DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON, DC 20310-0104

August 19, 2004

REPLY TO
ATTENTION OF

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Logistical Support to and Attendance at Private Organization Sponsored Events

Acting Secretary of the Army Brownlee has asked that I, as the Army's Alternate Designated Agency Ethics Official, provide you the following guidance. Every year private organizations and associations request Army support and attendance at conferences, meetings, symposia, and other functions. One of the issues presented by these requests is whether an agency interest exists that would allow our Soldiers and employees to participate and assist the requesting organization officially. While the Secretary of the Army appreciates the benefit of programs and conferences sponsored by private organizations, it would be inappropriate for him to make a blanket determination that it is in the best interest of the Army to provide support to or to attend such events as the responsibility rests ultimately with commanders and officials to determine if it is within the interest of the command or organization to provide support or allow attendance. Such decisions must be made in compliance with the authority and restrictions provided for in the Standards of Ethical Conduct, the Joint Ethics Regulation, the Joint Federal Travel Regulation, and the Joint Travel Regulation.

An attachment to this letter is provided to assist you with your determination that support of or attendance at private organization sponsored events is permissible. In addition to these considerations, commanders and officials should seek the advice of their staff judge advocate or designated ethics counselor prior to authorizing support to or attendance at these functions.

Matt Reres
Alternate Designated Agency Ethics Official

Attachment

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Requirements and Restriction in Authorizing Logistical Support to and Attendance at Private Organization Sponsored Events

Commanders and officials are charged with understanding the requirements for authorizing support for or attendance at private organizations' functions. Specifically, commanders and officials must consider the requirements and restrictions for: (1) making a determination of agency interest to authorize official travel and travel related benefits; (2) providing logistical support, including personnel, facilities, and equipment; and, (3) authorizing attendance of personnel at widely attended gatherings of mutual interest.

Authorization for Personnel to Travel in an Official Status

A commander has the responsibility to ensure that personnel who attend private organization sponsored events in an official capacity do so in compliance with statutes and regulations. Such determination of attendance in an official capacity must be made in accordance with the Joint Federal Travel Regulation and the Joint Travel Regulation.

Similarly, if a private organization offers to pay for the travel or travel related benefits of Soldiers or employees, such offers may be accepted on behalf of the Army, if acceptance complies with the requirements of 31 U.S.C. § 1353. The command's designated ethics counselor must concur with the acceptance of the offered benefits. Commanders and officials must discuss immediately with their designated ethics counselor any offers of travel or travel benefits made by a private organization.

Logistical Support to Private Organization Sponsored Events

Commanders may provide Army personnel, in their official capacity, to express Army policies as speakers, panel members, or other participants. Additionally, on a limited basis, commanders may authorize the use of Army facilities and equipment, to include personnel necessary to make proper use of the equipment, to support a private organization sponsored event. Support for fundraising or membership campaigns is unauthorized. Prior to authorizing official support, commanders must determine:

1. The requested support in no way interferes with the performance of official duties or detracts from readiness;
2. Community relations with the immediate community and/or other legitimate Army public affairs or military training interests are served by the support;
3. It is appropriate to associate the Army with the event;

4. The event is of interest and benefit to the local civilian community, the Army, or the command;
5. The command is able and willing to provide the same support to comparable events that are sponsored by other similar private organizations;
6. No statutory or regulatory restrictions exist which would make the support impermissible; and,
7. No admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the event, no admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the portion of the event supported by the command, or the Army support to the event is incidental to the entire event in accordance with public affairs guidance.

Offers of Free Attendance at Widely Attended Gatherings of Mutual Interest

Often times, private organizations will offer free attendance to gatherings such as dinners and other social gatherings. While a Soldier or employee is prohibited from accepting a gift from a prohibited source, exceptions to this general rule exist to allow such an offer. Specifically, if a commander or official has determined that the interest of the agency's programs or operations are furthered by attendance, an individual may accept an unsolicited gift of free attendance, offered by the sponsor of the event, at all or appropriate parts of a "widely attended gathering of mutual interest to a number of parties." If other than the sponsor of the event makes an offer of free attendance to a Soldier or employee, the unsolicited gift may be accepted if (1) more than 100 persons are expected to attend the event, and (2) the gift has a market value of $285 or less. A gathering is widely attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present. The unsolicited offer is considered a gift to the individual, therefore, when attending the gathering, the Soldier or employee is required to take leave or be in an authorized excused absence status as permitted by personnel regulations or policy.

Recreational or sporting events never qualify as widely attended gatherings. It is impermissible for a commander or official to authorize acceptance of free attendance at these types of events. Additionally, they may never authorize the use of appropriated funds to assist Soldiers or employees in attending these events. Acceptance of an offer of free attendance to these events by a Soldier or employee directly from a private organization is prohibited.

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