

Army Regulation 210–7

Installations

Personal Commercial Solicitation on Army Installations

**Headquarters
Department of the Army
Washington, DC
11 May 2021**

UNCLASSIFIED

SUMMARY of CHANGE

AR 210–7

Personal Commercial Solicitation on Army Installations

This major revision, dated 11 May 2021---

- o Revises and/or defines new responsibilities (para 1–4).
- o Adds an internal control evaluation (app B).
- o Updates guidance as a result of the update to DoDI 1344.07 (throughout).

Effective 11 June 2021

Installations

Personal Commercial Solicitation on Army Installations

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


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uals seeking to conduct commercial solicitation on military installations. For the purposes of this regulation, this includes U.S. Army Reserve Centers and Armed Forces Reserve Centers managed by the Army; to include meetings on Army installations of private, nonprofit, tax-exempt organizations that involve commercial solicitation.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G–9. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the

policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process.

This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–9 (DAIN–ZA), 600 Army Pentagon, Washington, DC 20310–0600.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G–9 (DAIN–ZA), 600 Army Pentagon, Washington, DC 20310–0600.

Distribution. This publication is available in electronic media only and is for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

History. This publication is a major revision.

Summary. This regulation implements DoDI 1344.07. It contains administrative, operational, and management policies governing personal commercial solicitation on Army installations.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve. It also applies to all military and civilian personnel, including personnel on active duty or annual training and individ-

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*This regulation supersedes AR 210–7, dated 18 October 2007.

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Glossary

Chapter 1

Purpose, Responsibilities, and Principles

1–1. Purpose

This regulation contains policy on the solicitation and sale of all goods, services, and commodities, including all types of insurance on military installations that are sold or solicited by dealers, tradesmen, and their agents and includes procedures for granting access on Army installations in the U.S.; offering counseling assistance on consumer credit transactions; providing financial education programs to military personnel; evaluating solicitors; and initiating investigative and enforcement actions. It also identifies prohibited practices that may cause withdrawal of commercial solicitation privileges on Army installations and establishes notification requirements when privileges are withdrawn.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See glossary.

1–4. Responsibilities

a. The Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)) is responsible for providing oversight for Solider and Family readiness programs.

b. The Deputy Chief of Staff, G–9 (DCS, G–9) will exercise Army Staff responsibility of the program, coordinate changes, and implement DoDI 1344.07.

c. The Commanding General, U.S. Army Materiel Command (AMC) will—

(1) Oversee and guide installation management programs.

(2) Integrate and synchronize installation management across all regions, commands, and units.

(3) Submit quarterly reports as required in paragraph 2–16 to the DCS, G–9 for review and forwarding to the Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD (PR&R)).

d. The Commanding General, U.S. Army Financial Management Command (USAFMCOM) will—

(1) Block the Integrated Personnel and Pay System – Army and “MyPay” allotment start capability for discretionary allotments to life insurance companies for all Soldiers E–4 and below.

(2) Process only those discretionary allotments for life insurance for all Soldier E–4 and below, if accompanied by a memorandum from the unit financial counselor as required in paragraph 2–15.

e. The Commanders of Army commands (ACOMs), Army service component commands (ASCCs), and direct reporting units (DRUs) will—

(1) Review procedures to ensure enforcement of a 7-day, cooling-off period prior to processing life insurance pay allotments for E–4s and below.

(2) Review procedures to ensure that commanders of all echelons, down to and including separate battalions, and organization or activities of comparable size and responsibility designate individuals to serve as unit personal financial counselors and ensure that they provide counseling as required in paragraph 2–15.

f. The senior commanders will—

(1) Impose reasonable controls or restrictions on the character and conduct of commercial solicitation activities to ensure personnel are not subjected to fraudulent or unethical business practices.

(2) Approve requests for installation access from commercial solicitors that meet the minimum requirements stated in paragraphs 2–1 to 2–4 and 2–6, as applicable. Provide written notice of approval to the requestor per paragraphs 2–5 and 2–6.

(3) Provide approved commercial solicitors copies of DD Form 2885 (Personal Commercial Solicitation Evaluation) per paragraph 2–1a(4). Review completed evaluations and monitor for “yes” responses to any of the questions. A response of “yes” is an alert that the solicitor is not compliant with the provisions of this regulation and appropriate investigative actions should be taken by the installation.

(4) Deny, suspend, or withdraw permission for a company and its agents to conduct commercial solicitation activities per paragraph 2–11.

(5) Offer information and educational programs for Soldiers on personal financial affairs per paragraph 2–14.

(6) Prepare and submit quarterly reports on the withdrawal of solicitation privileges per paragraph 2–16.

1-5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Records Retention Schedule-Army (RRS-A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS-A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS - A, see DA Pam 25-403 for guidance.

1-6. Exclusions

This regulation does not apply to the following:

- a.* Services furnished by residential service companies, such as deliveries of milk, laundry, newspapers, and related services to personal residences on the installation requested by the resident and authorized by the senior commander.
- b.* An individual who sells their own personal property or privately-owned dwelling.

1-7. General principles

The following general principles apply:

- a.* Safeguard and promote the welfare of Army personnel as consumers by setting forth a uniform approach to the conduct of all personal commercial solicitation and sales to them by dealers and their agencies.
- b.* Senior commanders may issue additional regulations governing solicitation within their command and on their installations when there is a clear need to prescribe more restrictive requirements for solicitation than those in this regulation or the regulations of the senior commander.
- c.* Senior commanders may limit or deny individuals and their companies that fail to follow the guidelines contained in this regulation the opportunity to solicit on military installations.

