



DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
OFFICE OF THE STAFF JUDGE ADVOCATE
1336 PLUMMER STREET, BLDG. 275
MONTEREY, CALIFORNIA 93944

REPLY TO
ATTENTION OF:

ATZP-JA

July 2010

MEMORANDUM FOR ALL

SUBJECT: Relationships with Non-Federal Entities

1. PURPOSE: To give guidance on permissible interaction with NFE's.

2. REFERENCES:

- a. DoD 5500.7-R, The Joint Ethics Regulation (JER).
- b. DoDD 5500.07, Standards of Conduct, 29 November 2007
- c. AR 360-1, THE ARMY PUBLIC AFFAIRS PROGRAM, 15 September 2000.
- d. AR 1-100, GIFTS AND DONATIONS, 15 November 1983.
- e. AR 1-101, GIFTS FOR DISTRIBUTION TO INDIVIDUALS, 1 May 1981.
- f. 5 CFR 2635.204, GIFTS FROM OUTSIDE SOURCES

3. DISCUSSION:

a. No endorsement.

(1) Army employees (military and civilian) may not use their titles, offices, or positions to officially endorse an organization or its activities beyond what is permitted by the JER, para. 3-209. Non-Federal Entities (NFE's) may not receive special treatment for espousing Army goals or supporting the military community. The Combined Federal Campaign, Army Emergency Relief, and Family Readiness Groups are specifically exempt from these rules IAW JER para 3-210.

(2) Example: Army officials may not encourage their subordinates to participate in a particular NFE in a formation, on Army letterhead, or by any other official action.

b. Limited Support.

(1) Appropriated funds (APF), nonappropriated funds (NAF), or any other asset may not be transferred to an NFE, except as authorized by law.

(2) The Army may provide limited support for certain events conducted by NFE's IAW JER 3-211. Examples of support that is acceptable are providing speakers, panel members or equipment on a limited basis.

(a) When deciding whether to participate in or support events with organizations, Army officials must ensure that expenditures of time and resources are of direct benefit and interest. JER para. 3-211.

(b) The Army does not play favorites. Thus, if a commander provides support to one NFE, he or she must be prepared to provide the same support to all similarly situated organizations.

(c) The Army may not provide equipment or services that compete with local businesses.

(d) The Senior Commander is the approval authority for support. PAO and the SJA should also be consulted.

(3) Government services may not be used for NFEs.

c. No Pressure to Join NFE's or Support Membership Drives.

(1) Without reference to specific organizations, Army personnel may be encouraged to join, support, and participate in service, professional, recreational, and benevolent organizations. Officials may describe various organizations and their goals, objectives, and activities; however, they cannot favor one over another.

(a) Example 1: The unit ISG may announce in formation that AUSA is having a meeting at the Sportsdome. Commanders may allow postings of membership information on non-official bulletin boards or placement of brochures in common areas, if all similar organizations have equal access.

(b) Example 2: Commanders and supervisors may not require subordinates to attend an AUSA Officer Professional Development session held during duty hours. Allowing certain private organizations to conduct briefings, routinely, at official Army functions and mandatory training implies Army endorsement and creates the appearance that membership in certain organizations is officially sanctioned by government.

(2) A subordinate cannot be appointed as a point-of-contact for an organization's membership drive, nor can privileges be awarded for the highest membership or participation rate in a private organization.

(3) Army officials may not require subordinates to explain their decision not to join or participate in a private organization.

(4) Units may not distribute unit personnel or social rosters to organizations that request them. Do not release any information without consulting the FOIA coordinator and the local ethics counselor/Staff Judge Advocate.

d. Limited Official Participation in NFE's.

(1) Liaisons.

(a) IAW JER, para. 3-201, Army officials may be appointed to act as bona-fide liaisons with organizations if there is a significant and continuing Army interest to be served.

(b) Liaisons may officially represent the Army in matters of mutual interest to the Army and the NFE. Liaisons may not participate in matters concerning the management or control of the NFE.

e. Limited Gift Acceptance; No Gift Solicitation.

(1) Accepting Gifts.

(a) Gifts to Units. Units may accept unsolicited gifts from NFE's; however, Army personnel may not grant special privileges to the donor.

(b) Gifts to Individuals. Units may accept gifts for distribution to individuals. These gifts may not exceed \$20 in value per person, per occasion. An individual may not accept more than \$50 in gifts from the same NFE in a calendar year. An individual may never accept an alcoholic beverage as a gift. AR 1-101.

(2) Soliciting Gifts. DoD employees may not solicit gifts from NFE's. They may, however, in response to an appropriate inquiry, inform potential donors of the unit's needs.

4. CONSEQUENCE: The above prohibitions are firmly grounded in statutes and/or regulations. Violations are criminal in nature and violators can be punished under the UCMJ.

5. If you have any questions or need further information, please feel free to contact the Office of the Staff Judge Advocate, Administrative Law Division, at (831) 242-6402.


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