SECRETARY OF THE ARMY
WASHINGTON
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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Professional Association Events As Widely Attended Gatherings

At this time of year, a number of professional associations publish their annual calendars of events to which they invite Army personnel. In past years, the Army Aviation Association of America, the Society of American Military Engineers, the Reserve Officers Association, the American Society of Military Comptrollers, the Association of the United States Army, the National Guard Association of the United States, and the National Defense Transportation Association have conducted these events.

This list of associations is only a sampling of those organizations, which host events throughout the year and should neither be viewed as an endorsement of the particular organization's events nor approval for widespread attendance. These organizations often request that the Army make a determination that there exists an official interest in attendance by Army personnel at their events. This determination, however, is usually made on a case-by-case basis, at the local command or organizational level.

The *Standards of Ethical Conduct for Employees of the Executive Branch* (Standards) generally prohibit an employee from accepting, directly or indirectly, a gift from a prohibited source or given because of an employee's official position. The Standards, however, detail some exceptions to this general prohibition. One of the exceptions includes gifts of free attendance to widely attended gatherings and other events. Army personnel may accept such free attendance when the Agency Designee, as defined by the Joint Ethics Regulation, DOD 5500.7-R paragraph 1-202, has specifically determined that (1) acceptance by the employee will further the programs, operations, and policies of the particular command or organization to which the employee is assigned and (2) acceptance will not undermine the integrity of the Army's operations or programs.

Agency Designees include the first supervisor who is a commissioned military officer or a civilian above GS/GM-11 in the chain of command or supervision of the concerned employee. Generally, the Agency Designee may act only after consultation with his local Ethics Counselor. For any military officer in grade 0-7 or above who is in command and any civilian Presidential appointee confirmed by the Senate, the Agency Designee is the Ethics Counselor.

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Thus, the Agency Designee decides if it is in the Army's interest for an employee to accept an offer of free attendance at a particular event. For example, the Agency Designee might determine that is not in the Army's interests for an employee to accept free attendance at an event where the employee or an immediate member of his/her family has a financial interest or is seeking employment with the organization sponsoring the event.

Notwithstanding any contrary views, the widely attended gathering determination is inapplicable to sporting events or golf tournaments held in conjunction with a conference, seminar, or other gathering. Army personnel who wish to participate in recreational activities incidental to the widely attended event must do so while off-duty and at their own expense.

Even with a determination of Army interest, the travel approval authority, as with any official travel, must consider all of the facts and circumstances and determine whether it would be proper to expend appropriated funds. Additionally, a determination of agency interest by an Agency Designee is inapplicable to the acceptance of travel and travel-related expenses from non-Federal sources. Army commands or organizations may approve the acceptance of travel expenses from these sources in accordance with 31 U.S.C. §1353.

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