

# RULES FOR DOD EMPLOYEES PARTICIPATING IN FUNDRAISING EVENTS AND CAMPAIGNS

I. Rules for official fundraising. If the event or campaign will raise funds, and all of the funds will be donated to (1) Combined Federal Campaign (CFC), (2) Air Force Assistance Fund, (3) Army Emergency Relief, (4) Navy-Marine Corps Relief Society, or (5) an emergency and disaster appeal approved by the Office of Personnel Management (OPM), the rules are as follows.

-- You may participate in the event or campaign in your official capacity. [5 CFR 2635.808(b)]

-- You may officially endorse the event or campaign. [JER 3-209 & 3-210a]

-- You may use government resources (e.g. your time, your subordinate's time, vehicles, supplies, copiers, postage, etc.) in connection with the event or campaign. [5 CFR 2635.704(a)]

II. Rules for private fundraising. If the event or campaign will raise funds, and **any part** of the funds will be donated to an organization or campaign other than the five listed above, the rules are:

-- Active participation in a private fundraising event. You may not, in your official capacity, participate actively and visibly in the promotion, production or presentation of a private fundraising event. This includes (1) serving as an honorary chairperson, host, Master of Ceremony, or Mistress of Ceremony for the event; (2) sitting at a head table during the event; (3) standing in a reception line, and (4) any public speaking (except an "official speech"). You *may* make an "official speech" at a private fundraising event. [5 CFR 2635.808(a)(2) & (3)]

-- Mere attendance at a private fundraising event. You may not attend a private fundraising event in your official capacity, unless you are performing official duties at the event (e.g. making an "official speech" or receiving an award). [DOD/GC Ltr, 14 Mar 96, para. 2a] You may attend a private fundraising event in your personal capacity, provided that, to your knowledge, your attendance is not used by the organization to promote the event. [5 CFR 2635.808(a)(2)] You may accept free attendance at the event for yourself and your spouse/guest, if it can be accepted under the "widely attended gathering rule." [5 CFR 2635.204(g)(2)]

-- Use of government title. Civilian employees may not use (or permit the use of) their official title, position, organization name, or military department in connection with a private fundraising event or campaign. Military members may not use (or permit the use of) their official title, position or organization name in connection with a private fundraising event or campaign. But they may use (or permit the use of) their military grade and military department (e.g. "Colonel John Smith, U.S. Air Force"). [5 CFR 2635.808(c)(2); JER 3-300a(1); DOD/GC Ltr, 28 Feb 95]

-- Using government resources. You generally may not use government resources in support of a private fundraising event or campaign. [5 CFR 2635.704(a); 5 CFR 2635.808(c) (Example 2)] However, you *may* use official channels to notify other DOD employees of events of common interest that are sponsored by non-Federal organizations. [JER 3-208]

-- Soliciting subordinates and "prohibited sources". You may not personally solicit funds or other support, for a private fundraising event or campaign, from your subordinates or from any "prohibited source" (e.g. DOD contractor). [5 CFR 2635.808(c)(1)] There are two exceptions.

-- Mass mailing exception. You may, in your personal capacity, sign a letter soliciting funds or other support as part of a private fundraising event or campaign if (1) the letter does not mention your government title, position or organization name, (2) the identical letter is sent contemporaneously to a large number of persons or organizations; and (3) the solicitation letter is not targeted at your subordinates or at "prohibited sources." [5 CFR 2635.808(a)(4) & Example 1; 5 CFR 2635.808(c) (Example 3)]

-- Exception for remarks to large group. You may, in your personal capacity, solicit funds or other support, as part of a private fundraising event or campaign, by making oral remarks to a group of people, if (1) you do not mention your government title, position or organization name; (2) your remarks are addressed to a group of many persons; and (3) your remarks are not targeted at your subordinates or at "prohibited sources." [5 CFR 2635.808(a)(4)] For example, you *may* make a fundraising "pitch" to a large group at the Scout Troop Meeting, even if one of the persons in attendance is your subordinate.

III. Rules for an "official speech". The requirements for an "official speech" are: (1) it must relate to your official duties; (2) your agency must determine that the event where you will give the speech provides an appropriate forum for the dissemination of the information to be presented (note: the local Public Affairs Office or Protocol Office can probably make this determination); and (3) you do not request donations or other support for the non-profit organization during the speech. [5 CFR 2635.808(a)(3) & Example 1] Also, if you make an "official speech," the following rules apply.

-- Seating. You may be seated in any manner that is appropriate to the delivery of the speech, including sitting at the head table. [5 CFR 2635.808(a)(2)]

-- Free attendance. You may accept free attendance at the event on the day of your speech (if such free attendance will be paid for by the sponsor of the event). Also, if others in attendance will generally be accompanied by a spouse or guest, you may accept free attendance for your spouse or guest at the event, on the day of your speech (if the free attendance of your spouse or guest will be paid for by the same organization who will pay for your free attendance). [5 CFR 2635.204(g)(1) & (5); 5 CFR 2635.808(a)(3) (Example 2)]

-- Publicity. You may allow your official title, position, organization name and military department to be used to promote or publicize the event. [5 CFR 2635.807(b) (Example 1); JER 3-209]

-- Thank you gifts. You may accept a gift from the organization, if it would be permitted under the "\$20/\$50 rule," i.e. if the gift has a market value of \$20 or less, and accepting the gift would not cause you to receive more than \$50 in gifts from the organization during the calendar year (under the authority of the \$20/\$50 rule). [5 CFR 2635.807(a); 5 CFR 2635.204(a)]

IV. Additional rules. Two areas are not covered in this point paper: (1) fundraising for political purposes, and (2) fundraising by Air Force private organizations pursuant to AFI 34-223.