Chapter 2

Requirements that Govern Solicitation Privileges on Military Installations

2-1. General requirements

a. No person has authority to enter an Army installation to transact personal commercial solicitation as a matter of right. Personal commercial solicitation for insurance and securities may be permitted only if the solicitor has met the requirements contained in this paragraph as applicable and also specific requirements in paragraphs 2-2, 2-3, and 2-4. Specifically, if the personal commercial solicitor—

(1) Has obtained written permission from the senior commander in accordance with paragraph 2-5 and 2-6 of this regulation, as applicable.

(2) Is duly licensed under applicable Federal, State, or municipal laws and has complied with installation regulations.

(3) Has made specific appointments for each meeting with the individual concerned and when establishing the appointment, agents will identify themselves to the prospective purchaser as an agent for a specific insurer or company. Each meeting will be conducted only in Family quarters or in other areas designated by the senior commander.

(4) Has agreed to provide each person solicited DD Form 2885 during the initial appointment. Completed DD Form 2885 should be sent by the person who was solicited to the office designated by the senior commanders on the back of the form.

(5) Has agreed to provide personnel with a written reminder, prior to their making a financial commitment, that free legal advice may be available from the Office of the Staff Judge Advocate and that financial counseling is available and required for those in grades E-1 through E-4 from the unit financial counselor before making the financial commitment in accordance with paragraph 2-15.

(6) Has agreed to observe on overseas installations in addition to the above, the applicable laws of the host country and upon request will present documentary evidence to the senior commander that the company they represent, and its agents, meet the applicable licensing requirements of the host country.

b. Certain companies seeking solicitation privileges on military installations may arrange personal demonstrations of their products at social gatherings and advise potential customers on their use. If these added services are provided, even though the merchandise sold by these companies is similar to that stocked by the Post Exchange, the senior commander may authorize solicitation privileges. Requests for this type of solicitation privilege will be coordinated with the local Army and Air Force Exchange Service representative (see AR 215-8).

c. Commercial endeavors in Government Family housing or home enterprises on military installations will be in accordance with AR 210–22. Home enterprise sales or services are customarily conducted in a domestic setting and do not directly compete with an installation’s officially sanctioned commerce.

2–2. Specific requirements on the sale of life insurance products and securities

a. Companies must provide personnel a written description for each product or service they intend to market to personnel on Army installations. These descriptions must be written in a manner that personnel can easily understand and must fully disclose the fundamental nature of the policy. Insurance products marketed to personnel on Army installations overseas must conform to the standards prescribed by the laws of the State where the company is incorporated.

b. Solicitors will encourage personnel to seek legal assistance or advice from a disinterested third party before entering a contract for insurance or securities.

c. Insurance products, other than certificates or other evidence of insurance issued by a self-insured association, offered, and sold worldwide to personnel on Army installations will—

(1) Comply with the insurance laws of the State or country in which the installation is located and the requirements of this regulation.

(2) Contain no restrictions by reason of military service or military occupational specialty of the insured, unless such restrictions are clearly indicated on the face of the contract.

(3) Plainly indicate any extra premium charges imposed by reason of military service or military occupational specialty.

(4) Contain no variation in the amount of death benefit or premium based upon the length of time the contract has been in force, unless all such variations are clearly described in the contract.

d. In plain and readily understandable language and in type font at least as large as the font used for the majority of the policy, the contract must inform personnel—

(1) Of the availability and cost of Government-subsidized Servicemembers’ Group Life Insurance (SGLI).

(2) Of the address and phone number where consumer complaints are received by the State insurance commissioner for the State in which the insurance product is being sold.

(3) That the Government has in no way sanctioned, recommended, or encouraged the sale of the product being offered. With respect to the sale or solicitation of insurance on Federal land or facilities located outside the United States, insurance products must contain the address and phone number where consumer complaints are received by the State insurance commissioner for the State which has issued the agent a resident license or the company is domiciled, as applicable.

e. To comply with the paragraphs 2–2c and 2–4, an appropriate reference stamped on the first page of the contract will draw the attention of the policyholder to any restrictions by reason of military service or military occupational specialty. The reference will describe any extra premium charges and any variations in the amount of death benefit or premium based upon the length of time the contract has been in force.

f. Variable life insurance products may be offered provided they meet the criteria of the appropriate insurance regulatory agency and the Securities and Exchange Commission.

g. Insurance products will not be marketed or sold disguised as investments. If there is a savings component to an insurance product, the agent will provide the customer written documentation, which clearly explains how much of the premium goes to the savings component per year broken down over the life of the policy. This document must also show the total amount per year allocated to insurance premiums. The customer must be provided a copy of this document that is signed by the insurance agent.

2–3. Specific requirements on the sale of securities

a. All securities must be registered with the Securities and Exchange Commission.

b. Solicitors will—

(1) Advise that securities offered are not being offered or provided on behalf of the Army and that its offer is not sanctioned, recommended, or encouraged by the Army.

(2) Identify the registered broker-dealer offering the securities.

