UNITED STATES ARMY

THE CHIEF OF STAFF

01 JUN 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Interaction with Military Associations

1. Military associations represent an important dimension of our country's strong interest in national defense. Although these non-Federal organizations are not part of the Department of Defense, Army members may enjoy numerous benefits while interacting with various military associations. These associations routinely provide a variety of forums that foster military professionalism and development. In addition, these groups work to increase the American public's awareness of our mission and nurture strong and mutually-beneficial relationships among government, industry, and civic leaders.

2. Military associations fall into a variety of categories and include branch-focused associations such as the American Society for Military Comptrollers, the Armed Forces Communications and Electronics Association, the Society of American Military Engineers, and the Army Aviation Association of America, as well as associations with a broader scope, such as the National Defense Industrial Association, the Military Officers Association of America, the Noncommissioned Officers Association, the Association of the United States Army, the National Guard Association of the United States, and the Reserve Officers Association. For a more comprehensive, but certainly not complete, list of Army-related military associations, see the attachment (Encl 1).

3. You may participate in military associations, consistent with the ethics rules pertaining to relationships with non-federal entities (NFEs). Army personnel must remember that these groups are not governmental entities despite their activities in support of the military; rather, they are NFEs. The ethics rules governing employee relations with NFEs prohibit Army personnel from endorsing, or appearing to endorse, a NFE or its activities. Army personnel may not give, or appear to give, preferential treatment to any NFE or its activities. Furthermore, Army personnel are prohibited from using their official positions to coerce or pressure others to join, or to participate in the activities of, a particular NFE, or from discriminating against those who choose not to join a NFE or NFE-sponsored activities. The attached background paper (Encl 2) provides general guidance concerning relationships with, and support to, military associations. Guidance regarding specific requests should be obtained from the local servicing legal office.

Encls

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General, United States Army

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Non-Exhaustive List of Professional Military Associations

- Adjutants General Association of the U.S. (AGAUS)
- American Society of Military Comptrollers (ASMC)
- Armed Forces Communications and Electronics Association (AFCEA)
- Army Aviation Association of America (AAAA)
- Army Engineer Association
- Association of Military Surgeons of the U.S.
- Association of the United States Army (AUSA)
- Enlisted Association of the National Guard of the U.S. (EANGUS)
- International Association of Military Flight Surgeon Pilots
- Military Chaplains Association of the U.S.
- National Guard Association of the U.S. (NGAUS)
- Military Officers Association of America (MOAA)
- National Association for Uniformed Services (NAUS)
- National Defense Industrial Association (NDIA)
- Non-Commissioned Officers Association of the U.S. (NCOA)
- Order of Daedalians
- Reserve Officers Association (ROA)
- Society of American Military Engineers (SAME)
- Special Operations Association (SOA)
- U.S. Army Warrant Officer Association

BACKGROUND PAPER

ON

INTERACTION WITH VARIOUS NON-FEDERAL ENTITY (NFE) ASSOCIATIONS

PURPOSE: Army personnel and organizations interact with a wide range of NFEs, including various associations. Senior leaders should ensure that all personnel are aware of the guidance (and limitations) on official or personal involvement in, or support of, associations in which they may be members or which may seek Army support. This paper provides guidance on common issues regarding Army interaction with these groups. Senior Leaders and supervisors should make decisions on requests involving associations on a case-by-case basis, with the assistance of the supporting legal office.

