# Department of Defense
# INSTRUCTION

**NUMBER** 1344.07
March 30, 2006

USD(P&R)

SUBJECT: Personal Commercial Solicitation on DoD Installations

References: (a) DoD Directive 1344.7, "Personal Commercial Solicitation on DoD Installations," February 13, 1986 (hereby canceled)
(b) Deputy Secretary of Defense Memorandum, "DoD Directives Review – Phase II," July 13, 2005
(c) DoD Directive 5124.2, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," February 11, 2006
(d) Section 577 of Public Law 109-163, "The National Defense Authorization Act For Fiscal Year 2006, January 6, 2006
(e) through (s), see Enclosure 1

## 1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues Reference (a) as a DoD Instruction according to guidance in References (b) and (c).

1.2. Implements Section 577 of Public Law No. 109-163 (2006) Reference (d) and establishes policy and procedures for personal commercial solicitation on DoD installations.

1.3. Continues the established annual DoD registration requirement for the sale of insurance and securities on DoD installations overseas.

1.4. Identifies prohibited practices that may cause withdrawal of commercial solicitation privileges on DoD installations and establishes notification requirements when privileges are withdrawn.

1.5. Establishes procedures for persons solicited on DoD installations to evaluate solicitors.

1.6. Prescribes procedures for providing financial education programs to military personnel.

## 2. APPLICABILITY AND SCOPE

2.1. This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

2.2. This Instruction does not apply to 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 installation commander.

2.3. This Instruction applies to all other personal commercial solicitation on DoD Installations. It includes meetings on DoD installations of private, non-profit, tax-exempt organizations that involve commercial solicitation. Attendance at these meetings shall be voluntary and the time and place of such meetings are subject to the discretion of the installation commander or his or her designee.

## 3. DEFINITIONS

Terms used in this Instruction are defined in Enclosure 2 or in Joint Publication 1-02, “DoD Dictionary of Military and Associated Terms” (Reference (e)).

## 4. POLICY

4.1. It is DoD policy to safeguard and promote the welfare of DoD 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 agents. For those individuals and their companies that fail to follow this policy, the opportunity to solicit on military installations may be limited or denied as appropriate.

4.2. Command authority includes authority to approve or prohibit all commercial solicitation covered by this Instruction. Nothing in this Instruction limits an installation commander’s inherent authority to deny access to vendors or to establish time and place restrictions on commercial activities at the installation.

## 5. RESPONSIBILITIES

5.1. The Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)), under the Under Secretary of Defense for Personnel and Readiness, shall:

5.1.1. Identify and publish policies and procedures governing personal commercial solicitation on DoD installations consistent with the policy set forth in this Instruction.

5.1.2. Maintain and make available to installation commanders and appropriate Federal personnel the current master file of all individual agents, dealers, and companies who have their privileges withdrawn at any DoD installation.

5.1.3. Develop and maintain a list of all State Insurance Commissioners' points of contact for DoD matters and forward this list to the Military Services.

5.2. The Heads of the DoD Components shall:

5.2.1. Ensure implementation of this Instruction and compliance with its provisions.

5.2.2. Require installations under their authority to report each instance of withdrawal of commercial solicitation privileges.

5.2.3. Submit lists of all individuals and companies who have had their commercial solicitation privileges withdrawn at installations under their authority to the PDUSD(P&R) in accordance with this Instruction.

## 6. PROCEDURES

6.1. General

6.1.1. No person has authority to enter a DoD installation to transact personal commercial solicitation as a matter of right. Personal commercial solicitation may be permitted only if the following requirements are met:

6.1.1.1. The solicitor is duly licensed under applicable Federal, State, or municipal laws and has complied with installation regulations.

6.1.1.2. A specific appointment has been made for each meeting with the individual concerned. Each meeting is conducted only in family quarters or in other areas designated by the installation commander.

6.1.1.3. The solicitor agrees to provide each person solicited the personal commercial solicitation evaluation included in Enclosure 5 during the initial appointment. The person being solicited is not required to complete the evaluation. However, completed evaluations should be sent by the person who was solicited to the office designated by the installation commander on the back of the evaluation form.

6.1.1.4. The solicitor agrees to provide DoD personnel with a written reminder, prior to their making a financial commitment, that free legal advice is available from the Office of the Staff Judge Advocate.

6.1.2. Solicitors on overseas installations shall be required to observe, in addition to the above, the applicable laws of the host country. Upon request, the solicitor must present documentary evidence to the installation commander that the company they represent, and its agents, meet the applicable licensing requirements of the host country.

