



DEPARTMENT OF THE ARMY  
US ARMY MEDICAL RESEARCH AND MATERIEL COMMAND  
504 SCOTT STREET  
FORT DETRICK, MD 21702-5012

MCMR-AAP-A

22 March 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Procurement Advisory Notice PAN 05-02  
Use of Appropriated Funds for Advertising

- 1. Introduction.** This Memorandum establishes Command policy and guidance on the use of appropriated funds for informational or publicity purposes. It does not address the purchases for internal use, such as organizational banners, windsox, etc.
- 2. General Guidelines.** The use of funds for "publicity or propaganda" traditionally has been scrutinized and controlled by Congress. Unfortunately the terms are not defined, and the Government Accountability Office (GAO) recognizes that agencies may have "a right and duty to inform the public regarding their activities and programs." Funds cannot be used by a federal agency for its "self-aggrandizement," which the GAO has defined as "publicity of a nature tending to emphasize the importance of the agency or activity in question," or attempting to "persuade the public as to its importance."
- 3. Valid Informational Scenarios.** There may be very legitimate reasons to inform those outside an organization of the organization's existence, mission and programs. For example, a research organization might well determine that its mission could be enhanced by outside collaboration, or by increased applications for its awards, and this could be achieved by publicity. Also, in the post 9-11 era, many in Government, as well as the public, would be better served by information as to an agency's mission and its role in the structure of national defense and health affairs.
- 4. The Communication Medium.** The GAO has occasionally commented on the wisdom of an agency's choice of medium, but generally an agency has discretion to select a medium that it feels best gets its message across. These have traditionally been things like posters and brochures and kiosk displays. If the message is contained on a more personal tangible item, like

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a pen or pencil, it should be of nominal value (no more than \$5)-and still convey useful information, such as the activity's website or phone numbers.

5. **Procedure.** If an organization's Commander or Director determines that the mission can be enhanced by communicating to those outside the organization, it may use appropriated funds to do so.

6. **Legal Review.** All such expenditures will receive legal review regardless of the amount. A sample decision memorandum is enclosed and should be submitted when requesting legal review.

7. **POC.** Kenneth J. Allen, Command Counsel for Programs, Acquisition, and Litigation. [Kenneth.Allen@amedd.army.mil](mailto:Kenneth.Allen@amedd.army.mil)  
(301) 619-2263.

8. **Incorporation.** This Procurement Advisory Notice will be incorporated in the next iteration of USAMRMC Regulation 715-1.



PAUL G. MICHAELS  
Principal Assistant  
Responsible for Contracting

Encl

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DIST A

DECISION DOCUMENT

SUBJECT: Use of Appropriated Funds for Information Purposes

1. References:

- a. USAMRMC Regulation 715-1, dated April 2001
- b. Procurement Advisory Notice 05-02, dated \_\_\_\_\_
- c. AR 11-2 Management Control, dated Aug 1994

2. Proposed Item(s) {Supplies or Services}

Item Description	Quantity	Unit Cost	Total Cost	PR # (if applic.)
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3. The above cited items are necessary to support this unit's mission, which states: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_. These items will facilitate that mission by  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Legal review has been obtained, see concurrence below

5. This decision document will be filed with the contracting records which support this transaction.

Commander/Director's Signature

:

Judge Advocate