



Headquarters U.S. Air Force

Integrity - Service - Excellence

Air Force Relationships with Non-Federal Entities



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What or Who are NFEs?

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- A non-Federal entity (NFE) is usually a self-sustaining, non-Federal person or organization, operated by individuals acting outside the scope of any official capacity as officers, employees, or agents of the Federal Government. NFEs include:
 - **Air Force Association**, Association of the United States Army, Navy League
 - Charities and not-for-profit groups (USO, military relief societies, wounded warrior)
 - Entities closely linked to DoD (e.g., credit unions, spousal clubs and military professional organizations)
 - Commercial enterprises. (DoD Contractors)



What do NFEs Usually Want

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- **Government property (things)**
- **Government personnel (services)**
- **Official endorsement**
- **Official sanction**
- **Information**

- **Requesting support from the USAF causes the NFE to be considered a “prohibited source”**



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Prohibited Source

- Definition: **Any** person or **organization** who:
- (1) **Seeks official action** by the employee's agency;
- (2) Does or seeks to do business with the agency;
- (3) Conducts activities regulated by the agency;
- (4) Has interests that may be substantially affected by performance/nonperformance of employee's duties, or
- (5) Is an organization a majority of whose members are described in (1) through (4) [5 CFR 2635.203(d)]
- **Employees** of "prohibited sources" **are also** deemed to be "**prohibited sources**" [5 CFR 2635.102(k)]



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Non-Federal Entities

Logistical Support

- Requires 7 determinations to provide:
 - (1) **Does not interfere** with official duties **or detract from readiness**
 - (2) Serves **community relations** or military training interests are served
 - (3) **Appropriate to associate** with NFE
 - (4) **Benefits** local civilian community, the DoD organization providing support, or any other part of DoD



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Requires 7 determinations (cont.)

- (5) Able & willing to provide **same support to comparable events** sponsored *similar* NFEs
- (6) **Not restricted** by other statutes or regulations
- (7) No admission fee **beyond reasonable costs** of sponsoring the event, no admission fee for the DoD portion, or **DoD support is incidental** to the entire event



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Logistical Support (cont.)

- **Installation CC may authorize DoD employees or dependents to participate in fundraising activities in designated areas on Federal Government installations **outside of workplace****
 - **Public entrances**
 - **Community support facilities**
 - **Personal quarters**
 - **Example: Girl Scout cookie sales in front of BX**
- **Installation CC determines “outside of workplace”**
- **See JER Sections 3-211 and 3-300**



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In Official Capacity

- **May permit Federal employees to attend Non-Federal Entity (NFE) events if **legitimate Federal Government purpose****
 - **Training—e.g., Local FD HAZMAT Exercise**
 - **Info gathering—e.g., land use planning hearing**
- **Liaisons—e.g., Daedalions**
 - **Represent only DoD interests**
 - **Do not manage or control NFE**
 - **Opinions not binding on DoD or component**
- **See JER Sections 3-200 to 3-202**



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In Personal Capacity

- May serve as an officer of an NFE **only** if it will **not** conflict with official duties, and does not require representation of the NFE back to the U.S.
- May **not** be invited based on official position
- In your personal capacity, you may hold a fiduciary position with an NFE if its does not conflict with your official duties



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Endorsement

- **Cannot state or imply** in official capacity
- **Exceptions**
 - Combined Federal Campaign
 - Air Force Assistance Fund
 - For Us By Us – internal fundraising
- Especially true for **membership drives and fundraisers**
- See JER Sections 3-209 and 3-210



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Gifts from Outside Sources

- DoD employees **do not solicit** or accept any gift given **because of official position** or from a **prohibited source**
 - Prohibited source is a defense contractor and others who may be affected by agency actions
- **Honorary memberships** in NFEs are **prohibited** if offered because of **official position** unless market value paid with personal funds
- See 5 C.F.R. Section 2635, Subpart B



Gifts from Outside Sources

- **Gift exceptions (i.e., these may be accepted)**
 - ✓ **Gifts < than \$20; not over \$50 per source per CY**
 - ✓ **Gifts based on personal relationships**
 - ✓ **Gifts accepted under specific statutory authority (e.g., gifts from foreign governments)**
 - ✓ **Discounts and benefits available to the public or a broadly defined class**
 - ✓ **Gifts based on non-AF duties or employment relationship**
- **See 5 C.F.R. Section 2635.204**



Widely Attended Gatherings

- **A government employee may accept free attendance at an event (conference, seminar, dinner, reception) if:**
 - **(1) A large number of persons (20 or more) are expected to attend the event,**
 - **(2) The government employee's attendance would further agency (e.g., DoD or Air Force) programs and operations,**
 - **(3) The attendees will represent a diversity of views or interests, and**



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Widely Attended Gatherings

- **(4) The cost of attendance by the government employee (& his/her spouse/guest) will be paid for by:**
 - **The sponsor of the event, or**
 - **A non-sponsor, and more than 100 people are expected to attend the event, and the market value of the free attendance is \$335 or less, or**
 - **A non-sponsor, and the non-sponsor does not pick which government employee(s) it will pay for (e.g., if a contractor gives five tickets to the sponsor and the sponsor chooses the government employee(s))**



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Preferential Treatment

- DoD personnel **must avoid giving any NFE preferential treatment**
- If we agree to speak at an NFE event, we should be willing & able to speak at other similar events (mission permitting)
- If we provide access or meeting space for one NFE, we should be willing & able to provide the same for other similar NFEs



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■ **Questions?**