6.2. Life Insurance Products and Securities

6.2.1. Life insurance products and securities offered and sold to DoD personnel shall meet the prerequisites described in Enclosure 3 of this Instruction.

6.2.2. Installation commanders may permit insurers and their agents to solicit on DoD installations if the requirements of paragraph 6.1. are met and if they are licensed under the insurance laws of the State where the installation is located. Commanders 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.

6.2.3. In addition, before approving insurance and financial product agents' requests for permission to solicit, commanders shall review the list of agents and companies currently barred, banned, or limited from soliciting on any or all DoD installations. This list may be viewed via the *Personal Commercial Solicitation Report* "quick link" at www.commanderspage.com. In overseas areas, the DoD Components shall limit insurance solicitation to those insurers registered under the provisions of Enclosure 4 of this Instruction.

6.2.4. The conduct of all insurance business on DoD installations shall be by specific appointment. When establishing the appointment, insurance agents shall identify themselves to the prospective purchaser as an agent for a specific insurer.

6.2.5. Installation commanders shall designate areas where interviews by appointment may be conducted. The opportunity to conduct scheduled interviews shall be extended to all solicitors on an equitable basis. Where space and other considerations limit the number of agents using the interviewing area, the installation commander may develop and publish local policy consistent with this concept.

6.2.6. Installation commanders shall make disinterested third-party insurance counseling available to DoD personnel desiring counseling. Financial counselors shall encourage DoD personnel to seek legal assistance or other advice from a disinterested third-party before entering a contract for insurance or securities.

6.2.7. In addition to the solicitation prohibitions contained in paragraph 6.4., the DoD Components shall prohibit the following:

6.2.7.1. The use of DoD 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 an agent or in any official or business capacity with or without compensation.

6.2.7.2. The use of an agent as a participant in any Military Service-sponsored education or orientation program.

6.2.7.3. The designation of any agent or the use by any agent of titles (for example, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemen's 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.

6.2.7.4. The use of desk space for interviews for other than a specific prearranged appointment. During such appointment, the agent shall not be permitted to display desk signs or other materials announcing his or her name or company affiliation.

6.2.7.5. The use of an installation “daily bulletin,” marquee, newsletter, webpage, or other official notice to announce the presence of an agent and/or his or her availability.

6.3. Supervision of On-Base Commercial Activities

6.3.1. All pertinent installation regulations shall be posted in a place easily accessible to those conducting and receiving personal commercial solicitation on the installation.

6.3.2. The installation commander shall make available a copy of installation regulations to anyone conducting on-base commercial solicitation activities warning that failure to follow the regulations may result in the loss of solicitation privileges.

6.3.3. The installation commander, or designated representative, shall inquire into any alleged violations of this Instruction or of any questionable solicitation practices. The DD Form 2885, Personal Commercial Solicitation Evaluation, at Enclosure 5 is provided as a means to supervise solicitation activities on the installation. DD Form 2885 is available at the Department of Defense Forms Web site under DefenseLink, Publications.

6.4. Prohibited Practices. The following commercial solicitation practices shall be prohibited on all DoD installations:

6.4.1. Solicitation of recruits, trainees, and transient personnel in a group setting or "mass" audience and solicitation of any DoD personnel in a "captive" audience where attendance is not voluntary.

6.4.2. Making appointments with or soliciting military or DoD civilian personnel during their normally scheduled duty hours.

6.4.3. Soliciting in barracks, day rooms, unit areas, transient personnel housing, or other areas where the installation commander has prohibited solicitation.

6.4.4. Use of official military identification cards or DoD vehicle decals by active duty, retired, or reserve members of the Military Services to gain access to DoD installations for the purpose of soliciting. When entering the installation for the purpose of solicitation, solicitors with military identification cards and/or DoD vehicle decals must present documentation issued by the installation authorizing solicitation.

6.4.5. Procuring, attempting to procure, supplying, or attempting to supply non-public listings of DoD personnel for purposes of commercial solicitation, except for releases made in accordance with DoD Directive 5400.7 (Reference (f)).

6.4.6. Offering unfair, improper, or deceptive inducements to purchase or trade.

6.4.7. Using promotional incentives to facilitate transactions or to eliminate competition.

6.4.8. Using manipulative, deceptive, or fraudulent devices, schemes, or artifices, including misleading advertising and sales literature. All financial products, which contain insurance features, must clearly explain the insurance features of those products.

6.4.9. Using oral or written representations to suggest or give the appearance that the Department of Defense sponsors or endorses any particular company, its agents, or the goods, services, and commodities it sells.

