



OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

December 16, 2024

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Directive-type Memorandum 24-009 – “Public Complaints or Requests Regarding Public Displays or Public Expressions of Religion on DoD Property”

References: See Attachment 1.

Purpose. In accordance with the authority of DoD Directive 5124.02 and Section 1049 of Public Law 118-31 (also known and referred to in this issuance as the “National Defense Authorization Act for Fiscal Year 2024”), this directive-type memorandum (DTM):

- Establishes policy, assigns responsibilities, and provides procedures for the timely determination of a covered complaint or request as defined in the Glossary regarding public displays or expressions of religion on DoD property.
- Is effective December 16, 2024; it must be incorporated into DoD Instruction (DoDI) 1300.17. This DTM will expire effective December 16, 2025.

Applicability. This DTM:

- Applies to:
 - OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD, referred to in this DTM as “the DoD Components.”
 - Covered complaints or requests regarding public display or expression of religion that have occurred or taken place on DoD property.
- Does not apply to requests for access to DoD installations for the purpose of conducting or performing a public display or expression of religion. Such requests will be in accordance with Volume 3 of DoD Manual 5200.08.
- Requests by Service members for the accommodation of religious practices are governed by DoDI 1300.17 and applicable Military Department and Service policies; such requests are not subject to this DTM.

Definitions. See Glossary.

Policy.

In accordance with Section 1049 of the National Defense Authorization Act for Fiscal Year 2024, the DoD will:

- Provide a timely determination for a covered complaint or request regarding a public display or public expression of religion on DoD property made by an individual or entity other than a Service member of the DoD or a civilian employee or contractor of the DoD.
- Ensure compliance with the requirements in Section 1049 of the National Defense Authorization Act for Fiscal Year 2024.
- Allow for the continued public display or expression of religion that is the subject of a covered complaint or request until a determination is made in accordance with this DTM. However, military installation commanders may order the immediate removal of a display or cessation of expression upon a determination in writing to the official authorized to act on covered complaints and requests, by an installation commander that continuation of the display or expression will have an adverse impact on military readiness, unit cohesion, good order and discipline, or health and safety.

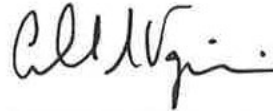
Responsibilities.

- Under Secretary of Defense for Personnel and Readiness. The Under Secretary of Defense for Personnel and Readiness oversees implementation of and compliance with this DTM.
- Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the ASD(M&RA) monitors determinations to ensure religious liberty policy compliance and consistency of determinations throughout the DoD.
- DoD Component Heads. The DoD Component heads:
 - Ensure complaints or requests received by their personnel regarding public displays or public expressions of religion on DoD property are processed in accordance with Attachment 2 and Section 1049 of the National Defense Authorization Act for Fiscal Year 2024.
 - May delegate the authority to act on covered complaints or requests subject to this DTM. Such delegation must be in writing and may be no lower than a Presidentially Appointed, Senate-confirmed official. Further re-delegation is not authorized.

- Ensure any official to whom authority is delegated under this DTM, and subordinate officers and officials, including commanders, judge advocate generals, and chaplains who may review and endorse covered complaints or requests, are trained on religious liberty policy, timelines, authority restrictions, and the policies and procedures in this DTM.
- Ensure records and information established and created in accordance with this DTM are retained in accordance with DoDI 5015.02 and DoD Component records management disposition schedules.
- Ensure any action in accordance with this DTM will follow protocols outlined in DoDI 5400.11.

Procedures. See Attachment 2.

Releasability. Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.



Ashish S. Vazirani
Performing the Duties of the Under Secretary of
Defense for Personnel and Readiness

Attachment:
As stated

ATTACHMENT 1

REFERENCES

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

DoD Instruction 1300.17, “Religious Liberty in the Military Services,” September 1, 2020

DoD Instruction 4165.14, “Real Property Inventory and Reporting,” September 8, 2023

DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended

DoD Instruction 5120.08, “Armed Forces Chaplains Board,” April 24, 2024

DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Program,” January 29, 2019, as amended

DoD Manual 5200.08, Volume 3, “Physical Security Program: Access to DoD Installations,” January 2, 2019, as amended

Public Law 118-31, Section 1049, “National Defense Authorization Act for Fiscal Year 2024,” December 22, 2023

ATTACHMENT 2

PROCEDURES

1. GENERAL. The DoD Component heads will follow the procedures in this attachment to review and determine resolution of covered complaints or requests.
2. INITIATION OF THE COMPLAINT OR REQUEST. All covered complaints received within DoD will be forwarded to the official authorized to act on them for the DoD Component concerned not later than 10 working days after such receipt. The command or activity forwarding a covered complaint will provide, to the extent practicable, sufficient contextual information to allow for consideration of the complaint.
3. PROCESSING OF NON-COVERED COMPLAINTS OR REQUESTS. Non-covered complaints or requests will be reviewed to determine an appropriate resolution pursuant to applicable laws and DoD, Military Department, and Service-level policies and regulations. The DoD Components may, as appropriate, use the determination of covered complaints or requests to inform the decision-making process for a non-covered complaint.
4. PROCESSING OF COVERED COMPLAINTS OR REQUESTS. Not later than 30 working days after receiving the covered complaint or request, and after consultation as described in Paragraph 4, the official authorized to act on a covered complaint or request will make a determination regarding the complaint or request and:
 - a. Provides timely notification of such determination to:
 - (1) The individual or entity who made the complaint or request.
 - (2) The officer or official who forwarded the complaint or request.
 - b. Provides a copy of the determination of the complaint or request, and documentation of any action taken, to:
 - (1) All impacted commanders or officials.
 - (2) The Office of the ASD(M&RA).

4. CONSULTATION.

a. Officials authorized to act on covered complaints or requests, other than those for a Military Department, will consult with the Armed Forces Chaplains Board, established in DoDI 5120.08, and a civilian attorney under the jurisdiction of the DoD Component concerned or a Military Service Judge Advocate.

b. Military Department officials authorized to act on covered complaints and requests will consult with the Chief of Chaplains for the Military Department concerned and a civilian attorney under the jurisdiction of the Military Department concerned or a Military Service Judge Advocate.

GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

ACRONYM	MEANING
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
DoDI	DoD instruction
DTM	directive-type memorandum

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
commander or commandant	Any commissioned officer who exercises command authority over a Service member.
covered complaint or request	A complaint or request regarding a public display or expression of religion on DoD property and made by an individual or entity other than a Service member, a DoD civilian employee, or a DoD contractor. Complaints made by an individual or entity on behalf of a Service member, a DoD civilian employee, or a DoD contractor are considered a covered complaint or request for the purposes of this DTM.
determination	A final decision by the designated DoD authority concerning a covered complaint or request.
DoD property	Installation real property (i.e., land and improvements to land), including leased facilities, and DoD-owned items, systems, or equipment as defined in DoDI 4165.14.
religious practice	An action, behavior, or course of conduct constituting individual expressions of religious beliefs, whether or not compelled by, or central to, the religion concerned.