(3) Perform an appropriate suitability determination, including consideration of costs and knowledge about securities, prior to making a recommendation of a security to Army personnel.

c. All sales of securities must comply with the appropriate Securities and Exchange Commission regulations.

d. Where the accredited insurer’s policy permits, an overseas accredited life insurance agent if duly qualified to engage in security activities either as a licensed representative of the National Association of Securities Dealers or as an associate or a broker or dealer registered with the Securities and Exchange Commission may offer life insurance

and securities for sale simultaneously. In cases of commingled sales, the allotment of pay for the purchase of securities cannot be made to the insurer.

2-4. Specific requirements governing the sale of automobile insurance

Insurance sold on installations by insurers will meet all statutory and regulatory requirements of the State or host nation in which the installation is located. Policies will not be issued in amounts lower than the minimum limits prescribed by these authorities. In addition, policies will clearly identify the name of the insurer and the full address.

- a.* Applications without the name and address of the insurer underwriting the insurance may not be used; the names of sales or underwriting agents alone are not sufficient.
- b.* Post office box addresses are not an acceptable address.
- c.* Policies will provide bodily injury and property damage liability coverage for all drivers authorized by the named insured to operate the vehicle.
- d.* Policies will not contain unusual limitations or restrictions.

2-5. Granting solicitation privileges on Army installations in the United States, the District of Columbia, its territories, or the Commonwealth of Puerto Rico

a. Senior commanders must receive a letter of request, signed by the company's president or vice president. Both the company and its agents must be licensed in the State in which the installation is located. "State" as it pertains to political jurisdictions includes the 50 states, the District of Columbia, territories, and the Commonwealth of Puerto Rico.

- b.* The letter from the company's president will state and attest the following:
 - (1) Report the States in which the company is qualified and licensed to sell insurance.
 - (2) Give the name, complete address, and telephone number of each agent who will solicit on the installation; the State in which licensed; the date of licensing and the expiration date; and a statement of agreement to report all future additions and separations of agents employed for solicitation on the installation.
 - (3) List all policies that are to be offered for purchase on the installation.
 - (4) Assure that only the policies listed on the request will be offered for purchase.
 - (5) The privilege of soliciting the purchase of insurance or securities is not currently suspended or withdrawn from the company by any of the military departments.
 - (6) The privilege of soliciting the purchase of insurance or securities is not currently suspended or withdrawn by any Armed Forces installations or from any of the agents named.
 - (7) The company and the agents named have proper and currently validated licenses.
 - (8) The products and services, including life insurance, securities, or automotive insurance offered and sold on Army installations complies with the laws of the States (and other civil jurisdictions) in which the installations are located.
 - (9) The products and services sold on Army installations will comply with this regulation.
 - (10) The company assumes full responsibility for its agents complying with this regulation and any regulation published by the senior commanders.
- c.* Senior commanders—
 - (1) May permit insurers and their agents to solicit on Army installations if they meet the requirements as contained in this regulation and if they are licensed under the insurance laws of the State where the installation is located.
 - (2) Will ensure the agent's license status and complaint history are checked with the appropriate State or federal regulators before granting permission to solicit on the installation.
 - (3) Before approving insurance and financial product agents requests for permission to solicit, will review the list of agents and companies currently barred, banned, or limited from soliciting on any or all Army installations. This list may be viewed via the Personal Commercial Solicitation Report "quick link" (www.militaryonesource.mil).
 - (4) Issue approval to solicit in writing with a validity period of 1 year or less. A letter will designate areas where interviews by appointment may be conducted.
 - (5) Make disinterested third-party insurance counseling available to personnel desiring counseling.

2-6. Granting solicitation privileges on Army installations overseas

- a.* Each May and June only, DoD accepts applications from commercial life insurance companies seeking permission to solicit on installations in foreign countries for the fiscal year beginning the following October:
 - (1) Information about registration and application instruction is contained in DoDI 1344.07.

(2) Applications from commercial life insurance companies and any correspondence relating thereto should be addressed to the PDUSD (P&R), Morale, Welfare, and Recreation (MWR) Policy Directorate, 4000 Defense Pentagon, Washington, DC 20301–4000.

(3) Advice of action taken by DoD is announced annually by letters sent to overseas commanders as soon as practicable after 15 September. The list of companies and agents may vary from year to year.

b. A commercial life insurance agent may solicit business on U.S. military installations in foreign areas if—

(1) The company being represented has been accredited by DoD.

(2) The agent's name is on the official list of accredited agents maintained by the applicable ASCC or DRU.

(3) The employer or the company has obtained clearance for the agent from the appropriate overseas commander using the process as described in paragraph 2–5, as applicable.

c. To be employed for overseas solicitation and designated as an accredited agent, agents—

(1) Must possess a current State license. This requirement may be waived for a registered agent continuously residing and successfully selling life insurance in foreign areas, who, through no fault of his or her own, due to State law (or regulation) governing domicile requirements, or requiring that the agent's company be licensed to do business in that State, forfeits eligibility for a State license. The request for a waiver will contain the name of the State or jurisdiction that would not renew the agent's license.

(2) May represent only one registered commercial insurance company. This principle may be waived by the overseas commander if multiple representations are in the best interest of Army personnel.

(3) Have at least 1 year of successful life insurance underwriting experience in the United States or its territories, generally within the 5 years preceding the date of application, in order to be approved for overseas solicitation.