6.4.10. DoD personnel making personal commercial solicitations or sales to DoD personnel who are junior in rank or grade, or to the family members of such personnel, except as authorized in Section 2-205 and 5-409 of the Joint Ethics Regulation, DoD 5500.7-R (Reference (g)).

6.4.11. Entering into any unauthorized or restricted area.

6.4.12. Using any portion of installation facilities, including quarters, as a showroom or store for the sale of goods or services, except as specifically authorized by DoD Directive 1330.17 and DoD Instructions 1015.10, 1000.15, and 1330.21 (References (h), (i), (j), and (k)). This does not apply to normal home enterprises that comply with applicable State and local laws and installation rules.

6.4.13. Soliciting door to door or without an appointment.

6.4.14. Unauthorized advertising of addresses or telephone numbers used in personal commercial solicitation activities conducted on the installation, or the use of official positions, titles, or organization names, for the purpose of personal commercial solicitation, except as authorized in Reference (g). Military grade and military service as part of an individual's name (e.g., Captain Smith, U.S. Marine Corps) may be used in the same manner as conventional titles, such as "Mr.", "Mrs.", or "Honorable."

6.4.15. Contacting DoD personnel by calling a government telephone, faxing to a government fax machine, or by sending e-mail to a government computer, unless a pre-existing relationship (i.e., the DoD member is a current client or requested to be contacted) exists between the parties and the DoD member has not asked for contact to be terminated.

6.5. Denial, Suspension, and Withdrawal of Installation Solicitation Privileges

6.5.1. The installation commander shall deny, suspend, or withdraw permission for a company and its agents to conduct commercial activities on the base 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:

6.5.1.1. Failure to meet the licensing and other regulatory requirements prescribed in this Instruction, or violations of the State law where the installation is located. Commanders will request that appropriate State officials determine whether a company or agent violated State law.

6.5.1.2. Commission of any of the practices prohibited in paragraphs 6.2.6 and 6.4.

6.5.1.3. 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.

6.5.1.4. Knowing and willful violations of Pub. L. 90-321, “Truth in Lending Act” (Reference (l)).

6.5.1.5. Personal misconduct by a company's agent or representative while on the installation.

6.5.1.6. The possession of, and any attempt to obtain supplies of direct deposit forms, or any other form or device used by Military Departments to direct a Service member's pay to a third party, or possession or use of facsimiles thereof. This includes using or assisting in using a Service member'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.

6.5.1.7. Failure to incorporate and abide by the Standards of Fairness policies contained in DoD Instruction 1344.9 (Reference (m)).

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

6.5.3. In suspending or withdrawing solicitation privileges, the installation commander shall determine whether to limit such action to the agent alone or extend it to the company the agent represents. This decision shall 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 tending to show the culpability of an individual and the company.

6.5.4. 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 installation commander shall immediately notify the appropriate regulatory authorities.

6.5.5. In a withdrawal action, the commander shall 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 installation commander or the commander's designee. The installation commander shall make a final decision regarding withdrawal based upon the entire record in each case. Installation commanders shall 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, installation commanders shall report any suspension or withdrawal of insurance or securities products solicitation privileges to the appropriate State or Federal regulatory authorities.

6.5.6. The installation commander shall inform the Military Department concerned of any denial, suspension, withdrawal, or reinstatement of an agent or company's solicitation privileges and the Military Department shall inform the Office of the PDUSD(P&R), which will maintain a list of insurance and financial product companies and agents currently barred, banned, or otherwise limited from soliciting on any or all DoD installations. This list may be viewed at www.commanderspage.com. If warranted, the installation commander may recommend to the Military Department concerned that the action taken be extended to other DoD installations. The Military Department may extend the action to other military installations in the Military

Department. The PDUSD(P&R), following consultation with the Military Department concerned, may order the action extended to other Military Departments.

6.5.7. All suspensions or withdrawals of privileges may be permanent or for a set period of time. If for a set period, when that period expires, the individual or company may reapply for permission to solicit through the installation commander or Military Department originally imposing the restriction. The installation commander or Military Department reinstating permission to solicit shall notify the Office of the PDUSD(P&R) and appropriate State and Federal regulatory agencies when such suspensions or withdrawals are lifted.

6.5.8. The Secretaries of the Military Departments may direct the Armed Forces Disciplinary Control Boards in all geographical areas in which the grounds for withdrawal action have occurred to consider all applicable information and take action the Boards deem appropriate.

6.5.9. Nothing in this Instruction limits the authority of the installation 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.

