

## Information Paper

SUBJECT: Private Organizations

1. PURPOSE: To provide information on relationships with non-Federal entities (NFE)

2. FACTS:

a. Personal Participation - Permitted Activities

(1) DoD employees, acting in their personal capacity, may join and participate in NFE activities.

(2) DoD employees may become officers and directors of private organization provided that the positions are not offered solely because of their Federal position and that they act exclusively outside of their official position. If the employee files a SF 278 or OGE 450 financial disclosure report, the position as an NFE officer must be reported.

(3) DoD employees may engage in fundraising on behalf of NFEs provided that no DoD endorsement is implied, and as long as they do not personally solicit prohibited sources or their subordinates.

(4) DoD employees may make presentations and publish papers as part of NFE activities. If the presentation or paper deals with DoD operations or policies, there must be a disclaimer that the views presented are personal and do not represent DoD.

(5) Subject to supervisory approval, DoD employees may use official time and material to prepare presentations and papers for non-profit associations and learned societies.

(6) DoD employees may represent an NFE which is composed of DoD employees and their dependents in discussions with the Government except when the matter involves an administrative or judicial proceeding or the disbursement of funds (see also paragraph b(4) below).

b. Personal Participation - Prohibited Activities

(1) Subordinates may not be coerced to join or participate in NFE activities.

(2) An employee's official position may not be used to state or imply official endorsement of an NFE, its activities or fundraising efforts.

(3) DoD employees who are officers or directors of NFEs in their personal capacity may not participate in official Federal actions which affect the interests of the NFE.

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(4) DoD employees may not represent ordinary NFEs (as opposed to NFEs composed of DoD members) in discussions with the Government.

(5) As a matter of personnel policy, the Deputy Secretary of Defense has directed that General Officers may not receive compensation for serving as NFE officers or directors.

c. Official Relationships - Permitted Activities

(1) Attendance. Consistent with sound fiscal principles governing training expenses, DoD employees may attend meeting, conferences, seminars and similar events sponsored by NFEs, and may participate as panelists and speakers. DoD employees may not attend such events at government expense solely to acquire or maintain professional credentials that are minimum requirements to hold a DoD position.

(2) Liaison. DoD employees may serve as liaisons to NFEs when appointed by the appropriate commander. Liaisons may represent DoD in discussions, but cannot bind their DoD organization to any action. A liaison may not participate in the management of the NFE.

(3) Information Distribution. In accordance with public affairs regulations, official channels may be used to inform DoD employees of professional development events; scientific and technical events; and morale, welfare and recreation events sponsored by NFEs.

(4) Logistic Support to NFE Events. On a limited basis, DoD facilities and equipment (and the personnel necessary for proper use of the equipment) may be provided when the head of the DoD command or organization determines:

(a) The support does not interfere with the performance of official duties and does not detract from readiness.

(b) The support promotes legitimate DoD community relations, public relations or recruiting interests, or military training objectives can be met by providing the support.

(c) The event is appropriate for DoD support.

(d) The command is able and willing to provide the same support to comparable events sponsored by similar organizations.

(e) No admission fee beyond the reasonable cost of the event itself will be charged, or no fee will be charged for that portion of the event supported by DoD.

(f) The support is not restricted by other statutes.

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(5) Co-Sponsorship. DoD may co-sponsor a scientific, technical or professional event with an NFE when there is a *bona fide* DoD interest.

(6) Support to Fundraising. If the NFE is not affiliated with the Combined Federal Campaign (CFC), DoD may still provide limited support to a charitable fundraising event as long as the six factors in paragraph 2c(4), above, are met.

d. Official Relationships - Prohibited Activities

(1) Management. Unless authorized by statute, DoD employees acting in their official capacity may not participate in management of NFEs.

(2) Fundraising / Membership Drives. DoD employees may not officially endorse a NFE's fundraising or membership drive, except for certain authorized organizations, including organizations composed primarily of DoD employees or their dependents when fundraising within the DoD community or, a National Guard Member, charitable, community and civic organizations identified in 32 U.S.C. 508 or DoD Directive 1100.20.