(4) May not change affiliation from the staff of one general agent to another and retain registration (once registered in an overseas area) unless the previous employer certifies in writing that the release is without justifiable prejudice. Overseas commanders will have final authority to determine cause or justifiable prejudice. Indebtedness of an agent to a previous employer is an example of justifiable prejudice.

(5) May exercise further agent control procedures as necessary if they are overseas commanders.

2–7. Use of the allotment of pay system

a. Allotments of military pay for life insurance products will be made in accordance with AR 37–104–4.

b. Allotments will not be made to an insurer for the purchase of a commingled sale (for example, retirement plans, or securities).

c. Under no circumstances will agents have DD Forms 2885 in their possession or attempt to assist or coordinate the administrative processing of such forms.

d. For personnel in pay grades E–4 and below, in order to obtain financial counseling, at least 7 calendar days will elapse between the signing of a life insurance application and the certification of a military pay allotment for any supplemental commercial life insurance. Unit financial counselors are responsible for ensuring this 7–day, cooling-off period is monitored and enforced. The purchaser's commanding officer may grant a waiver of the 7–day, cooling-off period requirement for good cause, such as the purchaser's imminent deployment or permanent change of station.

2–8. Associations – general

The recent growth and general acceptability of quasi-military associations offering various insurance plans to military personnel are acknowledged. Some associations are not organized within the supervision of insurance laws of either a State or the Federal Government. While some are organized for profit, others function as nonprofit associations under Internal Revenue Service regulations. Regardless of the manner in which insurance is offered to members, the management of the association is responsible for complying fully with the policies contained in this regulation.

2–9. Forbidden solicitation practices

The following practices are forbidden:

a. Solicitation during enlistment or induction processing or during basic combat training, and within the first half of the one station unit training cycle.

b. Solicitation of “mass,” “group,” or “captive” audiences.

c. Making appointments with or soliciting Army personnel during their normally-scheduled duty hours.

d. Soliciting without an appointment in areas used for housing or processing transient personnel, or soliciting in barracks areas used as quarters.

e. Use of official military identification cards or vehicle decals by Regular Army, retired, or reserve members of the military services to gain access to Army installations for the purpose of soliciting. When entering the installation

for the purpose of solicitation, solicitors with military identification cards and/or installation vehicle decals must present documentation issued by the installation authorizing solicitations.

- f.* Offering of false, unfair, improper, or deceptive inducements to purchase or trade.
- g.* Offering rebates to promote transaction or to eliminate competition. (Credit union interest refunds to borrowers are not considered a prohibited rebate.)
- h.* Use of any manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising and sales literature. All financial products, which contain insurance features, must clearly explain the insurance features of those products.
- i.* Any oral or written representations which suggest or appear that the Department of the Army sponsors or endorses the company or its agents, or the goods, services, and commodities offered for sale.
- j.* The designation of any agent or the use by any agent of titles (for example, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemembers' Group Life Insurance Conversion Consultant") that in any manner states or implies any type of endorsement from the U.S. Government, the Armed Forces, or any State or Federal agency or Government entity.
- k.* Making personal commercial solicitations or sales to personnel who are junior in rank or grade, or to the Family members of such personnel, except as authorized in DoD 5500.7-R.
- l.* The use of Army personnel representing any insurer, dealing directly or indirectly on behalf of any insurer or any recognized representative of any insurer on the installation, or as agent or in any official or business capacity with or without compensation.
- m.* The use of an agent as participant in any military service-sponsored education or orientation program.
- n.* Entry into any unauthorized or restricted area.
- o.* Assignment or use of desk space for interviews, except for specific, prearranged appointments. During appointments, the agent must not display desk or other signs announcing the name of the company or product affiliation.
- p.* Use of the "Daily Bulletin" marquees, newsletter, Web page, or any other notice, official or unofficial, announcing the presence of an agent and his/her availability.
- q.* Distribution of literature other than to the person being interviewed.
- r.* Wearing of name tags that include the name of the company or product that the agent represents.
- s.* Offering of financial benefit or other valuable or desirable favors to military or civilian personnel to help or encourage sales transactions. This does not include advertising material for prospective purchasers (such as pens, pencils, wallets, and notebooks, normally with a value of \$1 or less).
- t.* Use of any portion of installation facilities, to include quarters, as a showroom or store for the sale of goods or services, except as specifically authorized by regulations governing the operations of exchanges, commissaries, non-appropriated fund instrumentalities, and private organizations. This is not intended to preclude normal home enterprises, providing State and local laws are complied with.
- u.* Unauthorized advertising of addresses or telephone numbers used in personal commercial solicitation activities conducted on the installation, or the use of official position, titles, or organization names for the purpose of personal commercial solicitation, except as authorized in DoD 5500.7-R. Military grade and military service as part of an individual's name (for example, Captain Smith, U.S. Army) may be used in the same manner as conventional titles such as "Mr." or "Mrs."
- v.* Contacting Army personnel by calling a Government telephone, faxing to a Government fax machine, or sending e-mail to a Government computer, unless a pre-existing relation (that is, the Army member is a current client or requested to be contacted) exists between the parties and the Army member has not asked for the contact to be terminated.
- w.* Soliciting door to door or without an appointment.

