

RELATIONSHIPS WITH PRIVATE ORGANIZATIONS

A. PERSONAL PARTICIPATION – DOD employees MAY:

1. Join and participate in PO activities in their personal capacity.
2. Use their rank and component designation in connection with their PO activities (e.g. General, U.S. Army), but may not refer to their official position or use the authority associated with that position.
3. Become officers and directors of POs provided that the positions are not offered because of their Federal position. In this case, the employee is prohibited from acting in any official matter involving the PO. If the employee files an SF 278 or OGE 450 financial disclosure report, the position as a PO officer must be reported.
4. Engage in fundraising on behalf of POs provided that no DOD endorsement is implied, and as long as they do not personally solicit prohibited sources or their subordinates.
5. Make presentations and publish papers as part of PO 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.
6. Represent a PO that 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.
7. Under some circumstances, be given time off and may use Government resources in their personal participation with POs, when they meet specific criteria and have approval as set out in JER, para. 3-300b (writing papers for professional associations and learned societies), and JER, para. 3-300c (certain community support activities).
8. If the "agency designee" determines that it is in the Army's interest, accept free attendance at a "widely attended gathering" sponsored by a PO, on their own time or during an excused absence (5 C.F.R. § 2635.204(g)(2)) (if the value of the free attendance exceeds \$250, the Army employee must report this gift on his or her Financial Disclosure Report). For example, after consulting with his or her EC, a supervisor might conclude that it is in the Army's interest for a subordinate to attend a free technical symposium, including a cocktail party and dinner, attended by industry and government representatives and sponsored by a professional or technical association. *(See information paper, Free Attendance at Seminars and Similar Functions, Appendix, p. A-1.)*

B. PERSONAL PARTICIPATION – DOD employees MAY NOT:

1. Accept positions as officers, directors, or similar positions in a PO offered because of their official duty position.
2. Use their office, title, or position in connection with personal participation in POs (e.g., name, rank and duty position shown on PO's letterhead listing organization officers).
3. Personally solicit subordinates or prohibited sources (generally, DOD contractors), or permit the use of their names in a solicitation that targets subordinates or prohibited sources, in PO membership drives or fundraising campaigns.
4. Coerce subordinates to join or participate in PO activities.
5. Use their official position to state or imply official endorsement of a PO, its activities or fundraising efforts.
6. Participate in official federal actions that affect the interests of a PO in which they are officers or directors.
7. Represent ordinary POs (as opposed to POs composed of DOD members) in discussions with the Government.

C. Official Relationships - Permitted Activities

1. Attendance. Consistent with sound fiscal principles governing training expenses, DOD employees may attend meetings, conferences, seminars and similar events sponsored by POs, 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 POs 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 PO. The Army may appoint official liaisons to POs where there is a significant and continuing Army interest to be served. However, they are only liaisons; when they participate they do so as Army employees and their loyalty is to the Army. If they are officers, directors, or even active participants in the PO in their personal capacities, they may not be Army liaisons because of the conflict of loyalties. Liaisons participate in matters of mutual interest to the PO and the Army, and vote on those issues that relate to liaison activities.

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 POs.

4. Logistic Support to PO 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; and
- f. The support is not restricted by other statutes.

D. Official Relationships - Prohibited Activities

1. Management. Unless approved by the Secretary of the Army and the DOD General Counsel, Army employees acting in their official capacity may not participate in the management of POs.

2. Fundraising/Membership Drives. Except for certain authorized organizations, including organizations composed primarily of DOD employees or their dependents when fund-raising within the DOD community, a DOD employee may not officially endorse a PO's fundraising or membership drive.

3. Logistical Support. DOD will not provide support to PO 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. Then the commander must follow the six step analysis contained in para. C.4 above.

INFORMATION PAPER

ATZH-JA
16 November 2005

SUBJECT: Logistic Support to Non-Federal Entity Events (DoD 5500.7-R, the Joint Ethics Regulation (JER), Section 3-211)

1. PURPOSE: To provide information on logistic support for non-Federal entity (NFE) events.

2. FACTS:

(a) **Logistic Support to NFE Events – Facilities and Equipment.** On a limited basis, a commander may provide Army facilities and equipment (and the personnel necessary for proper use of the equipment) as logistical support of an event sponsored by a NFE, except for fund-raising and membership drive events, when the commander receiving the request for logistic support determines:

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

(2) Community relations with the immediate community and/or other legitimate public affairs or military training interests are served by the support.