6.6. Advertising and Commercial Sponsorship

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

6.6.2. The advertising of credit terms shall conform to the provisions of Reference (l) as implemented by Federal Reserve Board Regulation Z according to 12 CFR Section 226 (Reference (n)).

6.6.3. Solicitors may provide commercial sponsorship to DoD Morale, Welfare and Recreation programs or events according to Reference (i). However, sponsorship 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 may not use sponsorship to advertise products and/or services not specifically agreed to in the sponsorship agreement.

6.6.4. The installation commander may permit organizations to display sales literature in designated locations subject to command policies. In accordance with DoD 7000.14-R, Volume 7(a) (Reference (o)), distribution of competitive literature or forms by off-base banks and/or credit unions is prohibited on installations where an authorized on-base bank and/or credit union exists.

6.7. Educational Programs

6.7.1. The Military Departments shall develop and disseminate information and provide educational programs for members of the Military Services on their personal financial affairs, including such subjects as insurance, Government benefits, savings, budgeting, and other financial education and assistance requirements outlined in DoD Instruction 1342.27 (Reference (p)). The Military Departments shall ensure that all instructors are qualified as appropriate for the subject matter presented. The services of representatives of authorized on-base banks and credit unions may be used for this purpose. Under no circumstances shall commercial agents, including representatives of loan, finance, insurance, or investment companies, be used for this purpose. Presentations shall only be conducted at the express request of the installation commander.

6.7.2. The Military Departments shall also 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, Volume 5, Chapter 34 (Reference (q)).

6.7.3. The Military Departments shall encourage military members to seek advice from a legal assistance officer, the installation financial counselor, their own lawyer, or a financial counselor, before making a substantial loan or credit commitment.

6.7.4. Each Military Department shall provide advice and guidance to DoD personnel who have a complaint under Reference (m) or who allege a criminal violation of its provisions, including referral to the appropriate regulatory agency for processing of the complaint.

6.7.5. Banks and credit unions operating on DoD installations are required to provide financial counseling services as an integral part of their financial services offerings under DoD Directive 1000.11 (Reference (r)). 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 Instruction subject to the following conditions:

6.7.5.1. If the bank or credit union operating on a DoD installation sells insurance or securities or has any affiliation with a company that sells or markets insurance or other financial products, the installation commander shall consider that company's history of complying with this Instruction before authorizing the on-base financial institution to provide financial education.

6.7.5.2. 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.

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

6.7.6.1. Under no circumstances shall commercial agents, including employees or representatives of commercial loan, finance, insurance, or investment companies, be used.

6.7.6.2. The limitation in subparagraph 6.7.6.1. does not apply to educational programs and information regarding the Survivor Benefits Program and other government benefits provided by tax-exempt organizations under section (c) of 26 U.S.C. 501 (Reference (s)) or by any organization providing such a benefit under a contract with the Government.

6.7.6.3. 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 Instruction if approved by a Presidentially-appointed, Senate-confirmed civilian official of the Military Department concerned. Presentations by approved organizations shall be conducted only at the express request of the installation commander. The following criteria shall be used when considering whether to permit a non-government, non-commercial organization to present an educational program or provide materials on personal financial affairs:

6.7.6.3.1. The organization must qualify as a tax-exempt organization under section (c)(3) or 1(c)(23) of Reference (s)).

6.7.6.3.2. If the organization has any affiliation with a company that sells or markets insurance or other financial products, the approval authority shall consider that company's history of complying with this Instruction.

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

## 7. INFORMATION REQUIREMENTS

The reporting requirements concerning the suspension or withdrawal of solicitation privileges have been assigned Report Control Symbol (RCS) DD-P&R(Q)2182 in accordance with DoD 8910.1-M (Reference (t)).

8. EFFECTIVE DATE

This Instruction is effective immediately.

David S.C. Chu
Under Secretary of Defense
(Personnel and Readiness

Enclosures - 5
E1. References, continued
E2. Definitions
E3. Life Insurance Products and Securities
E4. The Overseas Life Insurance Registration Program
E5. Personal Commercial Solicitation Evaluation