2-10. Supervision of on-post commercial solicitation activities

- a.* All pertinent installation regulations will be posted in a place easily accessible to those conducting and receiving personal commercial solicitation on the installation.
- b.* The senior commander will make available a copy of installation regulations to anyone conducting on-post commercial solicitation activities warning that failure to follow the regulations may result in the loss of solicitation privileges.
- c.* The senior commander, or designated representative, will inquire into any alleged violations of this regulation or of any questionable solicitation practices. The DD Form 2885 is provided as a means to supervise solicitation activities on the installation. DD Form 2885 is available at the DoD Forms Management Program website.

2-11. Denial, suspension, and withdrawal of installation solicitation privileges

a. The senior commander will deny, suspend, or withdraw permission for a company and its agents to conduct commercial solicitation activities if such action is in the best interests of the command. The grounds for taking these actions may include, but are not limited to, the following:

(1) Failure to meet the licensing and other regulatory requirements prescribed in this regulation or violations of the State law where the installation is located. Senior commanders will request that appropriate State officials determine whether a company or agent violated State law.

(2) Commission of any of the prohibited practices.

(3) Substantiated complaints and/or adverse reports regarding the quality of goods, services, and/or commodities, and the manner in which they are offered for sale.

(4) Knowing and willful violations of the Consumer Credit Protection Act, Public Law (PL) 90-321.

(5) Personal misconduct by a company's agent or representative while on the installation.

(6) The possession of and any attempt to obtain supplies of any form or device used by military departments to direct a Soldier's pay to a third party, or possession or use of facsimiles thereof. This includes using or assisting in using a Soldier's "MyPay" account or other similar internet medium for the purpose of establishing a direct deposit for the purchase of insurance or other investment product.

b. The senior commander may determine that circumstances dictate the immediate suspension of solicitation privileges while an investigation is conducted. Upon suspending solicitation privileges, the commander will promptly inform the agent and the company the agent represents, in writing.

(1) In suspending or withdrawing solicitation privileges, the senior commander will determine whether to limit such action to the agent alone or extend it to the company the agent represents. This decision will be based on the circumstances of the particular case including, but not limited to, the nature of the violations, frequency of violations, the extent to which other agents of the company have engaged in such practices, and any other matters intending to show the responsibility of an individual and the company.

(2) If the investigation determines an agent or company does not possess a valid license or the agent, company, or product has failed to meet other State or Federal regulatory requirements, the senior commander will immediately notify the appropriate regulatory authorities.

(3) In a withdrawal action, the commander will allow the individual or company an opportunity to show cause as to why the action should not be taken. To "show cause" means an opportunity must be given for the aggrieved party to present facts on an informal basis for the consideration of the senior commander or the commander's designee. The senior commander will make a final decision regarding withdrawal based upon the entire record in each case. The senior commander will report concerns or complaints involving the quality or suitability of financial products or concerns or complaints involving marketing methods used to sell these products to the appropriate State and Federal regulatory authorities. Also, the senior commanders will report any suspension or withdrawal of insurance or securities products solicitation privileges to the appropriate State or Federal regulatory authorities.

(4) The senior commander will inform HQDA, Commander, AMC of any denial, suspension, withdrawal, or reinstatement of an agent or company's solicitation privileges in accordance with the reporting requirements at paragraph 2-16. Information provided will be used to maintain a list of insurance and financial product companies and agents currently barred, banned, or otherwise limited from soliciting on Army installations. This list may be viewed at www.militaryonesource.mil. If warranted, the senior commander may recommend that the action taken be extended to other Army installations.

(5) All suspensions or withdrawals of privileges may be permanent or for a set period of time. If for a set period, it will not exceed two years. When that period expires, the individual or company may reapply for permission to solicit through the garrison commander or military department originally imposing the restriction. The senior commander reinstating permission will notify the Army and appropriate State and Federal regulatory agencies when such suspensions or withdrawals are lifted.

c. Nothing in this regulation limits the authority of the senior commander or other appropriate authority from requesting or instituting other administrative and/or criminal action against any person, including those who violate the conditions and restrictions upon which installation entry is authorized.

2-12. Advertising

a. The Army expects voluntary observance of the highest business ethics by commercial enterprises soliciting Army personnel through advertisements in unofficial military publications when describing goods, services, commodities, and the terms of the sale (including guarantees, warranties, and the like).

b. The advertising of credit terms will conform to the provisions of DoDI 1000.11 as implemented by Federal Reserve Board Regulation Z according to 12 Code of Federal Regulations (CFR) 226.

c. The senior commander may permit organizations to display sales literature in designated locations subject to command policies. In accordance with DoD 7000.14–R, distribution of competitive literature or forms by off-post banks and/or credit unions is prohibited on installations where an authorized on-post bank and/or credit union exists.

2–13. Commercial sponsorship and advertising

Commercial Sponsorship and Advertising Solicitors may provide commercial sponsorship to or purchase commercial advertising from Army Morale, Welfare, and Recreation programs in accordance with AR 215–1. Commercial sponsorship and advertising may not be used as a means to obtain personal contact information for any participant at these events without written permission from the individual participant. In addition, commercial sponsors or advertisers may not use sponsorship or advertising to advertise products and/or services not specifically agreed to in the agreement.

