Headquarters USAF Warfare Center

Testing-Tactics - Training-Innovation-Integration

Private Organizations Training

This Briefing is:

UNCLASSIFIED

Overview

- References
- What is a Private Organization (PO)?
- JA and POs
  - Constitution and Bylaw Review
  - Fundraising
  - Other
- Closing Remarks

References

- DAFI 34-106, Private Organizations Program, 16 Jan 26
- DAFI 36-3101, Fundraising, 26 Oct 22
- DOD 5500.07-R, Joint Ethics Regulation
- DODI 1000.15, Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations, 24 Oct 08

What is a PO?

- **DAFI 34-106, PO Program, Paragraph 1:**
  - "POs are self-sustaining special interest groups, set up by people acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government."
- **Meaning:**
  - Not entitled to legal assistance
  - Not representatives of Nellis/Creech AFB
  - Cannot work for PO during duty hours
  - Installation Commander (99 ABW/CC) can revoke your privilege to function as a PO

POs are not a part of the federal government. They are Non-Federal Entities (NFEs).

Characteristics of a PO

- Assets exceed monthly average of $1000 over 3 months
- Has Bylaws and Constitution
- Has leadership within the PO (i.e, President, Treasurer)
- Authorized to function as a PO by the 99 ABW/CC
- Funds raised benefit the Nellis/Creech communities

Characteristics of a PO

- POs must be properly chartered to operate
  - Constitution, by-laws, officers, etc.
  - No “off-the-books” groups, bank accounts, slush funds, etc.
- PO Purpose:
  - “Positive contribution to the quality of life of base personnel”
  - Constitution must state PO purpose meeting this objective
    - “To enhance espirit de corps/morale of 99th XXX personnel”
  - All PO activities must relate to this purpose
    - Primary purpose of POs is NOT to fundraise

What is NOT a PO?

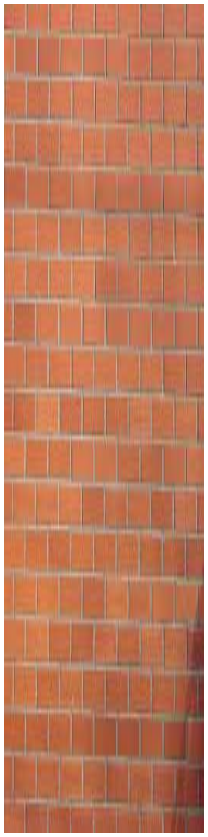
- Unit Unofficial Activities
- Individuals volunteering as a group off-duty
- Your Unit
- Non-Appropriated Fund Instrumentalities

Unit Unofficial Activities

- AKA sunshine funds
- Sometimes booster clubs
- Current assets cannot exceed an average of $1K over a 3 mo period.
  - + $100 for every 50 members over 300 members
  - $5K max monthly average
  - May exceed maximum for no longer than 6 mos if 75% of assets are being saved for an upcoming large event
- Financial Controls
  - 2 person accountability over cash
  - Submit an annual financial report to unit commander detailing income and expenses
- For Us By Us Fundraising
  - On base, on duty, with USG resources

Official v. Unofficial

Membership from Unit
Unofficial Activities for Unit (Holiday Parties, Awards, etc.)



Private Organization

PO Leadership
Unofficial Activities
Separate Money
No Government Resources

Military Unit

Unit Leadership (CC, CCF, etc.)
Official Government Activity
Appropriated Money (O&M)
No Influence on Associated PO

Issues to be aware of

- **PO leadership and unit leadership are the same people**
  - Are you talking in your official capacity, PO capacity? Can you separate the two? Are leaders selected based on their official position?

- **Leadership advocating for membership in the PO, participation in PO activities, or directing PO action**
  - POs are strictly voluntary, both in terms of membership and activity and operate independently from the unit

- **Blurring the line between PO and official status**
  - POs having access to official meetings
  - POs taking on tasks appropriate for military unit
  - POs using government resources

Issues to be aware of

- **DoD 5500.07-R, *Joint Ethics Regulation*, 3-209:**
  - "Endorsement of a non-Federal entity (*including POs) event, product, service, or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities."
  - "…titles, positions, or organization names may not be used to suggest official endorsement."
  - No uniforms for PO activities

JA & POs

- JA may not provide legal advice to POs or prospective POs **except**:
  - To ensure that POs do not compromise the AF
  - To ensure compliance with applicable AF and DoD regulations
  - Identifying and complying with formation and certification requirements
  - Complying with fiscal controls
  - Dissolution

