

SECTION 2. OFFICIAL PARTICIPATION IN NON-FEDERAL ENTITIES

3-200. Attendance

a. Agency Designees may permit their DoD employees to attend meetings, conferences, seminars, or similar events sponsored by non-Federal entities in their official DoD capacities at Federal Government expense if there is a legitimate Federal Government purpose in accordance with 5 U.S.C. 4101 et seq. (Reference (b)) and 37 U.S.C. 412 (Reference (c)), such as training a DoD employee beyond maintaining professional credentials or gathering information of value to the DoD.

b. DoD employees are prohibited from attending events sponsored by non-Federal entities in their official DoD capacities at Federal Government expense solely to acquire or maintain professional credentials that are a minimum requirement to hold the DoD position. See 5 U.S.C. 5946 (Reference (b)) and 31 U.S.C. 1345 (Reference (d)).

3-201. Membership

a. DoD employees may serve as DoD liaisons to non-Federal entities when appointed by the head of the DoD Component command or organization who determines there is a significant and continuing DoD interest to be served by such representation. Liaisons serve as part of their official DoD duties, under DoD Component memberships, and represent only DoD interests to the non-Federal entity in an advisory capacity. Liaisons may not be involved in matters of management or control of the non-Federal entity. Liaisons may officially represent DoD in discussions of matters of mutual interest with non-Federal entities providing it is made clear to the non-Federal entities that the opinions expressed by liaisons do not bind DoD or any DoD Component to any action.

b. DoD employees may not accept DoD Component membership in a non-Federal entity on behalf of DoD except as provided by statute or regulation. *See e.g., 10 U.S.C. 2601(b) (Reference (f)).* DoD may pay for DoD memberships in accordance with opinions of the Comptroller General, such as 24 Comp. Gen. 814 (Reference (e)). DoD is prohibited from paying for individual memberships by 5 U.S.C. 5946 (Reference (b)). *See also 10 U.S.C. 2601 (reference (f)).* See subsection 3-301 of this Regulation, below, regarding allotments for payment of individual memberships held in a personal capacity.

3-202. Management. DoD employees may not participate in their official DoD capacities in the management of non-Federal entities without authorization from the DoD General Counsel, except as set out below.

a. The Secretary concerned, with the concurrence of the DoD General Counsel, may authorize, on a case-by-case basis, an employee under the Secretary's jurisdiction to serve without compensation as a director, officer, or trustee, or otherwise to participate in the

d. The DoD General Counsel shall ensure that designations of entities are published in the Federal Register. The Secretary concerned shall ensure that employee authorizations under this section are published in the Federal Register, and shall provide a copy of such publications to the DoD General Counsel.

3-203. Impartiality of Agency Designee and Travel-Approving Authority. When a DoD employee requests permission to travel to or participate in activities of a non-Federal entity and the Agency Designee or travel approving authority is an active participant in the non-Federal entity, that Agency Designee or travel approving authority may not act on the DoD employee's request but shall defer such action to the next higher superior or another independent DoD authority. See 5 C.F.R. 2635.402 and 2635.502 (Reference (h)) in subsection 2-100 of this Regulation and 18 U.S.C. 208 (Reference (i)).

3-204. Impartiality of DoD Employees. DoD employees are generally prohibited from engaging in any official activities in which a non-Federal entity is a party or has a financial interest if the DoD employee is an active participant in the non-Federal entity or has been an officer in the non-Federal entity within the last year. See 5 C.F.R. 2635.402 and 2635.502 (Reference (h)) in subsection 2-100 of this Regulation and 18 U.S.C. 208 (Reference (i)).

3-205. Remuneration. DoD employees may not receive any salary or salary supplement from a non-Federal entity for performance of DoD duties. See 18 U.S.C. 209 (Reference (i)).

3-206. Co-sponsorship. A DoD Component command or organization is a co-sponsor of an event when that DoD Component command or organization is one of the organizations that develops the substantive aspects of the event or provides substantial logistical support for the event. Co-sponsorship of events with a non-Federal entity is prohibited except as follows:

a. A DoD Component command or organization may co-sponsor a civic or community activity, except for fundraising or membership drives, where the head of the DoD Component command or organization determines that the activity is unrelated to the purpose or business of the co-sponsoring, non-Federal entity or the purpose or business of any of its members. See DoD Instruction 5410.20 (Reference (j));

b. A DoD Component command or organization may co-sponsor a conference, seminar or similar event with a non-Federal entity when all of the following requirements are met:

(1) The head of the DoD Component command or organization finds that the subject matter of the event (or co-sponsored discrete portion) is scientific, technical or professional issues that are relevant to the mission of the DoD Component command or organization;

(2) The head of the DoD Component command or organization finds that the purpose of co-sponsorship is to transfer Federally developed technology or to stimulate wider interest and

(10 U.S.C. 2545 2555); Shelter for Homeless (10 U.S.C. 2546 2556); National Military Associations; Assistance at National Conventions (10 U.S.C. 2548 2558); Assistance from American National Red Cross (10 U.S.C. 2602); United Seaman's Service Organization (10 U.S.C. 2604); Scouting: Cooperation and Assistance in Foreign Areas (10 U.S.C. 2606); Civil Air Patrol (10 U.S.C. 9441-9442) (Reference (f)); and Assistance for certain youth and charitable organizations (32 U.S.C. 508) (Reference (l));

g. The Military Department of each State and territory (section 101 of Reference (l)).