(3) Endorsement. In dealing with NFEs, DoD employees shall not engage in preferential treatment. This includes no official endorsement of a NFE, or any event, product, service or enterprise of a NFE. (Offering group life insurance programs sponsored by the State Military Department, similar to the Servicemen's Group Life insurance Program, is not a prohibited endorsement.)

(4) Support. DoD will not provide support to NFE activities unless there is a valid agency interest. There must be some benefit to the agency before extending even minimal support, such as providing a liaison.

3. POC is the Military Law & Ethics Division at 4-7414/4668.

Chief, Military Law & Ethics Division

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## Information Paper

SUBJECT: Private Organizations – Fundraising

1. PURPOSE. To provide commanders with information regarding the requirements and limitations of on-post fundraising by Private Organizations (POs).

2. FACTS.

a. A PO is a self-sustaining, non-Federal entity constituted or established and operated by individuals acting outside any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities.

b. All fundraising activities conducted by POs on Fort Knox must be approved on a case-by-case basis by the Installation Commander or his designated representative at the Directorate of Family and Morale, Welfare and Recreation (currently Ms. Susan Frazier), prior to the event. If the PO seeks to utilize a facility or commercial establishment as the site of the fundraiser or resale activity, written approval must first be obtained from the manager of the facility or establishment.

c. Requests for approval must be forwarded to the Directorate of Family and Morale, Welfare and Recreation. Such requests should be submitted at least 45 days prior to the event.

d. The Installation Commander may authorize occasional fundraising events such as dances, car washes, bazaars, or other similar events. Raffles, lotteries, and similar games of chance are governed by state law. Such activities are illegal in Kentucky. Therefore, POs are prohibited from conducting these activities on post.

e. Generally, fundraising activities conducted on a continuing basis are prohibited, with the following exceptions:

(1) Merchandise related directly to the purpose of the PO and sold only to organization members (approval authority is GC).

(2) Sales conducted for the purpose of donating the net proceeds to support Family and Morale, Welfare and Recreation programs, community and family readiness activities, scholarship funds, the installation hospital, schools, museums, and other similar agencies, e.g., the Thrift Shop.

f. The following guidelines should be followed by any PO when conducting resale activities:

(1) Military and civilian personnel acting in an official capacity may not conduct solicitations.

(2) On-the-job solicitation is prohibited.

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(3) Participation in any fundraising activity is strictly voluntary.

(4) Incentives, such as training holidays or awards, for participation by military or civilian employees are prohibited.

(5) Private organization fundraising activities will not duplicate, compete with, or preempt fund generating programs of the installation Family and Morale, Welfare and Recreation Fund activities.

3. POC is the Military Law & Ethics Division at 4-7414/4668.

Chief, Military Law & Ethics Division

### Information Paper

SUBJECT: Participation by Active Duty Officers in the Activities of Private Corporations or Associations

1. PURPOSE. To summarize restrictions applicable to Army officials in dealing with private commercial entities or other private associations.

2. FACTS. Subject to certain restrictions, DA officials may participate in their private capacity in the activities of both commercial enterprises and other private organizations. Pertinent restrictions include the following:

a. DoD personnel must avoid any action which might result in, or create the appearance of, giving preferential treatment to any person or entity (DOD 5500.7-R, paras 3-204 and 3-302).

b. DA personnel are precluded from taking any official actions that selectively benefit or endorse individuals or organizations. DoD personnel shall not use their official titles or positions in connection with any commercial enterprise or to endorse any commercial product (DOD 5500.7-R, para 3-209).

c. DA personnel who are members or officers of non-government associations or organizations must not engage in activities on behalf of the association or organization that are incompatible with their official government positions (DOD 5500.7-R, para 3-211).