(3) The event is appropriate for Army support.

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

(5) 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 the Army supports.

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

(b) **Logistic Support to NFE Events - Fund-raisers:** On a limited basis, a commander may provide Army facilities and equipment (and the services of Army personnel necessary for proper use of the equipment) as logistical support of a charitable fund-raising event sponsored by a NFE, when the commander receiving the request for logistic support determines 2a(1) through 2a(6), above, and the sponsoring NFE does not fundraise in the Federal workplace. (Fundraisers in the workplace generally require the approval of the Office of Personnel Management.)

(1) The Federal workplace includes, by definition, the entire installation. The Garrison commander may, however, designate limited areas as public places on the installation where similarly situated groups may solicit funds.

Example: The Red Cross has asked whether it can set up a card table and a "Cross Your Heart" display soliciting donations outside of the PX on Valentine's Day weekend. In the past the Garrison Commander designated this area as a public area. She has authorized both the Girl Scouts to sell cookies and the Disabled American Veterans to sell poppies in this area. The Commander has the authority to authorize the Red Cross appeal in the same place because it is a designated public area, and similar organizations have been granted access in the past.

(2) The Garrison Commander delegated fundraising approval authority to the Director of Morale, Welfare, and Recreation, as reflected in the Garrison Commander's On-Post Fundraising Policy. All requests for fundraisers should be submitted to the DMWR for review and approval. As an exception, informal funds (AR 600-20, para. 4-21) may conduct fundraisers within their own organizations without first obtaining DMWR approval. If an informal fund desires to fundraise outside of its unit area, it must obtain approval from DMWR.

(c) **Amount of Logistic Support.** The amount of logistic support provided depends on a variety of factors, such as the specific desires of the requesting organization, the availability of the requested support, and mission requirements. The logistic support provided should never be of such an amount that it appears that Fort Gordon is conducting the event.

Example: A veteran's organization requests the use of Freedom Park. They also ask for 25 chairs and a GP Medium tent. While Fort Gordon could provide the requested support, it would be inappropriate for Fort Gordon to also provide the Signal Corps Band, 50 State Flags, a speaker, program flyers, a podium and microphone, an official photographer, a stand-by medical unit, and a water buffalo.

Generally, the Directorate of Plans, Training, Mobilization, and Security, or the Public Affairs Office receives requests for logistic support.

COL Shumake/791-3148

INFORMATION PAPER: Army Relations with Boy Scout Organizations

DAJA-SC
13 September 2004

SUBJECT: Army Relations with Boy Scout Organizations

1. **PURPOSE.** To provide information on official Army relations with, and support to the Boy Scouts.

2. **FACTS.**

a. Prohibited Activities.

(1) **Fundraising and Membership Drives.** No official endorsement or participation in Boy Scout fundraising or membership drives is allowed. (*Joint Ethics Regulation* (JER), DOD 5500.7-R, para. 3-210)

(2) **Endorsement or Sanction.** Official endorsement or sanction may be neither stated nor implied, and Army officials may not give preferential treatment to the Boy Scouts. (JER, para. 3-209). However, as noted below, there are statutes authorizing specific support to overseas scouting, and to Jamborees. Commanders may support Boy Scout events (as opposed to fundraising) where there are legitimate community relations, morale and welfare, or other DOD interests.

(3) **Official Participation in Management.** Army personnel may not participate in management of the Boy Scouts in their official capacities. However, they may be appointed as official liaisons when there is a continuing Army interest in discussion of matters of mutual interest. (JER, para. 3-201; 3-202)

(4) **Conflicts of Interest.** Army personnel may not take official actions that affect the financial interests of the Boy Scouts if they are an officer, director, or employee of the organization. (18 U.S.C. § 208) Even if Army personnel are not officers in the Boy Scouts, if they are "active participants" in scouting, they should refrain from taking official actions which affect the Boy Scouts interests in order to avoid the appearance of favoritism. (5 C.F.R. § 2635.502) An "active participant" is someone, such as a Scoutmaster, who does not necessarily have input to organization policy, but has a visible and significant role with the Scouts.

