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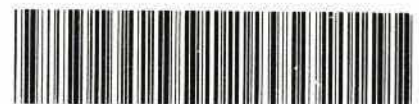
JUN 19 2020

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF
DEFENSE
SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE NATIONAL GUARD BUREAU
COMMANDERS OF THE COMBATANT COMMANDS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF
DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Reimbursable Activities in Support of Other Entities

The National Defense Strategy (NDS) focuses the DoD on great power competition against China and Russia, in three lines of effort: Increasing Lethality, Strengthening allies and Partners, and Reform. I have also added a personal focus on taking care of our people. All of these priorities require resources.

Over the decades, DoD has been perceived too often by non-DoD departments, agencies, and entities, both domestically and internationally, as an available resource for funding and other support in a variety of contexts. Some are under the impression that DoD's budget is big enough to allow for in-kind or non-reimbursable support or even the creation of non-DoD programs, which has resulted in DoD spending resources on things that are outside of DoD's missions and especially its NDS focus. Therefore, it is important we keep in mind that any non-reimbursable support provided by the Department results in time, money, and manpower that are then unavailable for a core warfighting task, including critical NDS priorities. Moreover, even if DoD is reimbursed for its support, such assistance often results in Service members not being able to perform training or readiness actions for DoD missions and sometimes requires these Service members and civilian employees to spend additional time away from their home station.



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Moving forward, the Department will no longer provide non-reimbursable support of any nature to other Federal, State, Territorial, Tribal, or local government entities; private groups and organizations; foreign governments; and international organizations (hereinafter non-DoD entity or entities), unless such support is required by statute or if discretionary non-reimbursable support is authorized but not required by statute, such support: (1) is authorized by the DoD Joint Ethics Regulation or DoD Public Affairs guidance; or (2) is provided after approval of an exception under the process prescribed below.

EXCEPTION PROCESS

Statutes that authorize but do not require DoD to provide non-reimbursable support to a non-DoD entity, or that authorize the Secretary to waive reimbursement, will be considered on a case-by-case basis for exceptions to this prohibition on discretionary non-reimbursable support.

Requests for exceptions may be submitted in writing with justification articulating why providing the requested support on a non-reimbursable basis, or why waiving the requirement for reimbursement if waiver is authorized by statute, supports the NDS. Until further notice, exceptions may only be approved by the Secretary of Defense, the Deputy Secretary of Defense, the Chief Management Officer (if authorized by existing DoD policy), the Secretaries of the Military Departments (if authorized by existing DoD policy), and the Under Secretaries of Defense (if authorized by existing DoD policy). These officials may not further delegate their authority to approve exceptions to this policy prohibiting non-reimbursable support.

Within 30 days of the date of this memorandum, the Chief Management Officer, the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Under Secretaries of Defense will provide to the Acting Under Secretary of Defense (Comptroller) a list of specific types of support, with justification, that may warrant advance approval as a broader exception to policy, or that may warrant the delegation of approval authority.

Sixty days after the date of this memorandum and every 60 days thereafter, the Chief Management Officer, the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Under Secretaries of Defense will provide to the Acting Under Secretary of Defense (Comptroller), a report that captures: When exceptions were granted; for what purpose; with what justification; and the estimated cost of the support provided without reimbursement.

- The Military Departments will submit their exception requests through the respective Secretary of the Military Department.
- The Chief of the National Guard Bureau and the Commanders of the Combatant Commands will submit their exception requests through the Chairman of the Joint Chiefs of Staff.
- The Directors of Defense Agencies and Field Activities will submit their exception requests through the Under Secretary of Defense or other DoD Component head to whom he or she reports.

- The heads of all other DoD Components not listed above will submit their exception requests through the Chief Management Officer.

EXEMPTIONS

This memorandum excludes DoD activities or programs in support of other non-DoD entities for which Congress has specifically authorized and appropriated funding, or for which the Department has dedicated programs and resources, such as counterdrug activities and activities to counter transnational organized crime (10 U.S.C. § 284).

This memorandum also excludes activities for which Congress specifically appropriates funds to support foreign partners, including: Coalition Support Funds, funding for Afghanistan/Counter Islamic State in Iraq and Syria (ISIS) Lift and Sustain, the Afghanistan Security Forces Fund, and the Counter-ISIS Train and Equip Fund.

Finally, this memorandum excludes support of the U.S. Coast Guard when conducting activities in direct support of DoD missions.

This memorandum supersedes any previous policy or guidance on providing non-reimbursable support to non-DoD entities. Attached is a list of references to assist with this process. To the extent DoD issuances are inconsistent with this memorandum, this memorandum shall take precedence, and the heads of DoD Components will take steps within 90 days to update issuances and policies to conform to this memorandum.

The point of contact for this matter is the Acting Under Secretary of Defense (Comptroller).



Attachment:
As stated

References

- a. 2 U.S.C. § 1966 – Protection of Members of Congress
- b. 10 U.S.C. Chapter 15 - Military Support for Civilian Law Enforcement Agencies
- c. 10 U.S.C. § 277 - Reimbursement
- d. 10 U.S.C. § 284 – Support for counterdrug activities and activities to counter transnational organized crime
- e. 10 U.S.C. § 2012 – Support and services for eligible organization and activities outside Department of Defense
- f. 10 U.S.C. § 2053 - Equipment and services: Presidential inaugural ceremonies
- g. 10 U.S.C. § 2554 – Equipment and other services: Boy Scout Jamborees
- h. 10 U.S.C. § 2555 – Transportation services: international Girl Scout events
- i. 10 U.S.C. § 2556 – Shelter for homeless; incidental services
- j. 10 U.S.C. § 2564 - Provision of support for certain sporting events
- k. 18 U.S.C. § 3056 – Powers, authorities, and duties of the United States Secret Service
- l. 31 U.S.C. § 1301(a) – The Purpose Statute
- m. 31 U.S.C. § 1535 -1536 – The Economy Act
- n. 31 U.S.C. § 9701 – Fees and charges for Government services and things of value
32 U.S.C. § 508 – Assistance for certain youth and charitable organizations
- o. 42 U.S.C. § 5121-5207, et seq., - The Robert T. Stafford Disaster Relief and Emergency Assistance Act
- p. 44 C.F.R, part 206.8 - Reimbursement of other Federal agencies
- q. Public Law 94-524, “The Presidential Protection Assistance Act of 1976,” October 17, 1976, as amended
- r. Sections 5802 of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997, as amended – Funding for support of certain events – Support for International Sporting Competitions, Defense
- s. Section 1059 of Public Law 114-92, the National Defense Authorization Act for Fiscal Year 2016 – DoD authority to provide assistance to secure the southern land border of the United States
- t. Section 1650 of Public Law 115-232, the John S. McCain National Defense Authorization Act for Fiscal Year 2019 – Pilot program authority to enhance cybersecurity and resiliency of critical infrastructure
- u. DoD 7000.14-R Financial Management Regulations, Volume 11A, Chapter 19: Defense Support of Civil Authorities
- v. DoDD 3015.18 Defense Support of Civil Authorities