



NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON
WASHINGTON DC 20301-1636

MAR 14 2017

MEMORANDUM FOR ALL NATIONAL GUARD PERSONNEL

SUBJECT: Support for Military Associations

1. National Guard members may enjoy benefits through their interaction with various military associations and other professional groups. These organizations support, promote, and develop the interests of our Armed Forces and military professionals. Military associations fall into a variety of categories and include, but are not limited to, the National Guard Association of the United States, the Association of the United States Army, the Air Force Association, the Enlisted Association of the National Guard of the United States, and the Reserve Officers Association.
2. Through the years, military associations have provided forums that foster military professionalism and development. Additionally, these groups work to increase awareness of our mission with the American public and foster a strong interest in enhancing the readiness of our national defense.
3. On occasion, military associations may ask for help in disseminating information about their activities or seek logistical support for their events and programs. The specific facts and circumstances of each contact with a military association will dictate whether and how National Guardsmen should respond. The attached background paper provides guidance concerning relationships with, and support of, military associations. Please seek advice on particular circumstances from your State Judge Advocate or legal advisor.
4. Point of contact is Lieutenant Colonel Jocelyn Urgese, NGB-JA Ethics, 703-256-7838, NG.Ethics@mail.mil.

A handwritten signature in black ink, appearing to read "J. Lengyel".

JOSEPH L. LENGYEL
General, USAF
Chief, National Guard Bureau

Attachment:
As stated

**BACKGROUND PAPER
ON
INTERACTION WITH VARIOUS NON-FEDERAL ENTITY (NFE) ASSOCIATIONS**

PURPOSE: National Guard (NG) 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 NG support. This paper provides guidance on common issues regarding NG 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." 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 DoDI 5410.19, Public Affairs Community Relations Policy Implementation, paragraph E10.A1, and includes the National Guard Association of the United States (NGAUS), the Adjutants General Association of the United States (AGAUS), the Enlisted Association of the National Guard of the United States (EANGUS), and the Reserve Officers Association of the United States (ROA). 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, and 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 DoD 5500.7-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 (AFF), Armed Forces Services Corporation (AFSC) and Military Officers Association of America (MOAA). 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, DoD 5500.7-R.

WAYS TO SUPPORT NON-FEDERAL ASSOCIATIONS:

Disseminating Information on an NFE Association

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

- Per AFM 33-152, AR 25-1, and DoD 5500.7-R, Commanders may authorize non-Federal personnel limited use of NG 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 MAJCOM policies; (4) Is of reasonable duration and frequency; (5) Does not overburden the communications system; (6) Does not reflect adversely on the DoD or NG; and (7) Does not create a significant additional cost to the DoD or the NG.
- Senior Leaders may permit NFE associations to set out membership applications, leaflets or flyers in installation common areas, as long as similar groups are given the same privilege/opportunity.
- Pursuant to DoD/NG 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 NG with the event;

(4) The event is of interest and benefit to the community, NG, or DoD; (5) The NG 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 an 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 NG.
- NFE Association-Hosted Conferences:
 - CCs may permit their employees in their official capacities to attend NFE association conferences/meetings at NG expense if they have official duties at the event or there is a legitimate Federal Government purpose (beyond merely maintaining membership or professional credentials).
 - DoD guidance requires that the Services must obtain appropriate level of approval before expending official funds to send personnel to an NFE association-hosted conference.
 - For events where the total cost of NG attendance is over \$100,000, approval is by the Chief National Guard Bureau (CNGB). Attendance at events where the NG-wide costs are expected to run less than \$100,000 may be handled within NG channels.

- NG has promulgated a policy memorandum on conference attendance and the approval process (CNGBI 8100.01 dated 29 September 2014).
- ARNG-CSO-TCP serves as CNGB's POC for conference-related matters, including policy formulation and routing requests for approval of attendance of groups at NFE association-hosted events.
- Where higher level approval is required to allow officially-funded attendance at an NFE association-hosted event, Senior Leaders must ensure that funds are not obligated prior to the receipt of that approval. State Judge Advocates can assist in preparing and reviewing requests.

Management of, or Serving with, an 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 an NFE Association

- The Head of the DoD component command or organization may appoint an employee as a DoD liaison to an NFE association after determining there is a significant and continuing DoD interest served by such representation. CNGB, TAG or designee can appoint a "NG liaison" to an NFE association in writing.
- Liaisons 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 NG. Liaisons may not be involved in management or control of an association.

Endorsement of an NFE Association

- DoD personnel in their official capacities may not state or imply inappropriate endorsement of an 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, 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, NG personnel cannot accept gifts offered because of their 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 NG 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 NG has determined attendance is in NG'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 NG activities. Where the offer of support originates with the association it may be accepted by way of a documented gift to the NG. 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 NG should be "in kind" and not in the form of funds.
- Questions about gifts involving NFE associations should be referred to servicing State Judge Advocates or legal advisors.