(5) **Gratuitous Membership.** Army personnel may not accept an office, directorship or similar leadership position in the Boy Scouts offered because of their official duty position. (JER, para. 3-201)

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SUBJECT: Army Relations with Boy Scout Organizations

b. National and International Jamborees. The Army may provide the following services to national and world Jamborees. Prior to these types of support being provided, the Boy Scouts must provide a bond to cover the items and the risk of loss or damage costs associated with transportation. (10 U.S.C. § 2554)

(1) Loan of cots, blankets, commissary equipment, flags, refrigerators, and other equipment;

(2) Services and expendable medical supplies, as available, without reimbursement;

(3) Transportation, as available, without expense to the U.S. Government, and which does not interfere with military operations.

(4) In the case of a Jamboree held on a military installation, DoD may provide personnel and logistic support at the military installation, in addition to the areas of support listed in the three paragraphs above. (10 U.S.C. § 2554(g)).

c. Overseas Scouting. Subject to various levels of delegation and authorization, the Army may provide overseas scouting organizations transportation, office space, recreational space, warehousing, utilities, and communications without seeking reimbursement. (10 U.S.C. § 2606). DOD Instruction 1015.9 should be consulted before deciding what support to provide for overseas scouting activities. Note that when overseas scouting activities are organized as a Non-Appropriate Fund Instrumentality, it is a government entity.

d. Use of DOD Property.

(1) On a limited basis, commanders may authorize the use of DOD equipment (and manpower to operate the equipment) in support of Boy Scout activities which are legitimate community relations events or provide genuine benefit to the morale and welfare of the military community. (JER, paragraph 3-211; see *a/so*, 10 U.S.C. § 2012) Commanders must determine that:

(a) there is no interference with unit readiness and mission accomplishment;

(b) support serves a legitimate Army interest, such as community relations; (AR 360-1, *The Army Public Affairs Program*)

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(c) the event is of interest and benefit to the local civilian or military community as a whole;

(d) the command is willing and able to provide support to other similar events and organizations (such as Girl Scouts);

(e) no admission fee beyond reasonable cost is charged either for the whole event or for that part supported by DOD, or that the DOD support is incidental to the event.

(2) Installation commanders may authorize use of space for Boy Scout meetings and storage of equipment.

(3) Government equipment may be loaned or rented if there is no interference with mission accomplishment. However, the Boy Scouts may not use installation auditing, data processing, financial management, legal, or purchasing services. (*Special Authorization and Procedures for Issues, Sales, and Loans*, AR 725-1, Chap. 6)

(4) Army personnel who volunteer to participate may be given uncharged leave (a "permissive TDY") to support Boy Scout events that otherwise meet the requirements of a community relations event. *Leaves and Passes*, AR 600-8-10, para. 5-32k.

DAJA-SC (703)588-6707

CASE STUDIES OF PROPER AND IMPROPER CONDUCT

1. The Fort Green Chief of Staff, a member of the local chess club, calls the Deputy Garrison Commander and asks that the chess club's application to hold a fundraising event on the installation be moved to the top of the pile.

VIOLATION. Use of public office for personal/private gain, conflict of interest; acting as an agent for a private organization before the Federal government.
18 USC 205 and JER para 3-204.

2. In the Garrison Commander's outer office, a display contains information about professional organizations. Included are a "please take one" sign and brochures for 5 military-related associations and 10 technology-oriented national organizations.

OKAY. Such displays are permissible when displays are open to contributions from other similar organizations.

3. After arriving at a new duty assignment, LTC Jones is asked by his new commander, an officer in the Association of the United States Army (AUSA), to explain why he is not a member of AUSA.

VIOLATION. Coercion for the benefit of a private organization.

4. The Fort Smith Chief of Staff accepts an appointment to the Board of Directors for the local Chamber of Commerce that was offered because of his duty position.

VIOLATION. You cannot serve as a director of an organization that was offered because of your official position. JER para 3-301. And you cannot serve as a director of an organization in your official capacity without approval of the Secretary of the Army. JER para 3-202.

