



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

Office Of The General Counsel

3 May 2017

MEMORANDUM FOR AIR FORCE ETHICS COUNSELORS

FROM: SAF/GCA  
1740 Air Force Pentagon  
Washington, DC 20330

SUBJECT: Ethics Guidance Regarding Leadership Presentations by Non-Federal Entities

Certain non-Federal entities (NFEs) have offered to provide leadership presentations by retired Air Force senior leaders at official meetings of Air Force units. They propose that these presentations include a discussion of opportunities for professional development, such as voluntary advanced education and professional military education. The proposed discussion will also include the career and personal merits of participation in professional organizations, including "professional military associations" (PMAs).<sup>1</sup> One NFE, a PMA, has offered to fund travel by the speakers to visit installations in order to make these presentations. The PMA also desires to have the speaker(s) discuss membership in the sponsoring PMA and to use these occasions to make PMA membership materials available to attendees.

This memorandum provides ethics guidance for handling requests of this nature. It addresses two distinct situations: the first involves presentations at official Air Force events and the second involves NFE-sponsored events held on the installation.

The Eighth Principle of Ethical Conduct provides the initial framework for considering such requests: "Employees shall act impartially and not give preferential treatment to any private organization or individual."<sup>2</sup> Additionally, Section 3-210 of the *Joint Ethics Regulation* (JER), DOD 5500.7-R, must guide responses to requests such as the type addressed here.<sup>3</sup>

PMAs and other NFEs cannot solicit membership or contributions at official Air Force events. Any government actions that involve or imply official endorsement of or compulsion to

---

<sup>1</sup> Although the term "professional military association" (PMA) is not formally recognized, it captures a smaller subset of the universe of all NFEs and includes more than Department of Defense (DoD)-recognized national military associations (NMAs). PMAs focus in some manner on advancing the interests of the Armed Forces and/or military professionalism and are often oriented toward military veterans, specific military units, occupational fields/skills, campaigns or other groups. The "PMA" label does not confer any basis for special treatment beyond that allowed to all NFEs. NMAs are a very small group of PMAs which DoD has formally recognized (e.g., AFA and AFSA). This recognition allows very limited special treatment (provision of expanded logistical support in enumerated areas only for the NMA's annual national convention and not for other national organization or chapter events). See, 10 U.S.C. 2558 *National Military Associations; Assistance at National Conventions* and JER 3-212. While this does not apply here, it offers a distinguishing factor to consider in addressing these types of requests.

<sup>2</sup> See 5 CFR Section 2635.101(b)

<sup>3</sup> JER 3-210 states, "DoD employees shall not officially endorse or appear to endorse membership drives or fundraising for any non-Federal entity except for [a few pre-approved organizations] which are not subject to the provisions of subsection 3-211."

join a particular NFE or PMA violate Section 3-210, which has the effect of a lawful general regulation.

### **Official Air Force Events**

An installation may utilize training resources proffered from a PMA or other NFE; however, installation commanders are not required to accept all offers from all NFEs.<sup>4</sup> Where an offer is accepted, it should be documented and formally processed through the appropriate authority via a voluntary services agreement with the individual speaker (not the NFE) IAW 10 U.S.C. §1588.

The identity of all outside presenters should be vetted through the installation Public Affairs office. Speakers should be briefed in advance on the limitations applicable to the presentation(s), e.g., the talk should focus on general principles of leadership and professionalism and avoid advocacy for participation in any particular NFE. The speaker's affiliation with a specific NFE may be referenced only as biographical information in an introduction. He or she may not, directly or indirectly, solicit membership in or contributions to the NFE at the official event. A better practice would be for the speaker to also avoid discussing PMA or NFE participation, thereby avoiding real or perceived solicitation to participate in the sponsoring NFE or PMA. Written materials from the sponsoring NFE should not be made available at the site of the official event. This approach is consistent with the JER prohibitions on Air Force logistical support for NFE membership solicitation and fundraising events<sup>5</sup> and avoids potential challenges of endorsement or preferential treatment of a particular NFE.<sup>6</sup>

Commanders should carefully consider whether to make attendance optional or mandatory, depending on the nature of the official event. For instance, compelling the attendance of personnel at an official event that will only involve or that will prominently feature an NFE presentation on leadership or a similar subject may create a perception of official endorsement and should be avoided. However, mandatory attendance at a commander's call, where the NFE will be but one of several official presentations, would be appropriate. The event may be announced through official communication channels; however, announcements should avoid referencing the NFE as underwriting the speaker's participation. The commander, or designee may thank both the individual speaker(s) and the NFE for their support at the conclusion of the presentation.