E1. ENCLOSURE 1

REFERENCES, continued

(e) Joint Publication 1-02, “DoD Dictionary of Military and Associated Terms”
(f) DoD Directive 5400.07, “Freedom of Information Act (FOIA) Program,” October 28, 2005
(g) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 30, 1993
(h) DoD Directive 1330.17, “Military Commissaries,” March 13, 1987
(i) DoD Instruction 1015.10, “Programs for Military Morale, Welfare and Recreation (MWR),” November 3, 1995
(j) DoD Instruction 1000.15, “Private Organizations on DoD Installations,” December 20, 2005
(k) DoD Instruction 1330.21, "Armed Services Exchange Regulations," July 14, 2005
(l) Section 1601 of title 15, United States Code
(m) DoD Directive 1344.9, “Indebtedness of Military Personnel,” October 27, 1994
(n) Title 12, Code of Federal Regulations, Section 226
(o) DoD 7000.14-R, Volume 7a, Chapter 41 and 42, “DoD Financial Management Regulation,” February 2002
(p) DoD Instruction 1342.27, “Personal Financial Management for Service Members,” November 12, 2004
(q) DoD 7000.14-R, Volume 5, Chapter 34, “Procedures Governing Banks and Credit Unions and Other Financial Institutions on DoD Installation,” September 2000
(r) DoD Directive 1000.11, “Financial Institutions on DoD Installations,” June 9, 2000
(s) Section 501 of title 26, United States Code
(t) DoD 8910.1-M, “DoD Procedures for Management of Information Requirements,” June 30, 1998
(u) Section 1751 of title 12, United States Code

# E2. ENCLOSURE 2

## DEFINITIONS

E2.1.1. Agent. An individual who receives remuneration as a salesperson or whose remuneration is dependent on volume of sales of a product or products. (Also, referred to as “commercial agent" or "producer”). In this Instruction, the term "agent" includes "general agent" unless the content clearly conveys a contrary intent.

E2.1.2. “Authorized” Bank and/or Credit Union. Bank and/or credit union selected by the installation commander through open competitive solicitation to provide exclusive on-base delivery of financial services to the installation under a written operating agreement.

E2.1.3. Banking Institution. An entity chartered by a State or the Federal Government to provide financial services.

E2.1.4. Commercial Sponsorship. The act of providing assistance, funding, goods, equipment (including fixed assets), or services to an MWR program or event 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 advertising promotions. Enclosure 9 of Reference (i) provides general policy governing commercial sponsorship.

E2.1.5. Credit Union. A cooperative nonprofit association, incorporated under the Credit Union Act (12 U.S.C. 1751 (Reference (u)), or similar state statute, for the purpose of encouraging thrift among its members and creating a source of credit at a fair and reasonable rate of interest.

E2.1.6. DoD Installation. For the purposes of this Instruction, any Federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which DoD personnel are assigned for duty, including barracks, transient housing, and family quarters.

E2.1.7. DoD Personnel. For the purposes of this Instruction, all active duty officers (commissioned and warrant) and enlisted members of the Military Departments and all civilian employees, including nonappropriated fund employees and special Government employees, of the Department of Defense.

E2.1.8. Financial Services. Those services commonly associated with financial institutions in the United States, such as electronic banking (e.g., ATMs), in-store banking, checking, share and savings accounts, fund transfers, sale of official checks, money orders and travelers checks, loan services, safe deposit boxes, trust services, sale and redemption of U.S. Savings Bonds, and acceptance of utility payments and any other consumer-related banking services.

E2.1.9. General Agent. A person who has a legal contract to represent a company. See "Agent."

E2.1.10. Insurance Carrier. An insurance company issuing insurance through an association reinsuring or coinsuring such insurance.

E2.1.11. Insurance Product. A policy, annuity, or certificate of insurance issued by an insurer or evidence of insurance coverage issued by a self-insured association, including those with savings and investment features.

E2.1.12. Insurer. An entity licensed by the appropriate department to engage in the business of insurance.

E2.1.13. Military Services. See Joint Publication 1-02, "DoD Dictionary of Military and Associated Terms (Reference (e)).

E2.1.14. Normal Home Enterprises. Sales or services that are customarily conducted in a domestic setting and do not compete with an installation's officially sanctioned commerce.

E2.1.15. Personal Commercial Solicitation. Personal contact, to include meetings, meals, or telecommunications contact, for the purpose of seeking private business or trade.

E2.1.16. Securities. Mutual funds, stocks, bonds, or any product registered with the Securities and Exchange Commission except for any insurance or annuity product issued by a corporation subject to supervision by State insurance authorities.

E2.1.17. Suspension. Temporary termination of privileges pending completion of a commander's inquiry or investigation.

E2.1.18. Withdrawal. Termination of privileges for a set period of time following completion of a commander's inquiry or investigation.