SECTION 3. PERSONAL PARTICIPATION IN NON-FEDERAL ENTITIES

3-300. Participation

a. Fundraising and Other Activities. Subject to other provisions of this Regulation, DoD employees may voluntarily participate in activities of non-Federal entities as individuals in their personal capacities, provided they act exclusively outside the scope of their official positions.

(1) Except as provided in 5 CFR 2635.807(b) (Reference (h)) in subsection 2-100 of this Regulation, DoD employees may not use or allow the use of their official titles, positions or organization names in connection with activities performed in their personal capacities as this tends to suggest official endorsement or preferential treatment by DoD of any non-Federal entity involved. Military grade and military department as part of an individual's name (e.g., Captain Smith, U.S. Navy) may be used, the same as other conventional titles such as Mr., Ms., or Honorable, in relationship to personal activities.

(2) Purely personal, unofficial volunteer efforts to support fundraising outside the Federal Government workplace are not prohibited where the efforts do not imply DoD endorsement. The Heads of DoD Component commands or organizations may, on a limited basis, authorize their DoD employees or dependents of those employees to participate in fundraising activities in designated areas on Federal Government installations, such as public entrances, in community support facilities, and in personal quarters. The Head of the DoD Component command or organization has the authority to determine which areas, if any, are considered to be outside the Federal Government workplace. See E.O. 12353 (Reference (n)), 5 C.F.R., Part 950 (Reference (o)), and DoD *Directive Instruction* 1344.07 (Reference (x)). These activities may be further limited by Federal Government building and grounds regulations.

b. Professional Associations and Learned Societies. Agency Designees may permit excused absences for reasonable periods of time for their DoD employees to voluntarily participate in the activities of non-profit professional associations and learned societies and may permit the limited use by their DoD employees of Federal Government equipment or administrative support services to prepare papers to be presented at such association or society events or to be published in professional journals when:

(1) The participation or paper is related to the DoD employee's official position or to DoD functions, management or mission; and

(2) The Agency can derive some benefit from the participation or preparation, such as expansion of professional expertise by DoD employees or improved public confidence derived from the professional recognition of the DoD employee's competence;

(3) The participation or preparation of the paper does not interfere with the performance of official DoD duties.

c. Community Support Activities. Agency Designees may permit excused absences for reasonable periods of time for their DoD employees to voluntarily participate in community support activities that promote civic awareness and uncompensated public service such as disaster relief events, blood donations, and voting and registering to vote.

d. Impartiality of Agency Designee and Travel Approving Authority. When a DoD employee requests permission to travel to or participate in activities of a non-Federal entity and the Agency Designee or travel approving authority is an active participant in the non-Federal entity, that Agency Designee or travel approving authority may not act on the DoD employee's request but shall defer such action to the next higher superior or another independent DoD authority. See 5 C.F.R. 2635.402 and 2635.502 (Reference (h)) in subsection 2-100 of this Regulation and 18 U.S.C. 208 (Reference (i)).

3-301. Membership and Management. DoD employees may become members and may participate in the management of non-Federal entities as individuals in a personal capacity provided they act exclusively outside the scope of their official position. Except for such service in the organizations listed in subsection 3-210.a. of this Regulation, above, a DoD employee may not serve in a personal capacity as an officer, member of the Board of Directors, or in any other similar position in any non-Federal entity offered because of their DoD assignment or position. DoD employees may authorize an allotment for membership dues to a non-Federal entity as provided in 5 C.F.R. 550.311 and 550.331 (Reference (wy)) and DoD 7000.14-R (Reference (x)).

3-302. Impartiality of DoD Employees. DoD employees are generally prohibited from engaging in any official activities in which a non-Federal entity is a party or has a financial interest if the DoD employee is an active participant in the non-Federal entity or has been an officer in the non-Federal entity within the last year. See 5 C.F.R. 2635.402 and 2635.502 (Reference (h)) in subsection 2-100 of this Regulation and 18 U.S.C. 208 (Reference (i)).

~~3-303. Interference with Employment of Local Civilians. Enlisted members on active duty may not be ordered or authorized to leave their post to engage in a civilian pursuit, business, or professional activity if it interferes with the customary or regular employment of local civilians in their art, trade, or profession. 10 U.S.C. 974 (reference (f)).~~