

16 June 2009

From: N01J
To: N00

Subj: ASSOCIATION OF NAVAL AVIATION

Ref: (a) Mtg btwn N00 and N01J of 15 Jun 09

1. Per reference (a), the below is a summary of the ethical issues regarding the Department of the Navy's (DoN) relationship with the Association of Naval Aviation (ANA). Although there are other ethical issues that might arise and/or are not specifically addressed in this document, the main areas of concern are:

a. OFFICIAL PARTICIPATION WITH ANA

In order to further Navy's relationship with ANA, it is desired that the DoN flag officer serving as N88B would be appointed to the board of ANA. Under Joint Ethics Regulation (JER) 3-201, Heads of DoD Component organizations may appoint DoD personnel as liaisons to represent DoD interests to ANA when it is determined that there is a significant and continuing DoD interest in such representation. DoD personnel perform representation as an official duty and may discuss matters of mutual interest. Because liaisons act in their official capacity, personnel may use government time, resources, and personnel to perform that function. They may also use their title, position or organization name. However, liaisons may not participate in management or control of ANA, but may serve on advisory committees.

Additionally, DoD personnel may not in their official capacity give ANA preferential treatment, and must ensure that they do not create the appearance of using public office to assist ANA in any manner. Further, DoD personnel may not in their official capacity endorse ANA. Nor may they use, or permit ANA to use, their official titles, positions or organizational names in connection with ANA, which includes ANA's website, mailing lists, letterhead, publications, or other promotional materials. Active military members may use their rank and Service only when identifying themselves as members of ANA. Retired/reserve members may do so only if they clearly identify their retired or inactive reserve status.

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b. PERSONAL PARTICIPATION WITH ANA

If DoD personnel desire to participate in ANA in their personal capacity, the following limitations apply:

(1) When such personnel are officers, directors, etc., in ANA, they may not participate in their official capacity at DoD in any particular matters that may directly or predictably affect ANA. Waivers can be requested in certain limited circumstances.

(2) When such personnel are active participants with ANA (serving on committees, boards, etc.,) but not to the involvement level of being an officer, director, etc., then they may not participate in their official capacity in any particular matters that may directly and predictably affect ANA, or in which ANA is a party. A request may be made to request authorization from their Agency Designee based on a determination that the interests of the government outweigh potential questions about the integrity of the agency's programs.

(3) No representation or acting as an agent for ANA before Federal agencies or courts.

(4) DoD personnel (in their official or personal capacity) may not encourage, pressure, or coerce other personnel, especially subordinates, to join, support, or otherwise participate in ANA.

(5) No solicitation of funds for ANA from subordinates or prohibited sources.

(6) No use of appropriated funds, government resources, or official personnel to assist DoD personnel acting in their personal capacity in their work with ANA. But see discussion below on limited logistical support to ANA.

c. LOGISTICAL SUPPORT TO ANA

The general rule is that fiscal limitations and prohibitions on preferential treatment and official endorsements generally prohibit providing support to ANA. However, limited logistical support (use of meeting rooms, DoD equipment, etc.) is permissible for ANA non-fundraising events as long as the

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support does not interfere with official duties, supports public affairs or community relations, appropriate for DoD support, not barred by other statute/regulation, and no admission fee is charged for the event supported by DoD beyond a fee that covers the reasonable costs of the event.

d. CO-SPONSORED EVENTS WITH ANA

JER 3-206 prohibits a DoD Component organization from co-sponsoring events with ANA except for:

(1) Co-sponsorship of a civic or community activity when activity is unrelated to purpose or business of sponsoring ANA; and,

(2) Co-sponsorship of conferences, seminars, or similar events as long as certain conditions are met under JER and other regulations.

Vr/
/s/ S. C. STEWART