

Information Paper for Air Force (AF) Employees (Military & Civilian) on
Support of Fundraising (FR) for or by an Off-Base Non-Federal Organization (NFO)

Prohibited Activities

1. Official business. The Executive Branch ethics regulation states: “Fundraising in an official capacity. An employee may participate in fundraising in an official capacity if, in accordance with a statute, Executive order, regulation or otherwise as determined by the agency, he is authorized to engage in the fundraising activity as part of his official duties.” [5 CFR 2635.808(b)] Although there is legal authority that permits AF employees to participate in the CFC and the AF Assistance Fund (AFAF) Campaign in an official capacity, there is no legal authority that permits AF employees to participate in a fundraising (FR) effort for any off-base non-Federal organization (NFO) (separately from CFC and AFAF). This means that it is not permissible for an AF organization, as a government organization, to participate in or support a FR effort for an off-base NFO. For example, it would not be permissible for units at an AF base to assign points of contact (POCs) in connection with the fundraising effort. It also means that AF employees may not participate in such efforts in their official capacity, i.e., as part of their official duties. All the rules below flow from this critically important point.
2. Official time. 5 CFR 2635.705(a) states: “[A]n employee shall use official time in an honest effort to perform official duties.” Since fundraising for an off-base NFO is not official business, you may not use official time to support or participate in it.
3. Government property. 5 CFR 2635.704(a) states: “An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.” Since fundraising for an off-base NFO is not an “authorize purpose,” you may not use government property for this purpose. This would include using government equipment to create a briefing or flier about the fundraising effort.
4. Official endorsement. 5 CFR 2635.702(c) states: “Endorsements. An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise....” Also, Joint Ethics Regulation (JER), DoD 5500.7-R, para. 3-210a, states: “DoD employees shall not officially endorse or appear to endorse membership drives or fundraising for any non-Federal entity [with certain exceptions, such as CFC and the AF Assistance Fund Campaign].” Thus, you may not officially endorse or appear to endorse a fundraising effort for an off-base NFO. For example, AF employees may not officially and publicly (e.g., at commander’s calls, staff meetings, or in official memos to other employees) praise a fundraising effort for an off-base NFO or encourage other employees to support it.
5. Official title. 5 CFR 2635.808(c)(2) states: “Fundraising in a personal capacity. An employee may engage in fundraising in his personal capacity provided that he does not... [u]se or permit the use of his official title, position or any authority associated with his public office to further the fundraising effort, except that an employee who is ordinarily addressed using a general term of address, such ‘The Honorable,’ or a rank, such as a military or ambassadorial rank, may use or permit the use of that term of address or rank for such purposes....” Thus, AF employees may not use their official title in connection with a FR effort for an off-base NFO. However, military members may use their rank and branch of service (e.g., Major, USAF).

6. Air Force Seal. Attachment 2 of AF Manual 33-326, Preparing Official Communications, 15 Oct 07, is entitled “Department of the Air Force Seal, Coat of Arms, and Crest.” Paragraph A2.3 of this AF Manual is entitled “Using the Seal.” Paragraph A2.3.3 of this AF Manual states: “Unauthorized Uses. The seal will not be used in any way that implies Air Force use or endorsement of an item. For example: ...Commercial or private printed matter.” Thus, if you create a flier in connection with a fundraising effort for an off-base NFO, you may not use the Air Force Seal on that flyer.

7. Air Force organizational emblems. AFI 84-105, Organizational Lineage, Honors and Heraldry, 1 Feb 06, paragraphs 3.5, 3.5.1 & 3.5.2 read as follows: “Use and Control of Organizational Emblems. An organization has exclusive use of its approved heraldic emblem. The organization’s commander controls the use of its emblem. Non-Air Force individuals and organizations may use the symbol only with the commander’s permission. Pertinent AFIs and the organization’s commander determine proper use of the officially approved emblem.” Thus, you may not use the organizational emblem of your AF organization in connection with a FR effort for an off-base NFO, unless such use has been approved by the organization’s commander. Note: The commander should not approve such use, since use of the organizational emblem would create the appearance that the AF is officially participating in or supporting the FR effort.