5. The Commander of XXX Corps allows his duty position to be used on the letterhead of the Humane Society of the United States.

VIOLATION. Improper endorsement. 5 CFR 2635.702; JER 3-205.

6. The Garrison Commander at Fort Blue, a member of the Aviators Association of America (AAA), actively participates in the association's activities. He also decides who in the command will attend the AAA's national convention in an official capacity.

VIOLATION. Appearance of conflict of interest. 5CFR 2635.502; JER para 3-204.

7. Major Smith is a member of the Association of American Cavalryman that sponsors a car wash to raise funds. Major Smith helps wash cars during his off-duty time.

OKAY. Fundraising in a personal capacity during non-duty hours is permissible. 5 CFR 2635.808(c); JER para 3-300.

8. Colonel Johnson is the treasurer of the local chapter of the Military Intelligence Association of America (MIAA) and is responsible for MIAA's monthly billing statements for dues. He tasks his secretary to prepare the billing statements during duty hours on government equipment.

VIOLATION. Misuse of government resources and time. 5 CFR 2635.704 and 705; JER para 3-305b.

9. Two senior officials of the Louisiana National Guard were counseled after sending an email to a large number of sergeant majors in the command asking them to "focus on" the upcoming convention of the Louisiana Army National Guard Enlisted Association, noting that they "expect[ed]" attendance at certain sessions, and expressing their desire for "a good turnout."

VIOLATION. The email was in violation of DoD Directive 5500.7R, which prohibits official endorsement of non-Federal organizations. The two officers were counseled for their violations.



DEPARTMENT OF THE ARMY
HEADQUARTERS , U.S. ARMY SIGNAL CENTER AND FORT GORDON
18th Regimental Signal Brigade
FORT GORDON, GEORGIA 30905-5000

REPLY TO
ATTENTION OF:

November 20, 2003

ATZH-TB

Manager
Ranger Ron's Military Store
1234 Tobasco Road
Augusta, Georgia 30908

**EXAMPLE OF WHAT
NOT TO DO**

To Whom It May Concern:

The 18th Regimental Signal Brigade will hold its annual Brigade Ball next month and we ask that your company be a part of the festivities.

In order to defray the costs of attendance for our soldiers, I am asking for your generous contribution in cash or party supplies. Your gift will help to make this a really special occasion for our soldiers. If you help out, I will recommend that the Brigade's soldiers get all their extra military supplies and accessories from your store.

Thank you for your assistance.

Sincerely,

George R. Steele
First Lieutenant, Signal Corps
Adjutant

Signal Corps Aid Association
Fort Gordon Chapter
Post Office Box 1234
Fort Gordon, Georgia 30905

November 20, 2003

Manager
Ranger Ron's Military Store
1234 Tobasco Road
Augusta, Georgia 30908

GOOD EXAMPLE

To Whom It May Concern:

The Signal Corps Aid Association, a private organization, seeks your financial assistance to help defray the costs of the Signal Corps Aid Association holiday party.

In order to defray the costs of attendance for our members, some of whom are in the lower enlisted grades, I am asking for your generous cash contribution. If you cannot give a cash donation, we would gladly accept any supplies that you may be able to provide for the festivities. Your gift will help to make this a really special occasion.

Thank you for your assistance.

Sincerely,

George R. Steele
First Lieutenant, U.S. Army
Secretary

Ten Points on Fundraising

1. The Army does not fundraise; therefore, do not fundraise in an official capacity.
2. Private Organizations, Family Readiness Group informal funds (AR 608-1, Appendix J), and other informal funds (AR 600-20, ¶ 4-21) may fundraise.
3. Only private organizations can fundraise off-post and members may do so only in their personal, private capacities, and not in uniform.
4. Donations must be truly voluntary.
5. Coercive practices are prohibited as are rewards or privileges for donating.
6. On-post private organizations and other private organizations that support the Army receive no preferential treatment.
7. For on-post fundraising comply with the Garrison Commander's fundraising policy.
8. If a private organization uses a letter for fundraising purposes, the private organization will not use official letterhead or the sender's official position/official signature block.
9. Do not use official resources except as authorized.
10. Commander gets the blame if subordinates do wrong

Terence Cleary
OSJA 791-4454
2 April 2009