



## NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

JUN 03 2022

### MEMORANDUM FOR ALL NATIONAL GUARD BUREAU PERSONNEL

Subject: Interactions with Military Associations and other Non-Federal Entities

- References:
- (a) DoD 5500.07-R, "Joint Ethics Regulation," 17 November 2011
  - (b) 5 CFR Section 2635, "Standards of Ethical Conduct for Employees of the Executive Branch"
  - (c) Title 18 U.S.C. Section 201-209, "The Standards of Ethical Conduct for Employees of the Executive Branch"
  - (d) DoD Instruction 5410.19, Volume 2 "Community Outreach Activities: Policy Overview and Evaluation Procedures," 29 September 2021
  - (e) Air Force Manual 33-152, "User Responsibilities and Guidance for Information Systems," 01 June 2012
  - (f) Army Regulation 25-1, "Army Information Technology," 15 July 2019
  - (g) CNGBI 8100.01, "National Guard Conference Policy," 29 September 2014, Validity Extended to 27 March 2020
  - (h) DoD 7000.14-R, "DoD Financial Management Regulation (DoD FMR)," Volume 12, "Special Accounts, Funds and Programs," June 2021

1. In accordance with the references, please see the attachment for guidance regarding relationships and interactions with military associations and non-Federal entities who provide support for, promote, and develop the interests of our Armed Forces and military professionals (Military Associations).

2. On occasion, Military Associations may ask for help in disseminating information about their activities or seek logistical support for their events and programs. The facts and circumstances of each interaction with a Military Association will dictate whether and how National Guard members should respond. Please seek advice on specific circumstances from your State Judge Advocate or legal advisor.

3. Point of contact is Colonel Jocelyn Urgese; NGB-GC; 703-256-7838.

  
DANIEL R. HOKANSON  
General, USA  
Chief, National Guard Bureau

Attachments:  
As stated

## ATTACHMENT

### INTERACTIONS WITH MILITARY ASSOCIATIONS AND OTHER NON-FEDERAL ENTITIES

1. National Military Associations (NMAs). 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 interest in enhancing the readiness of our national defense.”

a. Non-Federal Entities (NFEs) include NMAs, which are associations that are directly oriented to the United States military, are national in scope, and focus their efforts on active duty, National Guard (NG), or Reserve activities. (See reference d.) Only the Assistant Secretary of Defense for Public Affairs can designate a group as an NMA, and they are limited in number.

b. Eligibility requirements to be designated as an NMA are found in reference d, Appendix 3A. NMAs currently include 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.

c. 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, security, and administrative support. Support under reference d, paragraph 3.6(c) is limited to the NMA's annual national convention. Regional and local chapters of an NMA are not eligible to receive these additional services. These regional chapters and other NFE associations may receive support in accordance with reference a, Chapter 3 and reference d, paragraph 3.2(a).

2. Professional Military Associations (PMAs). Other “military” NFE associations, sometimes referred to as “Professional Military Associations,” are non-profit, non-commercial, tax-exempt organizations that focus on advancing the interests of the Armed Forces and military professionalism. These groups may be narrower in scope than NMAs and focus on military veterans, specific military units or events, occupational fields, gender and ethnic groups, or regions. Examples of PMAs include the Armed Forces Foundation, Armed Forces Services Corporation, and the Military Officers Association of America. There is no official process or authority to recognize PMAs or to grant them special consideration like an NMA. Generally, support to these associations is governed by the reference a. Collectively, NMAs and PMAs are referred to as “Military Associations”.

3. Disseminating Information for Military Associations. This includes military and non-military organizations. Official communications channels may be used to distribute information notifying Department of Defense (DoD) personnel of events of common interest sponsored by Military Associations, consistent with the reference a, and public affairs regulations.

a. Commanders may authorize non-Federal personnel limited use of National Guard (NG) email to support Military Association-sponsored events, except for fundraising and membership drives, only after determining that the communication:

- (1) Serves a legitimate public interest.
- (2) Does not interfere with the performance of official duties or detract from readiness.
- (3) Conforms to Combatant Commander and major command 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.
- (7) Does not create a significant additional cost to the DoD or the NG in accordance with reference a, Chapter 3 and references e and f.

b. Senior Leaders may permit Military Associations to place membership applications, leaflets, or flyers in installation common areas, if similar groups are provided the same opportunity.

c. When Senior Leaders or supervisors refer to Military Association membership or fundraising activities, they must remain neutral and avoid the use of words such as "endorse," "support," "encourage," "recommend," or "urge." The point is to convey factual information, not to encourage, support, or to endorse a particular Military Association or its mission.

d. Senior Leaders may issue official letters thanking Military Associations for past contributions, services or support of the organization if factual and limited to the purpose of recognizing the contribution. These letters may be disseminated through official channels in accordance with reference b, Section 2635.702.