2–14. Educational programs

a. Senior commanders will provide appropriate information and educational programs for members of the Army on their personal financial affairs, including such subjects as insurance, Government benefits, savings, budgeting, and other financial education and assistance requirements outlined in AR 608–1. Senior commanders will—

(1) Ensure that all instructors are qualified as appropriate for the subject matter presented. The services of representatives of authorized on-post banks and credit unions may be used for this purpose. Under no circumstances will commercial agents, including representatives of loan, finance, insurance, or investment companies be used for this purpose. Presentations will only be conducted at the express request of the senior commander.

(2) Make qualified personnel and facilities available for individual counseling on loans and consumer credit transactions in order to encourage thrift and financial responsibility and promote a better understanding of the wise use of credit, as prescribed in DoD 7000.14–R.

(3) Encourage military members to seek advice from a legal assistance officer, the unit financial counselor, their own lawyer, or a financial counselor, before making a substantial loan or credit commitment.

(4) Provide advice and guidance to Army personnel who have a complaint under DoDI 1344.09 or who allege a criminal violation of its provisions, including referral to the appropriate regulatory agency for processing of the complaint.

b. Banks and credit unions operating on Army installations are required to provide financial counseling services as an integral part of their financial services offerings under DoDI 1000.11. Representatives of and materials provided by authorized banks and/or credit unions located on military installations may be used to provide the educational programs and information required by this regulation subject to the following conditions:

(1) If the bank or credit union operating on an Army installation sells insurance or securities or has any affiliation with a company that sells or markets insurance or other financial products, the senior commander will consider that company's history of complying with this regulation before authorizing the on-base financial institution to provide financial education.

(2) All prospective educators must agree to use appropriate disclaimers in their presentations and on their other educational materials. The disclaimers must clearly indicate that they do not endorse or favor any commercial supplier, product, or service, or promote the services of a specific financial institution.

c. Use of other non-Government organizations to provide financial education programs is limited as follows:

(1) Under no circumstances will commercial agents, including employees or representatives of commercial loan, finance, insurance, or investment companies, be used.

(2) The limitation in paragraph 2–14c(1) does not apply to educational programs and information regarding the Survivor Benefits Program and other Government benefits provided by tax-exempt organizations under 26 USC 501 or by any organization providing such a benefit under a contract with the Government.

(3) Educators from non-Government, non-commercial organizations expert in personal financial affairs and their materials may with appropriate disclaimers provide the educational programs and information required by this regulation if approved by a presidentially appointed, Senate-confirmed civilian official of the military department concerned. Presentations by approved organizations will be conducted only at the express request of the senior commander. The following criteria are used when considering whether to permit a non-Government, non-commercial organization to present an educational program or provide materials on personal financial affairs:

(a) Organization qualifies as a tax-exempt organization under 26 USC 501.

(b) If the organization has affiliation with a company that sells or markets insurance or other financial products, the approval authority will consider that company's history of complying with this regulation.

(c) All prospective educators must use appropriate disclaimers, in their presentations and on their other educational materials, which clearly indicate that they and the Army do not endorse or favor any commercial supplier, product, or service or promote the services of a specific financial institution.

2–15. Unit financial counseling

a. Commanders are responsible for the counseling of personnel under their command. An important aspect of counseling is to make certain that Soldiers in grades E–1 through E–4 fully understand the business transaction into which they are entering. Preferably, an officer will do the counseling. However, personnel designated to counsel are not expected to be technical experts in the field of life insurance. Counseling should be made available for all personnel.

b. Commanders of all echelons, down to and including separate battalions, and organizations or activities of comparable size and responsibility will designate individuals to serve as unit personal financial counselors.

c. Unit financial counselors will—

(1) Make certain that the member fully understands they are entering a business transaction normally intended to cover a long period of time and usually involving a considerable amount of money.

(2) Review the insurance policy with the member. Make certain the member understands that, while his/her life will be insured after his/her policy becomes effective, if they allow the policy to lapse, they will not recover more than the cash value at the time the policy lapsed. Be certain the member understands the cash value available to him/her at the stated intervals, if any. Particularly emphasize the relation between the cash values and the premiums paid during the early policy years.

(3) Impress on the member that the Army does not favor or recommend any particular agent or company, but that the privilege of solicitation is extended to agents in good standing.

(4) Impress on the member that—

(a) The allotment system is a convenience.

(b) Its use is permitted only to provide the member with a ready means of guaranteeing that the insurance protection provided for his/her dependents will continue under adverse circumstances because of military service.

(c) The Department of the Army does not favor, sponsor, or endorse any individual commercial life insurance company and that the purchase of a life insurance contract, which involves the use of the allotment system for payment of premiums on such a contract, is definitely a personal transaction between the individual and the insurance company.

(5) Prepare a memorandum on counseling of personnel in grades E–1 through E–4 who purchase insurance on or off post and who desire to make premium payments by allotment. As part of the counseling, the counselor will—

(a) Review the policy, amount being purchased, effective dates, monthly premiums, and benefits to include death and guaranteed cash values, and any exclusions or restrictive clauses with the member.

(b) Review member insurance currently in force to include SGLI, other types of policies, amounts, and premiums. If the applicant has less than \$20,000 SGLI, ensure that the provisions of that insurance program have been explained to him/her as stated in DoD 7000.14–R.

(c) Determine intent of purchase. If the insurance being purchased is to replace an existing policy, advise the member that such an action may not be in their best interest and they should obtain advice from the company which issued the existing policy and may want to consult with the Office of the Staff Judge Advocate.