### **NFE Sponsored Events**

Where a NFE desires to hold a membership solicitation event on an installation, especially one featuring a former senior Air Force leader as a guest speaker, the event must not take on an official character. It must be strictly a private event that the Air Force cannot expressly or impliedly endorse.

Each installation should follow the JER, as well as Air Force and any local procedures and policies on facility access and use for the NFE event. The JER specifically prohibits the provision of logistical support for NFE membership solicitation or fundraising events. If the event will include

---

<sup>4</sup> See SECAF Memo, *Installation Access and Support Services for Nonprofit Non-Federal Entities (NFE)*, dated 2 May 2015 (stating, "...installation commanders do not have to approve all requesting NFEs for base access and office space. The SecDef memorandum [on the same topic] makes it clear that installation commanders have the discretion to select those NFEs that provide the most services to Airmen and their families for the smallest footprint.")

<sup>5</sup> See JER Section 3-211.

<sup>6</sup> See JER Section 3-210.

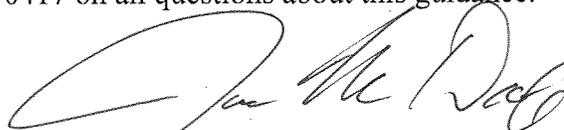
solicitation of membership or contributions, the installation commander should comply with policies on payment by NFEs for use of the facility so as to avoid the prohibition in Section 3-211 against providing logistical support for such activities. Personnel whose responsibilities include coordination with any NFE seeking to schedule activities to be conducted on military installations must ensure they treat PMAs no differently than any other NFE in these situations. They must avoid anything more than *de minimis* use of appropriated fund assets or official time in making such arrangements to avoid real or perceived conflicts of interest or inappropriate support or endorsement.<sup>7</sup>

Attendance at NFE-sponsored events must be voluntary and on personal time (not duty time). To the extent possible, NFE-sponsored events should be held outside of normal duty hours. However, such an event scheduled for lunchtime or shift changeover is acceptable as long as attendance does not impact personnel duty responsibilities. If a NFE-sponsored event is held on the same day as an official event featuring a NFE-provided speaker, there should be a marked break between the events, and it must be clear to all personnel that attendance at the NFE-sponsored event is voluntary. At such NFE-sponsored events, the presenter can encourage attendees to join the NFE and may hand out membership materials. Senior Air Force leaders must be cognizant of the perception created by involvement on their part in such a NFE-sponsored event and should avoid any action that may be perceived as officially endorsing the NFE or encouraging Airmen to join the organization.

For a NFE-sponsored event, installation personnel may be notified about the meeting through public bulletin boards and other similar modes of communication that are generally made available for NFEs to post information of interest to Airmen. Notifications of this type of event may not be made through official channels since events focused on expanding membership are not considered "events of common interest" under JER 3-208.

Each of these situations presents unique ethics challenges under the JER. While these events can provide value to our airmen, they must be conducted in a way that avoids actual or perceived violations of the JER, federal ethics regulations or other applicable federal laws for which all government employees can be held personally accountable.

The Administrative Law Directorate (AF/JAA) contributed to this opinion. Installation ethics counselors should seek further advice regarding hosting such events through their higher headquarters legal offices (MAJCOMs and AF/JAA). Until a well-established consistency of application and interpretation of this policy is achieved, headquarters JA offices should consult with SAF/GCA's Ethics Office at 703-693-0417 on all questions about this guidance.



JOSEPH M. McDADE, JR.

Acting General Counsel

Designated Agency Ethics Official

---

<sup>7</sup> This advice is not intended to preclude the extension of appropriate protocol support to retired senior officials and for staff activities required to coordinate such events to minimize mission impact.