



UNITED STATES MARINE CORPS

MARINE FORCES RESERVE
MARINE FORCES NORTHERN COMMAND
2000 OPELOUSAS AVE
NEW ORLEANS, LA 70146-5400

ForO 5760.1
CL
19 Apr 2013

FORCE ORDER 5760.1

From: Commander
To: Distribution List

Subj: SUPPORT FOR AND PARTICIPATION IN NON-FEDERAL ENTITIES

- Ref: (a) DoD 5500.07-R, "Joint Ethics Regulation," November 17, 2011
(b) Sections 205, 208, and 209 of title 18, United State Code
(c) Section 5946 of title 5, United States Code
(d) DoD Directive 1000.26E, "Support for Non-Federal Entities Authorized to Operate on DoD Installations," February 2, 2007
(e) MCO 5760.4C
(f) DoD Directive 5410.18, "Public Affairs Community Relations Policy," May 30, 2007
(g) DoD Instruction 5410.19, "Public Affairs Community Relations Policy Implementation," November 13, 2001
(h) MCO 5726.14F
(i) ForO 5726.1D
(j) Office of the Under Secretary of Defense Memorandum, "Change to Policy Regarding Officer Serving on Boards of Directors" November 30, 2012
(k) ForO 7040.1

1. Situation. Non-Federal Entities (NFEs) are generally a self-sustaining, non-Federal person or organization. NFEs are established, operated, and controlled by any individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal Government. NFEs may include elements of state, interstate, Native American tribal, and Local Government, as well as private organizations. Per references (a) through (e), Marine Forces Reserve (MARFORRES) and Marine Forces Northern Command (MARFORNORTH) personnel may not endorse or imply endorsement of NFEs to include organizations designed to support Marines and their families. Personnel may participate in NFEs, however, their participation must follow reference (a) and this Force Order.

DISTRIBUTION STATEMENT A: Approved for public release,
distribution is unlimited

2. Mission. To provide guidance to MARFORRES/MARFORNORTH personnel regarding participation in NFEs.

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. For decades, our personnel have benefitted from the efforts and support of numerous NFEs. These benefits have often led to coordination between MARFORRES units and employees and various NFEs. It is my intent to provide guidance and eliminate uncertainty regarding participation of Marines and civilian employees with NFEs. This Force Order clarifies what actions are permitted when personnel work with, consider supporting, or are approached by charities, not for profit groups, professional associations, local and State Governments, spouses clubs, Marine support organizations and coordinating councils, home-owners associations, commercial enterprises and other NFEs. I want to ensure that there is a single resource available to help simplify the rules and regulations provided in the references.

(2) Concept of Operations. This Force Order provides policy and official guidance regarding effective and appropriate relationships with NFEs.

b. Official Capacity. Serving as a liaison in accordance with reference (a) is the most common and recommended method for Federal employees to sustain long-term relationships with NFEs in their official capacity. Infrequent or non-recurring support can also be provided in certain instances.

(1) Representation. Federal employees may serve as DoD liaisons to NFEs when appointed by a Battalion Commander or higher. Liaisons may officially represent MARFORRES/MARFORNORTH in discussions of matters of mutual interest with NFEs when the Commander determines there is a significant and continuing interest to be served by such representation. However, it must be made clear to the NFE that the opinions expressed by liaisons do not bind MARFORRES/MARFORNORTH Component to any action. Personnel, including liaisons, are prohibited from representing NFEs in their official capacity.

(2) Attendance. Battalion and Squadron Commanders and above may authorize personnel to attend meetings, conferences, seminars, or similar events sponsored by NFEs in their official MARFORRES capacities at Federal Government expense if there is

a legitimate Federal Government purpose (per reference (a)).

(3) Membership. Marines and civilian employees may not accept membership or act as members of a NFE in their official capacity.

(4) Management. Personnel involved with a NFE in their official capacity may not be involved in matters of management or control of the NFE. They may not serve as officers, directors or managers of the NFE without the permission of the DoD General Counsel. This prohibition extends to personnel designated as NFE liaisons.

(5) Remuneration. Employees may not receive any salary or salary supplement from a NFE for performance of their official duties.

(6) Endorsement. Endorsement of a NFE, event, product, service, or enterprise may be neither stated nor implied by the DoD or DoD employees in their official capacities. DoD employees' titles and positions, as well as organization names, may not be used to suggest official endorsement or preferential treatment of any NFE. Examples of improper endorsements include a letter or statement from a DoD official that the organization is worthy, and recommending others contribute funds to an organization, join the organization, or support the organization.