# E3. ENCLOSURE 3

# LIFE INSURANCE PRODUCTS AND SECURITIES

## E3.1. LIFE INSURANCE PRODUCT CONTENT PREREQUISITES

Companies must provide DoD personnel a written description for each product or service they intend to market to DoD personnel on DoD installations. These descriptions must be written in a manner that DoD personnel can easily understand, and fully disclose the fundamental nature of the policy. Companies must be able to demonstrate that each form to be used has been filed with and approved, where applicable, by the insurance department of the State where the installation is located. Insurance products marketed to DoD personnel on overseas installations must conform to the standards prescribed by the laws of the state where the company is incorporated.

E3.1.1. Insurance products, other than certificates or other evidence of insurance issued by a self-insured association, offered and sold worldwide to personnel on DoD installations, must:

E3.1.1.1. Comply with the insurance laws of the State or country in which the installation is located and the requirements of this Instruction.

E3.1.1.2. 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.

E3.1.1.3. Plainly indicate any extra premium charges imposed by reason of Military Service or military occupational specialty.

E3.1.1.4. 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.

E3.1.1.5. In plain and readily understandable language, and in type font at least as large as the font used for the majority of the policy, inform Service members of:

E3.1.1.5.1. The availability and cost of government subsidized Servicemen's Group Life Insurance.

E3.1.1.5.2. 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.

E3.1.1.5.3. That the U.S. 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 facilitates 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.

E3.1.2. To comply with subparagraphs E3.1.1.2., E3.1.1.3. and E3.1.1.4., an appropriate reference stamped on the first page of the contract shall draw the attention of the policyholder to any restrictions by reason of Military Service or military occupational specialty. The reference shall 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.

E3.1.3. Variable life insurance products may be offered provided they meet the criteria of the appropriate insurance regulatory agency and the Securities and Exchange Commission.

E3.1.4. Insurance products shall not be marketed or sold disguised as investments. If there is a savings component to an insurance product, the agent shall 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.

## E3.2. SALE OF SECURITIES

E3.2.1. All securities must be registered with the Securities and Exchange Commission.

E3.2.2. All sales of securities must comply with the appropriate Securities and Exchange Commission regulations.

E3.2.3. All securities representatives must apply to the commander of the installation on which they desire to solicit the sale of securities for permission to solicit.

E3.2.4. Where the accredited insurer's policy permits, an overseas accredited life insurance agent—if duly qualified to engage in security activities either as a registered representative of the National Association of Securities Dealers or as an associate of 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.

## E3.3. USE OF THE ALLOTMENT OF PAY SYSTEM

E3.3.1. Allotments of military pay for life insurance products shall be made in accordance with Reference (o).

E3.3.2. For personnel in pay grades E-4 and below, in order to obtain financial counseling, at least seven calendar days shall elapse between the signing of a life insurance application and the certification of a military pay allotment for any supplemental commercial life insurance. Installation Finance Officers are responsible for ensuring this seven-day cooling-off period is monitored and enforced. The purchaser's commanding officer may grant a waiver of the seven-day cooling-off period requirement for good cause, such as the purchaser's imminent deployment or permanent change of station.

E3.4. 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 Instruction.

# E4. ENCLOSURE 4

# THE OVERSEAS LIFE INSURANCE REGISTRATION PROGRAM

## E4.1. REGISTRATION CRITERIA

### E4.1.1. Initial Registration

E4.1.1.1. Insurers must demonstrate continuous successful operation in the life insurance business for a period of not less than 5 years on December 31 of the year preceding the date of filing the application.

E4.1.1.2. Insurers must be listed in Best's Life-Health Insurance Reports and be assigned a rating of B+ (Very Good) or better for the business year preceding the Government's fiscal year for which registration is sought.

### E4.1.2. Re-registration

E4.1.2.1. Insurers must demonstrate continuous successful operation in the life insurance business, as described in paragraph E4.1.1.1.

E4.1.2.2. Insurers must retain a Best's rating of B+ or better, as described in subparagraph E4.1.1.2.

E4.1.2.3. Insurers must demonstrate a record of compliance with the policies found in this Instruction. .

E4.1.3. Waiver Provisions. Waivers of the initial registration or re-registration provisions shall be considered for those insurers demonstrating substantial compliance with the aforementioned criteria.

## E4.2. APPLICATION INSTRUCTIONS

E4.2.1. Applications Filed Annually. Insurers must apply by June 30 of each year for solicitation privileges on overseas U.S. military installations for the next fiscal year beginning October 1. Applications e-mailed, faxed, or postmarked after June 30 shall not be considered.

