



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

CECC-ZA

23 July 2004

MEMORANDUM FOR ALL COMMANDERS

SUBJECT: Designated Agency Ethics Official Approval of Co-sponsorships with Private Organizations

1. Reference:

a. Joint Ethics Regulation (DoD 5500.7-R), paragraph 3-206.

b. June 14, 2004 memorandum from Deputy General Counsel (Ethics & Fiscal), subject: Designated Agency Ethics Official Approval of Co-sponsorships (Encl).

2. As stated in reference 1b, the Army Designated Agency Ethics Official (DAEO), the General Counsel, has become aware of many instances in which commands and organizations have entered into a co-sponsorship agreements with private organizations when provisions in those agreements were in direct violation of fundamental fiscal and ethical principles. Therefore, to insure that Army commands and organizations comply with fiscal and ethical laws and regulations, all co-sponsorship agreements must now be approved by the DAEO or Alternate DAEO. Without such approval, the co-sponsorship agreement is improper.

3. The Joint Ethics Regulations (JER), paragraph 3-206, defines co-sponsorship as occurring when a DoD Component command or organization is one of the organizations that develops the substantive aspects of the event or provides substantial logistical support for the event. Co-sponsorship of a conference, seminar or similar event with a non-Federal entity may occur when all of the following requirements are met:

a. The commander/director finds that the subject matter of the event is scientific, technical or professional issues that are relevant to the mission of the command or organization;

b. The commander/director finds that the purpose of co-sponsorship is to transfer Federally developed technology or to stimulate wider interest and inquiry into scientific, technical or professional issues identified above and that the event is open to interested parties;

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c. The non-Federal entity is a recognized scientific, technical, educational or professional organization, giving due consideration to the prohibition against giving preferential treatment to non-Federal entities;

d. A written agreement is required that includes the nature and purpose of the event, the undertakings and liabilities of the parties; funding responsibilities and costs (including admissions fees); a disclaimer of Government liability if the command reduces the level of its participation or completely withdraws; a statement that the non-Federal entity will not use the fact of co-sponsorship of the event to imply DoD endorsement of the organization or its other events; and

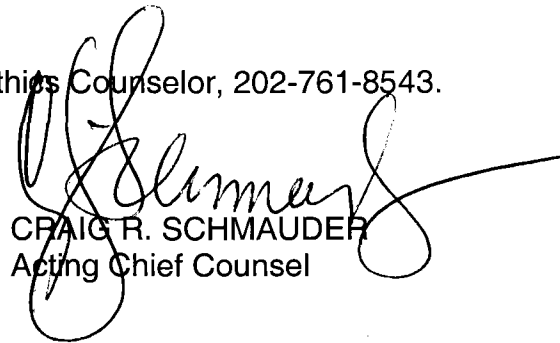
e. No admission fee, beyond what will cover the reasonable costs of sponsoring the event, may be charged for a co-sponsored event.

4. When requesting approval for co-sponsorship, indicate what funds are to be used, the expected amount of those funds and the method by which those funds are to be used (e.g. contract with hotel). All requests for approval of co-sponsorship will include a review by an ethics counselor.

5. Reference 1b requires that requests for co-sponsorship approval include a signed copy of the co-sponsorship agreement, and be reviewed by and forwarded through the HQ USACE Ethics Counselor to the Army DAEO. Please forward all requests for co-sponsorship to CECC-ZB.

6. POC is Kenneth Powers, HQ USACE Ethics Counselor, 202-761-8543.

Encl



CRAIG R. SCHMAUDER
Acting Chief Counsel



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



REPLY TO
ATTENTION OF

June 14, 2004

MEMORANDUM FOR

The Judge Advocate General, U.S. Army, 2200 Army Pentagon, Washington, DC
20310-2200

Chief, Standards of Conduct Office, Office of the Judge Advocate General,
1777 North Kent Street, 10th Floor, Rosslyn, VA 22209-2194

Command Counsel, U.S. Army Materiel Command, 9301 Chapek Road,
Fort Belvoir, VA 22060

Chief Counsel, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW,
Washington, DC 20314-1000

SUBJECT: Designated Agency Ethics Official Approval for Co-sponsorships

Recently, the Department of Defense has inquired into the legality of co-sponsored conferences between the military services and private organizations. While the Joint Ethics Regulation, DoD 5500.7-R (JER), provides that DoD component commands and organizations may enter into co-sponsorship arrangements with private organizations; fiscal and ethical limitations remain in place and must be observed by commands and organizations which enter into co-sponsorship agreements.

We have become aware of many instances in which commands and organizations have entered into a co-sponsorship agreement with a private organization where provisions in the agreement were in direct violation of fundamental fiscal and ethical principles. To ensure that Army commands and organizations comply with fiscal and ethical laws and regulations, all co-sponsorship agreements must obtain the approval of the Designated Agency Ethics Official or the Alternate Designated Agency Ethics Official.

Requirements of a proper co-sponsorship are found in the JER at paragraph 3-206. All co-sponsorship agreements must be in writing and must have the signatures of the representatives of both parties to the agreement. Upon review of the agreement by the designated ethics counselor for the command or organization, the completed agreement will be forwarded to this office for approval. Without such approval, the co-sponsorship is improper.



Request that you ensure widest dissemination of this guidance to ethics counselors within your areas of responsibility. If you should have any questions regarding this guidance, my point of contact is Beth Berrigan. You may reach her at (703) 695-4296.

A handwritten signature in black ink, appearing to read "Matt Reres". The signature is stylized with a large, bold "M" and "R".

Matt Reres
Deputy General Counsel
(Ethics & Fiscal)