



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY, EUROPE
UNIT 29351
APO AE 09014

AEAJA-MC

MEMORANDUM FOR CJAs, SJAs, and OICs in US Army Europe

SUBJECT: Family Readiness Group (FRG) Informal Fund Solicitation of Community Spouses Club (CSC) Welfare Funds

1. The USAREUR Family Readiness Support Assistant Program Office requested a legal opinion on whether an FRG may submit an on-line application for a CSC grant without violating AR 608-1, paragraph J-8, which prohibits solicitation of external fundraising. To avoid disparate treatment of FRGs within USAREUR, the Military and Civil Law Division, Office of the Judge Advocate, provides the following guidance: After seeking the advice of an ethics counselor, FRGs may submit an application for a grant of \$1,000 or less from a CSC. Such applications do not constitute prohibited solicitation of external fundraising for FRG Informal Funds UP AR 608-1, paragraph J-8.

2. BACKGROUND.

a. Funding FRG activities.

(1) FRG Fundraising. AR 608-1 authorizes FRGs to administer and use Informal Funds for unofficial events, projects, and costs incurred as a result of FRG unofficial activities. AR 608-1, paragraph J-7, authorizes FRGs to conduct fundraising for their Informal Funds, subject to compliance with their SOPs (i.e., Commander-approved fundraising purposes and events) and the garrison's fundraising policies (i.e., Garrison Commander approves all community fundraising activities on-post). AR 608-1, paragraph J-7, expands the sources of internal fundraising beyond that applied to traditional unit Informal Funds authorized by AR 600-20, paragraph 4-21. AR 608-1, paragraph J-7d(1), provides that FRGs "may officially fundraise from its own community members or dependents and from all persons benefiting from the Army organization. (For example, an installation may benefit from the brigade or unit FRG, thus permitting a brigade or unit FRG to fundraise throughout the installation.)" Notwithstanding the expanded definition of permissible sources for internal fundraising, AR 608-1, paragraph J-8, still prohibits FRGs from "external fundraising" (i.e., outside the FRG's membership or its military community).

(2) Donations to FRGs. IAW AR 608-1, paragraph J-7f, an FRG Informal Fund may accept "an unsolicited gift or donation of money or tangible personal property of a value of \$1,000 or less." Although AR 608-1, paragraph J-8, provides that FRGs "may not solicit gifts and donations," the provision also permits commanders and FRG leaders, with the advice of an ethics counselor, to respond to appropriate inquiries to inform potential donors of the needs of the Army and its Families. Such donations may be made UP AR 1-100.

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b. The CSC Grant Process.

(1) FRGs at a number of locations in Army Europe have attempted to obtain donations from Installation CSCs. These groups, formerly known as Officers' Wives Clubs or Enlisted Wives Clubs, are on-post local charitable service organizations. They have a long and distinguished history of providing considerable financial charitable benefit to their respective communities. They are a part of the local military community, predominantly made up of spouses of military members and civilian employees. As such they are clearly part of the military community and are permissible sources for FRG fundraising. The prohibition that an FRG may not "engage in external fundraising and may not solicit gifts and donations" does not apply to fundraising associated with the local CSC, provided the FRG otherwise complies with fundraising rules.

(2) Although the specific procedures vary, CSCs generally fund community projects that meet the purpose of their charitable charter by dispensing grants to persons or groups who can satisfy the criteria established by the CSC welfare committee. In many cases, the welfare committee no longer seeks out beneficial uses of its charitable fund, but has set up a mechanism by which individuals and groups are invited to access their website to petition the CSC for funds. For example, the Heidelberg CSC (HCSC) has an on-line grant application process that it uses to screen requests for HCSC welfare funds. According to the HCSC website, "the role of the HCSC... is to...support a variety of activities of a social, cultural, or educational benefit for its membership and to financially support organizations *within the United States Military* and the European civilian communities.... Priority is given to community organizations that benefit the Heidelberg military community."

3. DISCUSSION.

a. The prohibition in AR 608-1, paragraph J-8, against soliciting gifts and donations for FRGs addresses only external fundraising (i.e., to the solicitation of gifts or donations outside the FRG membership or military community). To apply it to all forms of solicitation, inside and outside the military community, would directly conflict with the express authority to fundraise within the military community that is granted to FRGs in AR 608-1, paragraph J-7d.

b. Interpreting the prohibition on external fundraising to apply only to organizations outside the military community is consistent with ethical requirements and ensures that FRG fundraising activities do not cast discredit on the FRG's unit or the Army.

c. CSCs are willing to consider worthy projects contributing to military readiness, encouraging applicants to present worthy proposals for grants from CSC charitable funds. Their open invitation for applications constitutes an "appropriate inquiry [on] the needs of the Army in relation to assisting Army families." AR 608-1, paragraph J-8, authorizes FRGs to respond to such requests. In contrast, FRGs remain prohibited from soliciting Private Organizations outside the military community.

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d. Restrictions. Informal funds, regardless of source, may not be used for FRG official activities for which appropriated funds are authorized. Informal Funds may only be used for those unofficial activities and purposes established by the FRG's Informal Fund SOP. FRGs must request donations from CSCs for a specific purpose supported by their SOP. FRGs may not request or receive more than \$1,000 from any single CSC donor.

4. CONCLUSION. After seeking the advice of an ethics counselor, FRGs may submit an application for a grant of \$1,000 or less from a CSC. Such applications do not constitute prohibited solicitation of external fundraising for FRG Informal Funds UP AR 608-1, paragraph J-8, provided the FRG complies with all other legal and policy requirements.



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