4. Logistical Support of Military Association Events. NMAs are entitled to expanded support for their national annual conferences or conventions in accordance with reference d, paragraph 3.6(c) and Appendix 3A.

a. PMAs and other non-military NFE 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 the following are true:

(1) Support does not interfere with official duties.

(2) Support is in the interest of DoD public affairs or community relations.

(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.

(7) No admission fee beyond reasonable costs of sponsoring the event is charged in accordance with reference a, Section 3-211.

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

c. DoD personnel in their official capacities may be authorized to participate as speakers or panelists at NFE events, consistent with reference a, public affairs guidance, and travel guidance.

##### 5. Attendance at Military Association Events.

a. Senior Leaders may excuse DoD personnel for limited absences for reasonable periods of time to voluntarily participate in a personal capacity in Military Association activities in accordance with reference a, Section 3-300(b). There must be no special consideration or preferences for a particular organization.

b. Senior Leaders may approve permissive temporary duty assignment to attend a Military Association meeting or seminar if there is a direct relationship to the Service member's primary military duties and attendance clearly enhances his or her value to the NG.

c. Senior Leaders may permit their employees in their official capacities to attend Military Association conferences or meetings at NG expense if they have official duties at the event, or there is a legitimate Federal Government purpose beyond maintaining membership or professional credentials. DoD guidance requires that the Services must obtain the appropriate level of approval before expending official funds to send personnel to a Military Association-hosted conference.

d. NG personnel shall use reference g for detailed information on conference attendance and the approval process. For NFE events where the total cost of NG attendance is more than \$100,000, approval is required by the Chief of the National Guard Bureau (CNGB). Attendance at events where the NG-wide costs are expected to be less than \$100,000 may be handled within NG channels. (See reference g, Enclosure D.)

e. NGB Protocol serves as the CNGB's POC for conference-related matters, including policy formulation and routing requests for approval of attendance of groups at NFE association-hosted events.

f. 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 before receiving approval. State Judge Advocates may assist in preparing and reviewing requests.

## 6. Management of or Serving with a Military Association.

a. Unless approved in advance by the DoD General Counsel, DoD personnel are prohibited from participating in their official capacities in the management of a Military Association or other non-military NFE. (See reference a, Section 3-202.)

b. DoD personnel may participate in their personal capacities in the management of a Military Association or other non-military NFE, 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 the position is offered because of his or her DoD assignment or position. Generally, DoD personnel:

(1) May not participate in their official capacity in any manner concerning the NFE.

(2) May not represent the interests of an NFE before a Federal agency.

(3) May not solicit funds for the NFE from subordinates or prohibited sources.

(4) May not use Government resources, funds, or personnel to support the NFE according to reference a, Section 3-301).

7. Serving as a DoD Liaison to a Military Association. The Head of the DoD component command or organization may appoint an employee as a DoD liaison to a Military Association or other non-military NFE after determining there is a significant and continuing DoD interest served by such representation.

a. The CNGB, The Adjutant General, or the Commanding General of the District of Columbia may appoint a "NG liaison" to an NFE in writing in accordance with reference a, Section 3-301.

b. 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.

8. Endorsement of an NFE Association. DoD personnel may not imply endorsement of an NFE association in their official capacities. In their personal capacities, DoD personnel may not use their official titles, positions, or organization names in connection with NFE activities, as this tends to suggest official endorsement or preferential treatment by DoD. However, military grade and service affiliation may be used to identify an individual (for example, Captain Smith, U.S. Army). (See reference a, Section 3-209.)

9. Gifts from an NFE. Usually, NG personnel cannot accept gifts offered by an NFE because of their position. However, there are exceptions under which an employee may accept a gift, including unsolicited gifts valued at \$20 or less, per source, per occasion not to exceed a \$50 limit 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 limit total. (See reference b, Section 2635.204(a)).

a. On occasion, NFEs 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, in advance, attendance is in NG's interest because it will further agency programs or operations and the event will be widely attended by many persons with diverse views or interests. (See reference b, Section 2635.204(g)).

b. Military 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 after coordination with legal advisors. However, DoD personnel may not solicit, fundraise for, or otherwise request or encourage the offer of a gift in accordance with reference h, 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 cash or cash equivalents.

c. Questions about gifts involving any NFE should be referred to the servicing State Judge Advocates or legal advisors.