



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY CADET COMMAND AND FORT KNOX
1ST CAVALRY REGIMENT ROAD
FORT KNOX, KENTUCKY 40121-5123

REPLY TO
ATTENTION OF:

ATCC-RM

SEP 21 2018

MEMORANDUM FOR

Commanders, All Units Reporting Directly to This Headquarters
Deputy Chiefs of General Staff and Chiefs of Special Staff Offices, HQ USACC

SUBJECT: Policy Memorandum 11 – Restrictions on the Solicitation, Establishment, and Use of Lab Fees by Military Science Departments within U.S. Army Cadet Command (USACC)

1. References.

- a. 31 U.S.C. § 1341(a)(1)(A), Limitations on expending and obligating amounts.
- b. 31 U.S.C. §§ 1511-1519, The Anti-Deficiency Act (ADA).
- c. 31 U.S.C. § 3302(b), Custodians of Money [Miscellaneous Receipts Act].
- d. DoD 5500.07-R, The Joint Ethics Regulation, incorporating 5 C.F.R. § 2635.202.
- e. Principles of Federal Appropriations Law [GAO "Red Book"], Third Edition, Volume II, Chapter 6.

2. Solicitation, establishment, or use of student fees, course fees, lab fees, or other monetary charges to students by a supporting academic institution for the purpose of supplementing the USACC mission, funds, or budget is strictly prohibited. Professors of Military Science fulfill a dual capacity as Army leaders and faculty members. As Army leaders, they must ensure that educational institution activities, student organization activities, and on-campus private organization activities are fiscally separate and distinct from Army training and operations.

a. Solicitation, establishment, or use of student fees, course fees, lab fees, or other monetary charges to students by a supporting academic institution for the purpose of supplementing USACC mission funds can violate the above referenced fiscal law authorities, as well as the Joint Ethics Regulation and Standards of Ethical Conduct for Employees of the Executive Branch. This prohibition also applies to the solicitation (in an official capacity) and use of funds from any other source, such as alumni, charitable foundations, or businesses.

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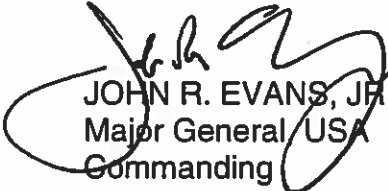
b. Additionally, USACC personnel must refrain from taking any action that would increase costs to students attending Military Science courses or increase costs to students in general. Any such action may contribute to resentment related to the increasing cost of higher education and taxpayer concern related to Army scholarship costs.

3. Improper receipt and retention of funds, or property, from a source other than Congress can result in an agency improperly augmenting its appropriation. This augmentation could cause an Anti-Deficiency Act (ADA) violation. While only fiscal officers and legal staff can evaluate the existence and extent of an ADA violation, evaluating the existence of a violation requires extensive efforts and resources that are better focused on our organization's mission. Once the determination of an ADA violation is made, the circumstances involved are reported to Congress, through TRADOC, HQDA, DoD, OMB, and the President. This report is thereafter made public on the GAO website, including likely by name reference to the individuals involved. An intentional ADA violation may also amount to a criminal violation and could result in fines and imprisonment.

4. Only appropriated funds (i.e., Army provided funds) may be used to fulfill Army training and operations requirements. If a USACC organization does not have adequate funds to accomplish its mission, it must immediately notify the G-8 Directorate through its command channels. An organization must not use other than the appropriated funds provided to pay for an Army training or operations requirement.

5. Nonfederal contributions to USACC training or operations requirements must be reported immediately to the USACC G-8 at (502) 624-8271, DSN 464-8271. I have directed the G-8 Directorate to ensure necessary guidance on this issue is included in appropriate leadership training and relevant publications. Questions about the receipt of gifts, acceptance of donations, and relationships with non-federal entities (NFEs) should be submitted to the Office of the Staff Judge Advocate at (502) 624-7414 or DSN 464-7414.

6. The proponent for this policy is the Deputy Chief of Staff, G-8 at (502) 624-5876.


JOHN R. EVANS, JR.
Major General USA
Commanding