising prohibitions on a private organization (PO) or its members sponsoring an unofficial DoD event (such as a Military Ball), provided that the PO operates and fundraises off-post. See AR 210-22, para. 1-1(b)(1). Therefore, from a practical standpoint, it is usually best for a PO to sponsor an unofficial event, such as a Military Ball.

5. If you have any questions or need further information, please feel free to contact the Office of the Staff Judge Advocate, Administrative Law Division, at (831) 242-6402.



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