(7) Logistical Support. Logistical support to NFEs by units is possible in certain situations. Examples of logistical support include providing meeting space, wooded areas for camping, color guards, and static displays. Battalion Commanders and above may provide employees in their official capacities to express Marine Corps policies as speakers or panel members. On a limited basis, Installation Commanders may grant the use of facilities per reference (e). Battalion Commanders and above may authorize the use of equipment (and the services of employees necessary to make proper use of the equipment), as logistical support of an event sponsored by a NFE, except for fundraising and membership drive events. In order to authorize this support, the responsible officer must find all of the following:

(a) The support does not interfere with the performance of official duties and would in no way detract from readiness.

(b) The support serves legitimate DoD public affairs interests, military training interests, or community relations interests.

(c) It is appropriate to associate MARFORRES/MARFORNORTH with the event.

(d) The event is of interest and benefit to the local civilian community or to MARFORRES/MARFORNORTH.

(e) The command or organization is able and willing to provide the same support to comparable events that meet the criteria of this subsection and are sponsored by other similar NFEs.

(f) The support is not restricted by other statutes or regulations such as the direction in reference (f) that community relations support must not generally be provided to NFEs when the support could reasonably be provided by resources and services commercially available. Additionally, reference (g) requires the community relations value in providing support to NFEs to be weighed against the negative community relations value of depriving another NFE, such as a local commercial vendor, of an opportunity to conduct business.

(g) No admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the portion of the event supported by MARFORRES/MARFORNORTH; or support to the event is incidental to the entire event in accordance with public affairs guidance.

(h) If the event is a fundraising event, the responsible officer must contact the MARFORRES/MARFORNORTH Counsel's Office.

(8) Speaking engagements. Speeches by DoD employees at events sponsored by NFEs are not precluded when the speech expresses an official DoD position in a public forum in accordance with public affairs guidance. However, a Battalion Commander or higher must find all the factors shown in paragraphs 3b(7) (a) through 3b(7) (h), above.

c. Unofficial capacity. When Marines and civilian employees are participating in a NFE in their personal, private, unofficial capacity, the following applies:

(1) Attendance. Attendance is generally allowed so long as it is clear that personnel are attending in their personal,

private capacity and acting exclusively outside the scope of their official position. Unless an outside activity is prohibited by statute or DoD regulation, or otherwise conflicts with their official duties, personnel may voluntarily become members of, and actively participate in NFEs.

(2) Membership and Management. Personnel may become members and may participate in the management of NFEs as individuals in a personal, private capacity, subject to reference (j), provided they act exclusively outside the scope of their official position. Personnel may not serve in a management position in any NFE if the position is offered because of their DoD assignment or office. However, certain military members are restricted from serving on the Boards of Directors of certain companies that do business with the DoD or focus their business principally on military personnel. This restriction applies to Regular component officers at the O-7 to O-10 grade levels, all reserve officers, and Regular component enlisted personnel at the E-9 grade level. Contact the Counsel's Office for additional guidance.

(3) Endorsement. Military grade and military department as part of an individual's name (e.g., Captain Smith, U.S. Marine Corps) may be used, the same as other conventional titles such as Mr., Ms., or Honorable, in relationship to personal activities. Retired and inactive Reserve personnel may use their grade if they clearly identify their status. However, personnel may not use, or permit the NFE to use, their official titles, positions, or organization names in connection with the NFE, which includes on any website, list, letterhead, or promotional materials.

(4) Recruitment. Personnel may not encourage, pressure, or coerce other Federal employees, especially subordinates, to join, support, or otherwise participate in outside organizations.

(5) Fundraising. Personnel may not solicit funds in the federal workplace from Federal employees, especially subordinates or prohibited sources for a NFE they support in a personal, private capacity.

(6) Official action. Personnel who are active participants in a NFE must recuse themselves from taking any official action involving that NFE. When faced with a recusal situation, personnel are required to contact the Counsel's

Office. Recusal prevents such personnel from approving requests from subordinates to attend meetings, to speak at an event, or to prepare papers for a meeting of the NFE.

(7) Marine Corps Birthday Balls. Local Marine Corps Birthday Ball committees are unique. Committee members must follow the official guidance provided in reference (k).

d. Use of official seal, emblem or logos. NFEs should contact the Marine Corps Trademark and Licensing Office before using the Marine Corps emblem, name or other marks associated with the Marine Corps. The office can be reached at <http://www.marines.mil/unit/divpa/tmlo/Pages/welcome.aspx> or (703) 614-7678.

e. Representation to the Federal Government. All personnel should consult the Counsel's Office prior to representing any NFE to the Federal Government.

4. Administration and Logistics. Questions concerning the contents of this Order can be directed by e-mail to the Counsel's Office OMB account at M MFR RSC@usmc.mil or by phone at 504-697-8143.

5. Command and Signal

a. Command. This Order is applicable to the Marine Forces Reserve and Marine Forces North.

b. Signal. This Order is effective the date signed.


S. A. HUMMER

DISTRIBUTION: C, D

Directives issued by this Headquarters are published and distributed electronically.