(d) Determine dependency situation to include marital status, minor children, parents as dependents, and current allotments for dependents.

(e) Verify that the applicant has had provisions of existing benefits for survivors of military personnel explained to him/her. If not, review the provisions on the U.S. Department of Veteran Affairs website at https://www.va.gov/opa/persona/dependent_survivor.asp with the individual and refer the member to an appropriate personnel office for further clarification.

(f) Encourage the member to seek the counsel of the Office of the Staff Judge Advocate or a third party counselor.

(g) Upon completion of counseling, instruct the member to see the counselor again at least seven days from the date of the initial counseling. If the member returns and still desires to buy the insurance, the unit financial counselor will complete and sign a memorandum jointly with the member and forward it with a completed DD Form 2885 to the processing office or Battalion/Brigade S1 or Military Personnel Division, as appropriate. If a Soldier in grades E–1 through E–4 requests an allotment for life insurance purchased and in force for 6 months or more, or purchased before entering on active duty, the 7–day waiting period will not apply. For personnel in grades E–5 and above, there is no mandatory waiting period.

2–16. Reporting requirements

a. Suspension, withdrawal, or reinstatement of solicitation privileges must be reported quarterly. The report will include the name of the installation taking action; the company and agent name, as applicable that the action is being taken against; the address of the company and agent; the effective suspension date; the duration of suspension; the specific action taken by the garrison; and the rationale for the action taken.

b. Reports will be done quarterly. Close out will occur on the 20th day of each March, June, September, and December. When the 20th falls on a weekend or holiday, the close out report will be completed on the next business day.

c. Region reports will arrive at AMC not later than the 30th of each March, June, September, and December. When the 30th falls on a weekend or holiday, the close out report will be submitted on the next business day. Copies of suspension and/or disciplinary letters for new suspensions/disciplinary actions or reinstatement of privileges will be provided with each quarterly report.

Appendix A

References

Section I

Required Publications

DoDI 1344.07

Personal Commercial Solicitation on DoD Installations (Cited in title page.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this publication. Army publications are available at the Army Publications Directorate website <https://armypubs.army.mil>. DoD publications are available at <https://www.esd.whs.mil/directives/>. USCs are available at <https://www.govinfo.gov/app/collection/uscode>.

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

AR 37–104–4

Military Pay and Allowances

AR 210–22

Private Organizations on Department of the Army Installations

AR 215–1

Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities

AR 215–8

Army and Air Force Exchange Service Operations

AR 608–1

Army Community Service

DA Pam 25–403

Guide to Recordkeeping in the Army

DoD 5500.7–R

Joint Ethics Regulation (JER)

DoD 7000.14–R, Volume 5, Chapter 34

Department of Defense Financial Management Regulation, Procedures Governing Banks and Credit Unions and Other Financial Institutions on DoD Installations

DoD 7000.14–R, Volume 7a, Chapter 47

Department of Defense Financial Management Regulation, Servicemembers' Group Life Insurance (SGLI) Program

DoDI 1000.11

Financial Institutions on DoD Installations

DoDI 1015.10

Military Morale, Welfare, and Recreation (MWR) Programs

PL 90–321

Consumer Credit Protection Act (Available at <https://www.govinfo.gov/>.)

12 CFR 226

Truth in Lending (Available at <https://www.federalregister.gov/>.)

15 USC 1601

Congressional Findings and declaration of purpose

26 USC 501

Exemption from tax on corporations, certain trusts, etc

Section III**Prescribed Forms**

Unless otherwise indicated, DD forms are available on the Executive Services Directorate (ESD) website <https://www.esd.whs.mil/directives/forms/>.

DD Form 2885

Personal Commercial Solicitation Evaluation (Prescribed in para 1–4f(3).)

Section IV**Referenced Forms**

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate (APD) website <https://armypubs.army.mil>

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

Appendix B

Standards of Fairness

B-1. Finance charge

No finance charge contracted for, made, or received under any contract will be in excess of the charge which could be made for such contract under the law of the place in which the contract is signed in the United States by the serviceman. In the event a contract is signed with a United States company in a foreign country, the lowest interest rate of the State or States in which the company is chartered or does business will apply.

B-2. Contracts

No contract or loan agreement will provide for an attorney's fee in the event of default unless suit is filed in which event the fee provided in the contract will not exceed 20 percent of the obligation found due. No attorney's fee will be authorized if the attorney is a salaried employee of the holder.

B-3. Loan transactions

In loan transactions, defenses which the debtor may have against the original lender or its agent will be good against any subsequent holder of the obligation. In credit transactions, defenses against the seller or its agent will be good against any subsequent holder of the obligation provided that the holder had actual knowledge of the defense or under condition where reasonable inquiry would have apprised him/her of this fact.

B-4. Debtor rights

The debtor will have the right to remove any security for the obligation beyond State or national boundaries if the debtor or his/her dependents move beyond such boundaries under military orders and notify the creditor, in advance of the removal, of the new address where the security will be located. Removal of the security will not accelerate payment of the obligation.

B-5. Late charges

No late charge will be made in excess of 5 percent of the late payment, or \$5.00 whichever is the lesser amount. Only one late charge may be made for any tardy installment. Late charges will not be levied where an allotment has been timely filed, but payment of the allotment has been delayed.