JA: Constitution and Bylaw Review

- POs must submit written constitution, bylaws, or similar documents for review
  - Name, function, objectives, membership eligibility, sources of income
  - Certify that members are notified of their personal financial liability
  - Describe responsibilities of officers in asset accountability and management
  - Provide specific guidance for dissolution
  - Provide contact info for a primary and alt local representative
  - Avoid the appearance of official DoD Sanction
    - No seals, logos, or insignia
    - May use unit or installation name as long as PO status is unambiguous
    - All media must display disclaimer
  - See Paragraph 4 of DAFI 34-106 for other requirements
- Must have liability insurance unless waived
- Reviewed every two years or whenever a change is needed
- Ultimate approval authority is the installation commander

JA: Fundraising

- **Small Unofficial Activities**
  - Coffee funds, flower funds, sunshine funds, and other small operations may engage in fundraising activities
  - Installation commander “approval is required for… unofficial activities whether the fundraiser is conducted on or off installation”
  - **REMINDER**: If assets exceed a monthly average of $1000 over a 3-month period, the unofficial activity must become a PO, discontinue on-base operations, or reduce its current assets below the $1000 threshold
- POs may conduct fundraisers three times per quarter
  - Fundraisers exceeding 1 day will count as a separate fundraising event for each day (if you raise funds with the same event Monday-Wednesday, you are done for the quarter)
- POs may accept gifts

JA: Fundraising

- **You may not…**
  - Engage in any activity that would prejudice or discredit the US government
  - Sell alcohol
  - Fundraising in uniform
  - Fundraising during duty time
  - Conduct the event at the workplace
  - Exceed the limit of 3 fundraisers each quarter
  - Cannot duplicate or compete with the activities of AAFES or NAFIs
  - May not solicit directly from non-members on base
    - Opposite of an unofficial activity
  - USG may not provide logistical support for fundraising or membership efforts

JA: Fundraising

- POs will not operate amusement machines, slot machines, or any other games of chance = NO GAMBLING
  - 5.21 Exception: POs composed primarily of DoD personnel/family members may conduct fund-raising raffles on occasional, infrequent basis when authorized in advance by installation commander
  - Must be reviewed by USAFWC/JA
  - PO must be registered with the state of Nevada and comply with applicable regulations
  - Must directly benefit DoD Personnel/family members in need – no raffles fo al purposes

JA: Fundraising / Raffles

- **Special Rules for Raffles**
  - Must comply with state and local laws (lengthy process)
    - Must be registered with the IRS as a non-profit organization **or** with Nevada Secretary of State as a charitable organization (NRS 82A.100)
    - Additional registration and request requirements apply if prizes total over $100k for that organization within 1 year
    - Pay an annual fee for registration with the Nevada Gaming Commission that is subject to change
  - Only held to support POs routine operations or to direct benefit of DoD personnel or their families
  - Requests for raffles must identify their purpose
  - Cannot hold a raffle for a cash prize on base
  - Cannot be conducted in the work place or on duty

JA: Fundraising

- Fundraising During CFC and AFAF
  - CFC – 1 Sep to 15 Jan (OPM may set shorter time)
  - AFAF – 27 Feb – 16 Jun (Check the website)
  - Other fundraising must not detract from the CFC or AFAF
    - Exception for unit holiday party (Not by PO)

      Must not substantially detract from CFC
- In-Kind Collections are typically not considered fundraising
  - But ethical rules still apply
    - Avoid entanglement between PO's and the Air Force
  - Feds Feed Families and Toys for Tots are Federal programs

Alternatively, with approval from 99 ABW/CC you can hold a fundraiser to benefit the CFC or AFAF

Use of Government Resources

- **5 C.F.R. § 2635.704:**
  - "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."

- **DAFI 34-106, PO Program, Paragraph 6:**
  - Must furnish own equipment, supplies, and other materials, and do not get appropriated or non-appropriated fund support
  - May be provided places to conduct meetings of reasonable duration and frequency, but must reimburse for any additional costs incurred by the Air Force resulting from such uses

Use of Government Resources

- **DAFI 34-106, PO Program, Paragraph 6.2.3:**
  - "The use of Government equipment and systems for other than official purposes is extremely limited."
  - Government Communications systems may be used to inform Airmen of PO events only if the **primary purpose** of the communication is to inform Airmen, rather than for the PO's benefit.
  - Use public service announcements and newsletters, not your own email.
- **5 C.F.R. § 2635.705:**
  - "Unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties."
  - "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."

Contact us

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Closing Remarks

Questions?