E4.2.2. Application Prerequisites. A letter of application, signed by the President, Vice President, or designated official of the insurance company shall be forwarded to the Principal Deputy Under Secretary of Defense (Personnel and Readiness), Attention: Morale, Welfare and Recreation (MWR) Policy Directorate, 4000 Defense, Pentagon, Washington, DC 20301-4000. The registration criteria in paragraph E4.1.1. or E4.1.2., above, must be met to satisfy application prerequisites. The letter shall contain the information set forth below, submitted in the order listed. Where criteria are not applicable, the letter shall so state.

E4.2.2.1. The overseas Combatant Commands (e.g., U.S. European Command, U.S. Pacific Command, U.S. Central Command, and U.S. Southern Command) where the company presently solicits, or plans to solicit, on U.S. military installations.

E4.2.2.2. A statement that the company has complied with, or shall comply with, the applicable laws of the country or countries wherein it proposes to solicit. "Laws of the country" means all national, provincial, city, or county laws or ordinances of any country, as applicable.

E4.2.2.3. A statement that the products to be offered for sale conform to the standards prescribed in Enclosure 3 and contain only the standard provisions such as those prescribed by the laws of the State where the company's headquarters are located.

E4.2.2.4. A statement that the company shall assume full responsibility for the acts of its agents with respect to solicitation. If warranted, the number of agents may be limited by the overseas command concerned.

E4.2.2.5. A statement that the company shall only use agents who have been licensed by the appropriate State and registered by the overseas command concerned to sell to DoD personnel on DoD installations.

E4.2.2.6. Any explanatory or supplemental comments that shall assist in evaluating the application.

E4.2.2.7. If the Department of Defense requires facts or statistics beyond those normally involved in registration, the company shall make separate arrangements to provide them.

E4.2.2.8. A statement that the company's general agent and other registered agents are appointed in accordance with the prerequisites established in section E4.3.

E4.2.3. If a company is a life insurance company subsidiary, it must be registered separately on its own merits.

## E4.3. AGENT REQUIREMENTS

The overseas Combatant Commanders shall apply the following principles in registering agents:

E4.3.1. An agent 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 shall contain the name of the State or jurisdiction that would not renew the agent's license.

E4.3.2. General agents and agents may represent only one registered commercial insurance company. This principle may be waived by the overseas Combatant Commander if multiple representations are in the best interest of DoD personnel.

E4.3.3. An agent must 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.

E4.3.4. The overseas Combatant Commanders may exercise further agent control procedures as necessary.

E4.3.5. An agent, once registered in an overseas area, may not change affiliation from the staff of one general agent to another and retain registration, unless the previous employer certifies in writing that the release is without justifiable prejudice. Overseas Combatant Commanders will have final authority to determine justifiable prejudice. Indebtedness of an agent to a previous employer is an example of justifiable prejudice.

## E4.4. ANNOUNCEMENT OF REGISTRATION

E4.4.1. Registration by the Department of Defense upon annual applications of insurers shall be announced as soon as practicable by notice to each applicant and by a list released annually in September to the appropriate overseas Combatant Commanders. Approval does not constitute DoD endorsement of the insurer or its products. Any advertising by insurers or verbal representation by its agents, which suggests such endorsement, is prohibited.

E4.4.2. In the event registration is denied, specific reasons for the denial shall be provided to the applicant.

E4.4.2.1. The insurer shall have 30 days from the receipt of notification of denial of registration (sent certified mail, return receipt requested) in which to request reconsideration of the original decision. This request must be in writing and accompanied by substantiating data or information in rebuttal of the specific reasons upon which the denial was based.

E4.4.2.2. Action by the Office of the PDUSD(P&R) on a request for reconsideration is final.

E4.4.2.3. An applicant that is presently registered as an insurer shall have 90 calendar days from final action denying registration in which to close operations.

E4.4.3. Upon receiving an annual letter approving registration, each company shall send to the applicable overseas Combatant Commander a verified list of agents currently registered for overseas solicitation. Where applicable, the company shall also include the names and prior military affiliation of new agents for whom original registration and permission to solicit on base is requested. Insurers initially registered shall be furnished instructions by the Department of Defense for agent registration procedures in overseas areas.

E4.4.4. Material changes affecting the corporate status and financial condition of the company that occur during the fiscal year of registration must be reported to the MWR Policy Directorate at the address in paragraph E4.2.2 as they occur.

E4.4.4.1. The Office of the PDUSD(P&R) reserves the right to terminate registration if such material changes appear to substantially affect the financial and operational standards described in section E4.1. on which registration was based.

E4.4.4.2. Failure to report such material changes may result in termination of registration regardless of how it affects the standards.