B-6. Payments

The obligation may be paid in full at any time or through accelerated payments of any amount. There will be no penalty for prepayment and in the event of prepayment that portion of the finance charges which have insured to the benefit of the seller or creditor will be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the terms of the contract and only the prorated amount to the date of prepayment will be due. As an alternative the "Rule of 78" may be applied, in which case its operation will be explained in the contract.

B-7. Charges

No charge will be made for an insurance premium or for finance charges for such premium unless satisfactory evidence of a policy, or insurance certificate where State insurance laws or regulations permit such certificates to be issued in lieu of a policy, reflecting such coverage has been delivered to the debtor within 30 days after the specified date of delivery of the item purchase or the signing of a cash loan agreement.

B-8. Contract installments

If the loan or contract agreement provides for payments in installments, each payment, other than the down payment, will be in equal or substantially equal amounts, and installments will be successive and of equal or substantially equal duration.

B-9. Repossession

If the security for the debt is repossessed and sold in order to satisfy or reduce the debt, the repossession and resale will be governed by the laws of the State in which the security is requested.

B-10. Termination

A contract for personal goods and services may be terminated at any time before delivery of the goods or services without charge to the purchaser. However, if goods made to the special order of the purchaser result in preproduction costs, or require preparation for delivery, such additional costs will be listed in the contract. No termination charge will be made in excess of this amount. Contracts for delivery at future intervals may be terminated as to the undelivered portion, and the purchaser will be chargeable only for that proportion of the total cost which the goods or services delivered bear to the total goods called for by the contract. (This is in addition to the right to rescind certain credit transactions involving a security interest in real estate provided by PL 90-321 (15 USC 1601) and 12 CFR 226).

Appendix C

Internal Control Evaluation

C–1. Function

The function covered by this evaluation is the administration of the Management Internal Controls Program.

C–2. Purpose

The purpose of this evaluation is to assist assessable unit managers (AUMs) and internal control administrator (ICA) in evaluating the key internal controls outlined. It is not intended to cover all controls.

C–3. Instructions

These key internal controls must be formally evaluated at least once every five years or whenever the ICA changes. Certification that this evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification). Evaluation test questions are outlined in paragraph C–4 and are intended as a start point for each applicable level of internal control evaluation. Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, other). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation.

C–4. Test questions

- a.* Are key internal controls identified in the governing army regulations? (HQDA functional proponents only)?
- b.* Are internal control evaluations provided or alternate evaluation methods identified to test key internal controls? (HQDA functional proponents only)?
- c.* Is local internal control guidance available that defines internal control responsibilities and required actions?
- d.* Are AUMs, managers, and ICAs trained in, and do they understand, their internal control responsibilities?
- e.* Are explicit statements of internal control responsibility included in performance agreements for commanders, AUMs, and ICAs down to and including the assessable unit level?
- f.* Is an internal control evaluation plan (ICEP) established and maintained to describe how key internal controls will be evaluated over a five-year period?
- g.* Are internal control evaluations conducted in accordance with the ICEP and prompt action taken to correct any internal control weaknesses detected?
- h.* Is the senior responsible official advised of potential material weaknesses detected through internal control evaluations or from other sources?

C–5. Supersession

Not applicable.

C–6. Comments

Help to make this a better tool for evaluating internal controls. Submit comments to the DCS, G–9 (DAIN–ZA), 600 Army Pentagon, Washington, DC 20310–0600.

Glossary

Section I

Abbreviations

ACOM

Army command

AMC

U.S. Army Materiel Command

ARIMS

Army Records Information Management System

ASA (M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

ASCC

Army service component command

AUM

assessable unit manager

CFR

Code of Federal Regulations

DCS, G-9

Deputy Chief of Staff, G-9

DoD

Department of Defense

DoDI

Department of Defense Instruction

DRU

direct reporting unit

ICA

internal control administrator

ICEP

internal control evaluation plan

MWR

morale, welfare, and recreation

PDUSD (P&R)

Principal Deputy Under Secretary of Defense for Personnel and Readiness

PL

Public Law

RRS-A

Records Retention Schedule-Army

SGLI

Servicemembers' Group Life Insurance

USAFMCOM

U.S. Financial Management Command

USC

United States Code

Section II

Terms

Commercial advertising

A monetary fee paid for advertising exposure at the installation. Commercial advertising gives companies a presence at the installation either in print (for example, banners, ads in MWR publications, or table tents) or in electronic media (for example, marquees, digital signs, commercial MWR websites, or social media). AR 215–1 and DoDI 1015.10, Enclosure 12, Advertising, provide general policy governing commercial advertising.

Commercial sponsorship

The act of providing assistance, funding, goods, equipment (including fixed assets), or services to an MWR program(s) or event(s) by an individual, agency, association, company or corporation, or other entity (sponsor) for a specified (limited) period of time in return for public recognition or opportunities for advertising and other promotions. AR 215–1 and DoDI 1015.10, Enclosure 11, Commercial Sponsorship, provide general policy governing commercial sponsorship.

Home enterprises

Sales or services that are customarily conducted in a domestic setting and do not compete with an installation's officially-sanctioned commerce.

Personal commercial solicitation

Personal contact, to include meetings, meals, or telecommunications contact, for the purpose of seeking private business or trade.

Section III

Special Abbreviations and Terms

This section contains no entries.

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