e. Subject to limited exceptions, DoD personnel shall not allow the use of their names or titles in connection with charitable or nonprofit organizations (DOD 5500.7-R, paras 3-300 and 3-301).

f. DoD and DA policy provides that government facilities, property, and manpower will be used only for official government business.

g. With regard to the support of private organizations, even quasi-military organizations composed entirely of active and retired military personnel, DA personnel are prohibited from engaging in any practice that involves or implies DA sponsorship of the organization and its activities (AR 600-20, para 4-11).

h. DA personnel are prohibited from wearing the Army uniform in connection with the promotion of any commercial interest or when engaged in off-duty civilian employment (AR 670-1, para 1-10j(1)).

**SUBJECT: Participation by Active Duty Officers in the Activities of Private Corporations or Associations**

3. POC is the Military Law & Ethics Division at 4-7414/4668.

**Chief, Military Law & Ethics Division**

**ATZK-JAA**

**6 March 2008**

**Information Paper**

SUBJECT: Private Organizations – Membership Drives

1. PURPOSE. To Provide Information Regarding Inappropriate Membership Drive Activities for Private Organizations.

2. FACTS.

a. Commanders must ensure PO membership activities comply with the Joint Ethics Regulation, DoD 5500.7-R, March 1996.

b. Commanders must ensure that membership in private organizations is truly voluntary. The following are examples of prohibited practices for membership drives:

(1) Any practice that involves or implies DA sponsorship or the organization or its activities.

(2) Use of on-duty personnel, or personnel in uniform to conduct individual or corporate membership drives, and the use of government property (copier, mail, etc.) to support such drives.

(3) Rewarding soldiers for joining an organization by giving passes, early release from duty, or any other preferential treatment.

(4) Keeping lists of non-members (or members) of an organization and using such a list to exert pressure on non-members to join an organization.

c. Commanders must ensure their actions and those of their subordinates do not create the impression of endorsement by DA for an organization or constitute impermissible assistance to a private organization.

d. The following are practices are permissible:

(1) Reasonable efforts to inform and encourage personnel, without coercion, regarding the benefits and worthiness of a PO.

(2) Use of military grade as part of an individual's name in relationship to membership in a private organization.

(3) Distribute literature to inform soldiers about a private organization in accordance with public affairs regulations.

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SUBJECT: Private Organizations – Membership Drives



3. POC is the Administrative Law Division at 4-414/4668.

Chief, Military Law & Ethics Division

**6 March 2008**

**The Ten Commandments of Private Organizations**

**I. Thou shalt not assign soldiers nor DA civilians to work for POs as an official duty, nor require them to be a POC for a PO membership or fundraising drive.**

Joint Ethics Regulation (hereafter referred to as JER) (DoD 5500. 7) section 3-305. AR 210-22, chapter 4. Applies to both APF and NAF employees. Major exceptions are annual fundraising drives for the Combined Federal Campaign (CFC) and Army Emergency Relief (AER). (JER 3-210).

**II. Thou shalt not use Government equipment, supplies, nor personnel in support of a PO, except as authorized by AR 210-22 and the Joint Ethics Regulation (DoD 5500.7).**

Standards of Ethical Conduct for the Executive Branch, 5 CFR 2635.704 and 2635.705. JER 3-305. AR 210-22, chapter 4. Major exceptions include “special events” which have been authorized by the installation commander (i.e., the Commanding General): support to World and National Boy Scout and Girl Scout jamborees (but not regional or local jamborees) and support to overseas BSA/GSA organizations (10 USC 2606 and DoDI 1015.9), CFC and AER (JER 3-210), support for one conference per year to National Military Associations (e.g., AUSA, NCOA) but not regional or local chapters (10 USC 2548), support to other Federally sanctioned POs, such as credit unions and banks, American National Red Cross (AR 930-5), USO (930-1), and labor unions (5 USC 71).