BACKGROUND: NFE associations include "National Military Associations" (NMAs) which are "[a]ssociations that are directly oriented to the U.S. military; national in scope; and focus their efforts on active duty, National Guard, and/or Reserve activities" (Department of Defense Directive (DoDD) 5410.18, *Public Affairs Community Relations Policy*). Only the Assistant Secretary of Defense for Public Affairs can designate a group as an NMA, and they are very limited in number. A list of NMAs is found at Department of Defense Instruction (DoDI) 5410.19, *Public Affairs Community Relations Policy Implementation*, paragraph E10.A1, and includes the Association of the United States Army, the National Guard Association of the United States, the Adjutants General Association of the United States, the Enlisted Association of the National Guard of the United States, and the Reserve Officers Association of the United States. The Secretaries of the Military Departments are delegated authority to approve the provision of military support for a designated NMA's annual conference, including limited transportation, communications, medical assistance, and security and administrative support. Support under this authority is limited to the NMA's national convention. Regional/local chapters of an NMA are not eligible to receive these additional services. These chapters and other NFE associations may receive support in accordance with Department of Defense (DoD) 5500.07-R, *Joint Ethics Regulation* (JER), Chapter 3, Activities with Non-Federal Entities.

Other NFE associations (some are referred to as "professional military associations") are described as "non-profit, non-commercial, tax-exempt organizations that focus on advancing the interest of the Armed Forces and military professionalism." These groups may be narrower in scope than NMAs and focus on military veterans, specific military units/events, occupational fields, gender, ethnic group or region. Examples of these other NFE associations are the Armed Forces Foundation, Armed Forces Services Corporation, and Military Officers Association of America. There is no official process or authority to recognize other NFE associations or to grant them special consideration like an NMA. Generally, support to these associations is governed by the JER.

WAYS TO SUPPORT NON-FEDERAL ASSOCIATIONS:

Disseminating Information on a NFE Association:

Official communications channels may be used to distribute information notifying DoD personnel of events of common interest sponsored by NFE associations, consistent with the JER and public affairs regulations.

- Per Army Regulation (AR) 25-1, *Army Information Technology* and the JER, Commanders may authorize non-Federal personnel limited use of official government e-mail to support NFE association-sponsored events, except for fundraising and membership drives, only after determining all of the following: the support (1) Serves a legitimate public interest; (2) Does not interfere with the performance of official duties or detract from readiness; (3) Conforms to theater combatant commander and Army policies; (4) Is of reasonable duration and frequency; (5) Does not overburden the communications system; (6) Does not reflect adversely on the DoD or Army; and (7) Does not create a significant additional cost to the DoD or the Army.

- Senior Leaders may permit NFE associations to send out membership applications, leaflets, or flyers in installation common areas, as long as similar groups are given the same privilege/opportunity.

- The communication must state that the organization is a non-Federal entity and should also include a disclaimer which states that official DoD or Army endorsement of the non-Federal entity is not stated or implied. Pursuant to DoD/Army guidance, when Senior Leaders or supervisors refer to association membership or fundraising activities, they should remain neutral and avoid the use of words like "endorse," "support," "encourage," "recommend," or "urge." The point is to convey basic factual information - not to encourage support or to endorse a particular NFE association.

- Senior Leaders may issue official letters thanking NFE associations for support of the organization or community. These letters may be disseminated through official channels.

Logistical Support of NFE Association Events

- NMAs are entitled to expanded support for their national annual conferences or conventions, in accordance with DoDI 5410.19, Enclosure 10.

- Otherwise, NFE association events may be provided support in the form of limited use of DoD facilities and equipment when the head of the DoD Component command or organization determines all of the following: (1) Support does not interfere with official duties; (2) Support is in DoD public affairs or community relations interests; (3) It is appropriate to associate DoD and the Army with the event; (4) The event is of interest and benefit to the community, Army, or DoD; (5) The Army is willing and able to provide the same support to comparable events by

other associations; (6) Support is not prohibited by other statutes or regulations; and (7) No admission fee is charged (beyond reasonable costs of sponsoring the event).

- Limited use of DoD facilities and equipment may be provided to support a charitable fundraising event by an NFE association only when the head of the DoD Component command or organization determines factors (1) - (6) noted in the preceding paragraph are met, the sponsoring association is either not affiliated with the Combined Federal Campaign (CFC) or, if affiliated with the CFC, the Director, Office of Personnel Management, has no objection to DoD support of the event, and the fundraiser takes place away from the Federal workplace.