8. Use of official time by subordinates. 5 CFR 2635.705(b) states: “Use of a subordinate’s time. An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.” Thus, you may not encourage, direct, coerce, or request a subordinate to use official time in connection with a fundraising effort for an off-base NFO.

9. Use of subordinates for unofficial activities. JER para. 3-305(b) states: “Because of the potential for significant cost to the Federal Government, and the potential for abuse, DoD employees, such as secretaries, clerks, and military aides, may not be used to support the unofficial activity of another DoD employee in support of non-Federal entities, nor for any other non-Federal purposes....” Thus, you may not use subordinates to support your unofficial activities in connection with a fundraising effort for an off-base NFO.

10. Soliciting funds or support from subordinates or contractor employees. 5 CFR 2635.808(c)(1) states: “Fundraising in a personal capacity. An employee may engage in fundraising in his personal capacity provided that he does not... [p]ersonally solicit funds or other support from a subordinate or from any person... [k]nown to the employee... to be a prohibited source....” The term “prohibited source” includes DoD contractors and their employees. [5 CFR 2635.203(d); 5 CFR 2635.102(k)] Thus, you may not solicit funds or other support from a subordinate or a contractor employee for a FR effort for an off-base NFO.

11. Use of public office for private gain. 5 CFR 2635.702 states: “Use of public office for private gain. An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.” The word “person” is defined so as to include “organizations.” [5 CFR 2635.102(k)] Thus, you may not use your public office for the private gain of any off-base NFO that you are affiliated with in your personal capacity.

12. Inducement or coercion of benefits. 5 CFR 2635.702(a) states: “Inducement or coercion of benefits. An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.” The word “person” is defined so as to include “organizations.” [5 CFR 2635.102(k)] Thus, you may not use your government position, title or authority to coerce or induce anyone to provide any benefit to an off-base NFO that you are affiliated with in your personal capacity.

13. Appearance of governmental sanction. 5 CFR 2635.702(b) states: “Appearance of governmental sanction. Except as otherwise provided in this part, an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another.” Thus, you may not use your government position, title or authority to imply that the AF sanctions or endorses your personal activities in connection with a fundraising effort for an off-base NFO.

Permitted Activities

14. Personal capacity. JER para. 3-300a states: “Fundraising and Other Activities. Subject to other provisions of this Regulation, DoD employees may voluntarily participate in activities of non-Federal entities as individuals in their personal capacities, provided they act exclusively outside the scope of their official positions.” Thus, it is permissible for you to participate in a FR effort for an off-base NFO, if you act exclusively outside the scope of your official position.

15. Fundraising activities on base. If, in your capacity as a private citizen, you wish to organize a fundraising activity that will benefit an off-base NFO (such as a car wash or bake sale), and the fundraising activity will take place on base, then you must obtain prior approval from the base’s Services organization (who acts on behalf of the Installation Commander). [AFI 36-3101, Fundraising Within The Air Force, Table 1, Rule 5]

16. Flyers. A flyer concerning a fundraising effort for an off-base NFO may be distributed if:

- A. Government time, equipment and materials are not used to create the flyer.
- B. Government time is not used to distribute the flyer (lunch hour or after duty hours is OK).
- C. The flyer is posted in common areas, such as lobbies (i.e., the flyer is not handed to employees in their offices or other workplaces).
- D. The posting of the flyer does not violate any regulations regarding posting of flyers.
- E. The flyer is not distributed at any official event, such as commander’s call or staff meeting.
- F. The AF employee does not distribute the flyer to any of his or her subordinates, since this could be viewed as an effort to solicit support from subordinates regarding the FR effort.
- G. The flyer does not state or imply that the AF or any AF organization supports the FR effort.
- H. The flyer does not contain the AF Seal, or the emblem of any AF organization.
- I. The distribution has been approved by the base’s Services organization IAW AFI 36-3101 (Table 1, Rule 5) and the distribution does not take place during CFC or the AFAF Campaign.
- J. The distribution has been approved by the local Ethics Counselor.