

Q&A: Sponsorship ROEs, Private Organizations & Financial Firms

1) May a private organization accept a gift or donation from outside sources in the form of goods, cash or services?

Yes. Per paragraph 10.19.1.3 of AFI 34-223, private organizations may accept gifts and donations from outside sources in the form of goods, cash, or services. However, there are specific limitations regarding a private organization accepting any gift or donation that involves a solicitation for the sale of a product or service on a DoD installation. Question 4 addresses how these limitations apply specifically to gifts or donations of financial planning information sessions and/or presentations.

2) Is commercial sponsorship authorized for private organizations operating under the authority of AFI 34-223, Private Organization Program (13 December 2018)?

No. Per paragraph 1.4 of AFI 34-108 and paragraph 10.19.1.2 of AFI 34-223, commercial sponsorship is not authorized to support private organizations. Additionally, per paragraph 10.13 of AFI 34-223, private organizations are prohibited from engaging in any conduct that has the effect of advertising for, making referrals to, or encouraging use of any commercial business concern.

3) Is approval under paragraph 6.7.6.3 of DODI 1344.07_AFI 36-2925 required for a financial firm to participate in commercial sponsorship of MWR programs?

No. Paragraph 6.7.6.3 of DODI 1344.07_AFI 36-2925, *Personal Commercial Solicitations on DoD Installations* (4 December 2018), addresses official, command-approved, financial education programs provided by approved non-governmental, non-commercial organizations. In contrast, commercial sponsorship under AFI 34-108, *Commercial Sponsorship and Sale of Advertising* (21 August 2018) refers to the act of a civilian enterprise providing support to help finance or provide enhancements for morale, welfare and recreation elements of Air Force Services activities, events, and programs in exchange for promotional consideration. Support may take the form of goods, cash, or services.

Financial firms may participate in commercial sponsorship of MWR activities in exchange for promotional consideration so long as the goods, cash, or services provided by the financial firm under a commercial sponsorship agreement benefit an MWR activity. Financial planning advice or financial planning presentations provided to Airmen would not be appropriate services for a financial firm to provide under a commercial sponsorship agreement because such services would not benefit an MWR activity.

4) May a financial firm provide a gift or donation of financial planning information sessions and or presentations to a private organization operating under the authority of AFI 34-223, Private Organization Program?

Yes, but any such financial planning information sessions or presentations which involve personal commercial solicitation for the sale of financial products or services could only be provided to a private organization on a DoD installation if all of the requirements of paragraphs 6.1-6.4 of DODI 1344.07_AFI 36-2925 are met. Per paragraph E2.1.15 of Enclosure 2 to DODI 1344.07_AFI 36-2925, personal commercial solicitation is defined as, “Personal contact, to include meetings, meals, or telecommunications contact, for the purpose of seeking private business or trade.”

Per paragraph 10.19.1.3 of AFI 34-223, private organizations may accept gifts and donations from outside sources in the form of goods, cash, or other services. However, DODI 1344.07_AFI 36-2925 applies to all commercial solicitation activities on all DoD installations. (See paragraph 2.3) Thus, if a gift or donation provided by a third party to a private organization involves any solicitation for the sale of a product or service on a DoD installation, the requirements of paragraphs 6.1-6.4 of DODI 1344.07_AFI 36-2925 would apply. These requirements are specific and detailed, particularly regarding commercial solicitation for the sale of insurance and securities products.

DODI 1344.07_AFI 36-2925 does not apply to commercial solicitation activities off DoD installations. Thus, this instruction would not apply to private organization accepting a gift or donation provided by a financial firm that involves a solicitation for the sale of financial products or services if the solicitation occurred off an installation.

However, any gifts to a private organization, regardless of location and regardless of whether commercial solicitation is involved, must comply with the requirements of AFI 34-223. For example, private organizations may accept gifts and donations from outside sources but donor/gift recognition may not be made publicly and oral recognition of the gift or donation can only be made to members of the Private Organization or those present at an event benefiting from the donation/gift. Private organizations are also prohibited from actions which might make it appear that the installation is endorsing or giving special treatment to the donors involved.

Additionally, while private organizations may accept a gift that involves an element of commercial solicitation, paragraph 10.13 of AFI 34-223 prohibits private organizations from engaging in any conduct that has the effect of advertising for, making referrals to, or encouraging use of any commercial business concerns.

Also, the provisions of the Joint Ethics Regulation (JER) apply to activities of DoD personnel on and off an installation. For example, DoD personnel are prohibited from making personal commercial solicitations or sales to DoD personnel who are junior in rank or grade, or to the family members of such personnel, except as authorized in Section 2-205 and 5-409 of the JER, DoD 5500.7-R (Reference (g)).