**III. Thou shalt not require nor coerce subordinates to join a PO, attend PO meetings, nor participate in PO activities.**

Standards of Ethical Conduct for the Executive Branch, 5 CFR, section 2635.705(b) and 2635.702. JER 3-301. Major exceptions: In limited circumstances, the head of a DoD Component Command may provide DoD employees in their official capacities as speakers, panel members, or other participants, or, on a limited bases, the use of DoD facilities and equipment in support of an event sponsored by a PO. (JER 3-211). For example, the TRADOC Commander may direct Battle Lab Directors to set up a display at the annual AUSA convention. Similarly, DoD employees may attend meetings, conferences, or similar events sponsored by POs if there is a legitimate Federal Government purpose (JER 3-200). Individuals may attend at Government expense if there is a “direct and substantial benefit” to the approving authority (installation commander) and DoD.

**IV. Thou shalt be neutral in dealing with POs and shalt avoid the appearance of favoritism of DA endorsement.**

JER 3-205 and 3-300. Standards of Ethical Conduct for the Executive Branch, 5 CFR 2635.702. AR 210-22, paragraph 1-5, provides, “POs are not entitled to, and will not receive, Army endorsement by virtue of their contributions to the military community or installation, their promotion or support of Army goals and objectives, or for any other reason.” Leaders should not appear to favor on PO over another.

**V. Thou shalt remember it is not your unit’s mission to raise money.**

Standards of Ethical Conduct for the Executive Branch, 5 CFR, section 2635.808. JER 3-210. The corollary is that POs must be self-sustaining except for the limited logistical support that may be granted by the installation commander. PO funds must be obtained through dues, contributions, service charges, fees, or special assessments of members. AR 210-22, paragraph 5-2.

**VI. If your unit has a PO, thou shalt ensure that participation in its fundraising activities is truly voluntary.**

Standards of Ethical Conduct for the Executive Branch, 5 CFR, section 2635.808. JER 3-210 and 3-300. The corollary to Commandments I and II. Emphasis on the words “truly voluntary.” Commanders must ensure that this intent is followed down to the lowest level. This means that Soldiers and DA civilians work on their own time after duty hours. It would also be improper to give someone a pass during the week so they could “volunteer” for the PO during their “time off.” Fundraising activities must be approved by the installation commander for his designee, and must comply with the state law; AR 210-22, para 5-2, AR 600-29. POs may not sell alcoholic beverages at any time, AR 210-22, para 3-1d.

**VII. Except for CFC and AER, thou shalt not collect funds for a PO in a duty status nor during duty hours.**

Standards of Ethical Conduct for the Executive Branch, 5 CFR 2635.705. JER 3-210.

**VIII. Except for CFC and AER, thou shalt not solicit, collect, nor accept contributions, purchases, or memberships from trainees on behalf of a PO.**

Standards of Ethical Conduct for the Executive Branch, 5 CFR 2635.705(b). JER 3-210.

**IX. Thou shalt not set quotas on contributions or memberships in POs, nor require subordinates to explain a decision not to join a PO.**

JER 3-205 and 3-300. Standards of Ethical Conduct for the Executive Branch, 5 CFR 2635.702. AR 210-22, paragraph 1-5, provides, “POs are not entitled to, and will not receive, Army endorsement by virtue of their contributions to the military community or installation, their promotion or support of Army goals and objectives, or for any other reason.” Leaders should not appear to favor on PO over another.

**X. Thou shalt not use your office, title, nor position in connection with your participation in a PO.**

JER 3-205 and 3-300. Standards of Ethical Conduct for the Executive Branch, 5 CFR 2635.702. Use of military grade, however, as part of an individual's name in relationship to membership in a PO is permissible.

**Note:** The Ten Commandments of Private Organizations is not intended to answer every question regarding authorized support to private organizations. It is intended only to help leaders identify issues associated with private organizations that are governed by law and regulation.

**For further assistance, call the Military Law & Ethics Division, Office of the Staff Judge Advocate, at 4-7414/4668.**