E4.4.5. If an analysis of information furnished by the company indicates that unfavorable trends are developing that could adversely affect its future operations, the Office of the PDUSD(P&R) may, at its option, bring such matters to the attention of the company and request a statement as to what action, if any, is considered to deal with such unfavorable trends.

# E5. ENCLOSURE 5

## PERSONAL COMMERCIAL SOLICITATION EVALUATION

**PERSONAL COMMERCIAL SOLICITATION EVALUATION**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Section 301 of Title 5 U.S.C.

**PRINCIPAL PURPOSE(S):** Information on this form will be used to document the experience with the sales representative who provides the Service member with this evaluation. This information will be maintained at the installation level. It may be forwarded to officials within the Department of Defense responsible for oversight of personal commercial solicitation practices if further action is required. These officials may need to make contact concerning the solicitation described in questions 2, 3, and 4. Service member response will help ensure sales representatives conduct themselves fairly and in accordance with DoD Instruction 1344.7. This information will be maintained as part of a case file in the event proceedings are considered necessary to deny or withdraw permission for the sales representative and/or the company to solicit on one or more installations.

**ROUTINE USE(S):** None.

**DISCLOSURE:** Voluntary. There is no consequence to the Service member for not completing this evaluation.

SAMPLE

Please take a moment to respond to the following questions concerning your experience with the sales representative who provided you this evaluation. Your response will help ensure sales representatives conduct themselves fairly and according to the policies outlined in DoD Instruction 1344.7.
**When you have completed this evaluation, please send it to the Installation Commander or his/her designated representative. Please do not give the completed evaluation back to the sales representative to mail for you.**

**1. SALES REPRESENTATIVE WHO CONTACTED YOU AND HIS OR HER COMPANY**

| a. NAME OF SALES REPRESENTATIVE | b. COMPANY NAME |
|---|---|
| Harry Cotter | All American Life Insurance Company |

| 2. MAKING THE APPOINTMENT *(Mark (X) "Yes" if any of the following are true)* | YES | NO |
|---|---|---|
| a. The sales representative failed to make an appointment in advance to see me. | X | |
| b. The initial contact to schedule an appointment occurred while I was on duty (during normal duty hours). | | X |
| c. My initial contact with the sales representative was in response to a notice in an official installation bulletin, marquee, announcement or newsletter that said he or she would be on the installation during a specific time or at a specific place. | | X |
| d. A superior in my chain of command advised or required me to meet with the sales representative. | X | |
| e. The sales representative made initial contact with me via a government phone, fax, or computer. | | X |

| 3. TIME AND PLACE OF THE APPOINTMENT *(Mark (X) "Yes" if any of the following are true)* | YES | NO |
|---|---|---|
| a. The sales presentation took place on the installation while I was on duty (during normal duty hours). | X | |
| b. The sales presentation took place during a mandatory group meeting with other DoD personnel or as part of a military service sponsored financial education program. | | X |
| c. The sales presentation took place in an unauthorized or restricted area. | X | |
| d. The sales representative used an on-base facility as a showroom to display his or her product or services. (This does not include displays conducted by military family members in their on-base residence.) | | X |

| 4. CONDUCT DURING THE APPOINTMENT *(Mark (X) "Yes" if any of the following are true)* | YES | NO |
|---|---|---|
| a. I was unduly pressured to buy the product or service. | | X |
| b. I was not given the adequate facts, or was induced to purchase based on factors other than the merits of the product or service. | | X |
| c. I was offered an incentive to meet with the sales representative, purchase the product or service, or drop a competing offer. | X | |
| d. The sales representative is a DoD employee of senior rank. | | X |
| e. The sales representative implied that he or she is sponsored or endorsed by the military, the installation or my unit. **(For example, the representative used an official or unofficial title such as "unit advisor" or "installation consultant.")** | X | |
| f. The sales representative had a military pay allotment or direct deposit form in his/her possession, or requested "MyPay" account access or PIN number. | | X |

**5. YOUR CONTACT INFORMATION**

| a. NAME *(Last, First, Middle Initial)* | b. HOME TELEPHONE NUMBER *(Include area code)* | c. WORK TELEPHONE NUMBER *(Include area code)* |
|---|---|---|
| Hargrove, Harold H. | (901) 336-1001 | (901) 436-8988 |

| d. E-MAIL ADDRESS | e. UNIT ADDRESS |
|---|---|
| hhh@coastal.com | 329 Inf Bn (ABN), Fort Bragg, NC 28307 |

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