

# SOCO ADVISORY

**Department of Defense  
Office of General Counsel  
Standards of Conduct Office (SOCO)**

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## Special Edition: 2010 Combined Federal Campaign

**Fundraising in the Federal workplace presents challenges for ethics counselors. Below is general guidance on the ethics implications of Combined Federal Campaign (CFC) fundraising. Please note that the CFC is the only charitable fundraising permitted in the Federal workplace. Except for very few instances, no other charitable fundraising is authorized**

### Applicable Ethics Law & Regulations & Reference Information:

- a. 18 U.S.C. §§ 203, 205 & 208
- b. 5 C.F.R. Part 2635:
  - (1) Subpart C: Impartiality in performing official duties.
  - (2) Subpart E: Misuse of Position.
  - (3) 5 C.F.R. 2635.808: Fundraising activities.
- c. 5 C.F.R. Part 950: Sets forth the rules on the CFC campaign. Authorizes lotteries, raffles, and other activities.
- d. DoD 5500.7-R (Joint Ethics Regulation) [http://www.dod.mil/dodgc/defense\\_ethics/ethics\\_regulations/jer1-6.doc](http://www.dod.mil/dodgc/defense_ethics/ethics_regulations/jer1-6.doc)
  - (1) Section 2-302: Prohibits gambling on Government property or while on official duty.
  - (2) Section 3-210: Authorizes DoD officials to internally endorse CFC (not individual charities).

### Other CFC Specific Reference information:

- a. 32 C.F.R. 234.16: Prohibits gambling in the Pentagon or Navy Annex.
- b. 41 C.F.R. 102-74.395: Prohibits gambling and limits solicitations in GSA leased or owned buildings.
- c. DoD Directive 5035.01 - DoD implementation of CFC.  
<http://www.dtic.mil/whs/directives/corres/pdf/503501p.pdf>
- d. DoD Instruction 5035.05 - DoD CFC - Overseas Area.  
<http://www.dtic.mil/whs/directives/corres/pdf/503505p.pdf>
- e. CFC official website: <http://www.opm.gov/cfc/opmmemos/index.asp> (CFC overseas  
<http://www.cfcoverseas.org>)

**Conflicts, Impartiality, & Preferential Treatment:** DoD personnel may encourage others to participate in the CFC. But they may not ask others to make specific donations to any particular CFC charity, especially if they are an officer, employee or otherwise an “active participant” of the charity (e.g., it involves service as an official of the organization or in a capacity similar to that of a committee or subcommittee chairperson or spokesperson, or participation in directing the activities of the organization). Likewise, fundraising events should not have “designated” CFC beneficiaries, but must allow each donor to make his or her own decision about how and to whom the donation is to be designated.

**Gambling:** Section 2-302 of the JER (and 5 C.F.R. § 735.201, among other Federal regulations), prohibit gambling on Government property or while on official duty. Fundraising can sometimes trip this line, so please be wary of “games of chance.” Creativity in development of fundraising efforts can avoid this problem. For example, lottery-type games, door-prizes, and similar events do not constitute gambling as long as they do not include:

- (1) the furnishing of consideration (betting something of value-usually money),
- (2) in a game of chance,
- (3) that offers a reward or prize

Events that do not include all three of these elements are not gambling. For instance, a drawing using CFC pledge cards, when it is clear that no contribution is required to enter, is not gambling because the participants are not required to furnish consideration. TIP: It should be clear that contributions are not required.

**Participation of Outside Sources Including Contractor Personnel:** Contractor and other non-DoD personnel may not be solicited to give to CFC, nor should they be permitted to solicit contributions from DoD personnel.

(a) The CFC authorizes only solicitation of Federal personnel. Other solicitations of outside sources, such as contractors or contractor personnel, who may be working in the Federal workplace is prohibited (5 C.F.R. § 950.103(g)). TIP: Beware of organizational email addresses that lump together contractor and DoD personnel.

(b) Non-Governmental personnel who work on Federal premises, such as contractor personnel, credit union employees, and others, may make voluntary unsolicited contributions to the CFC. In addition, they may voluntarily partake in CFC fundraising efforts, such as buying food at food sales.

(c) Ethics officials should be mindful about non-Governmental business entities, such as vendors, local merchants, or contractors seeking to contribute to DoD’s CFC efforts. The CFC regulations do not authorize DoD employees to solicit gifts from outside entities. The Principal Combined Fund Organization (PCFO), which is a private fundraising entity affiliated with the CFC, is the only entity empowered to solicit non-Governmental business entities in support of CFC. This is because the PCFO is a non-Government entity and therefore not restricted by the CFC regulations. Because the PCFO is affiliated with the CFC however, ethics officials must ensure that use of PCFO solicitations do not raise ethical appearance or other legal concerns, and do not promise Government action. As an example, employees should not use DoD letterhead or state their DoD positions/titles while soliciting for the CFC. However, limited use of PCFO letterhead and identification by name, not by official position or title is acceptable.

**Request for Senior Officials Participation:** Fundraisers sometimes ask senior officials to commit to or donate personal time or support to CFC. Examples include offering lunch with an installation commander as a prize or a round of golf with the agency head. While senior officials may offer such personal contributions, the requirement that all contributions to CFC be truly voluntary still applies. In addition, fundraisers should ensure that such personal-service prizes do not interrupt DoD activities and will not undermine the integrity of DoD (e.g., are inappropriate or embarrassing). Finally, although supervisors and others in positions of command may promote the CFC generally, they may not solicit subordinates or coerce giving from their employees or those in their chain of command. Again, it is a misuse of position for any DoD official to request contributions for CFC purposes from non-Federal entities on official letterhead.

**Use of Government Resources to Support CFC:** DoD personnel should be reminded that Government resources may be used only for official and authorized purposes. Since the CFC is an official program, management may authorize limited use of resources, including expenditure of appropriated funds, in support of CFC. The Voluntary Campaign Management Office guidance indicates that expenditure of appropriated funds is limited to modest refreshments at kick-offs, victory events, awards, and other events that build support for the CFC; however, use of appropriated funds for other items, such as fundraising prizes for raffles or items which could be characterized as personal gifts, is a misuse of Government resources. For the DoD CFC overseas

program, the use of installation-level CFC administrative and logistical support and use of military aircraft to transport CFC materials on a "space available" basis is authorized. Check with your local legal office on the fiscal implications (i.e., does your organization has a dedicated budget line for CFC expenditures).

**In Summary:**

DoD personnel should be mindful NOT to:

1. Show preferential treatment to any CFC charities.
2. Misuse Government resources in support of CFC.
3. Solicit or coerce subordinates or non-Federal entities for contributions.
4. Solicit for contributions from DoD contractors or other non-DoD sources.

**Bottom Line:**

To minimize disruption in fundraising efforts, ethics officials should work with CFC coordinators from the start of the campaign to ensure fundraising events and strategies comply with the spirit and letter of applicable ethics as well as campaign regulations and policies.

Questions surrounding implementation of CFC should be directed to your local CFC coordinators who can coordinate with the Voluntary Campaign Management Office, the office responsible for establishing policy for all DoD voluntary campaigns and provides operational guidance for conducting these campaigns.

**DoD Standards of Conduct Office**  
[http://www.dod.mil/dodgc/defense\\_ethics/](http://www.dod.mil/dodgc/defense_ethics/)