- DoD personnel in their official capacities may be authorized to participate as speakers or panelists at NFE association events, consistent with the JER, public affairs, and travel guidance.

Attendance at a NFE Association Event

- Senior Leaders may excuse DoD personnel for limited absences for reasonable periods of time to voluntarily participate in a personal capacity in NFE association activities - there should be no special consideration or preferences for a particular organization.

- Senior Leaders may approve permissive TDY to attend an NFE association meeting/seminar if there is a direct relationship to the member's primary military duties and attendance clearly enhances his or her value to the Army.

- NFE Association-Hosted Conferences:
  - The heads of DoD Component commands may, on a limited basis, permit their employees in their official capacities to attend NFE association conferences/meetings at Army expense if they have official duties at the event or there is a legitimate Federal Government purpose (beyond merely maintaining membership or professional credentials).
  - Army Directive 2016-14 (Army Conference Policy) requires prior approval before expending appropriated funds to send Army personnel to an NFE conference.

Management of, or Serving with, a NFE Association

- Unless approved in advance by the DoD General Counsel, DoD personnel are prohibited from participating in their official capacities in the management of NFE associations.

- DoD personnel in their personal capacities may participate in the management of an NFE association, provided they act exclusively outside the scope of their official positions. A DoD employee may not serve in a personal capacity as an officer or on the board of directors if offered because of his/her DoD assignment/position. The following restrictions generally apply:

- May not participate in one's official capacity in any particular matter concerning the NFE association.
- May not represent the NFE association before a Federal agency.
- May not solicit funds for the NFE association from subordinates or prohibited sources. May not use Government resources, funds or personnel to support the NFE association.

Serving as a DoD Liaison to a NFE Association

- The Head of the DoD Component command or organization may appoint an employee as an official liaison to a NFE association after determining there is a significant and continuing DoD interest served by such representation. This appointment must be made in writing.
- Official liaison officers serve as part of their official duties, represent DoD interests and serve in an advisory capacity only, and must make clear their opinions do not bind DoD or the Army. Liaisons may not be involved in management or control of an association.

Endorsement of a NFE Association

- DoD personnel in their official capacities may not state or imply that the DoD endorses a NFE association.
- DoD personnel in their personal capacities may not use their official titles, positions or organization names in connection with NFE association activities as this tends to suggest official endorsement or preferential treatment by DoD. However, the use of an officer's military grade and department may be used as part of an individual's name (e.g., CPT Smith, U.S. Army).
- DoD personnel may acknowledge past contributions, services, or assistance if factual and limited to the purpose of recognizing the contributions of a NFE association.

NFE Associations and Gifts

- Normally, DoD personnel cannot accept gifts offered because of their official position. However, there are exceptions under which an employee may accept a gift; they include:
  - Unsolicited gifts valued at $20 or less, per source, per occasion not to exceed a $50 cap on all gifts from a single source during a calendar year (a gift to a spouse or family member is deemed a gift to the employee, and counts toward the caps).
  - On occasion, NFE associations may host events to which Army personnel are invited, and for which they are not charged. Free attendance from the sponsor at a 'Widely Attended Gathering" may be

accepted when the Army has determined attendance is in the Army's interest because it will further agency programs or operations and the event will be widely attended by a large number of persons with diverse views or interests.

- NFE associations frequently provide support to various Army activities. Where the offer of support originates with the association it may be accepted by way of a documented gift to the Army. However, DoD personnel "shall not solicit, fundraise for, or otherwise request or encourage the offer of a gift" (DoD 7000.14-R, *DoD Financial Management Regulation,* Volume 12, Chapter 30, paragraph 300502). To the extent possible, gifts from military associations to the Army should be "in kind" and not in the form of funds.

- Questions about gifts involving NFE associations should be referred to servicing Judge Advocates.