

## A Primer: Army Conference Approval and Funding

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### I. Introduction

It is 1630 on Friday afternoon in the Administrative & Civil Law Division of the Office of the Staff Judge Advocate (OSJA). You have worked late every night this week and are looking forward to spending some time with your family. Tonight will be the first night all week you sit down for dinner together. You call home to tell your spouse you will be leaving at 1700 and to see if you need to stop at the store for anything. As you hang up, the Chief of International and Operational Law walks into your office and tells you some guy from G3 is going to call you in a minute with a couple of questions about the conference policy. You reply, "No problem, Ma'am." As she walks out of your office, the phone rings and the person on the other end tells you he needs you to review a conference request tonight so the Commanding General (CG) can sign it to forward to the Chief of Staff of the Army (CSA) for approval. "It has to be done tonight! This is a capstone event and it's very important to the CG. If we don't get it done, we're at mission failure!"

Although he has used the less hysterical form of "people will die" if you do not help get this conference request done by completing a legal review, you understand the event is important to the CG and failure will likely result in a phone call to your boss. Even though the apparent crisis appears to be a result of G3's failure to plan, "JAG" will be seen as the point of failure. You respond, "Go ahead and e-mail me the request." You realize you are probably not leaving at 1700. However, because you have a thorough understanding of Army conference guidance, you can efficiently review the request and be home in time for dinner.

The Secretary of the Army recently issued a comprehensive Army conference policy, Army Directive 2014-01.<sup>1</sup> Prior to the new policy, practitioners gleaned Army conference guidance from a series of Department of Defense (DoD) and Department of Army (DA) directives and policy memoranda, beginning with Army Directive 2011-20.<sup>2</sup> The purpose of this article is to review and summarize the legal

authority relating to conference planning and approval, and to provide practitioners with a framework for reviewing conference requests and assisting commanders and staffs in navigating the conference guidance.

Part II of this article summarizes the historical background of the conference policy and analyzes current and past conference guidance to furnish practitioners with an understanding of the scrutiny Army conferences will continue to receive by executive branch and congressional leadership. Next, the article presents an analytical framework for determining whether a planned event exhibits sufficient indicia of a conference to qualify as a conference. Part IV furnishes practitioners with a means of analyzing exemptions and preparing exemption requests for the proper approval authority. Part V enables practitioners to assist commands in preparing conference requests that comply with conference guidance and withstand scrutiny at higher levels; it also provides practitioners with a framework by which to conduct required legal reviews of conference requests and requests for exemptions. Part V further explains key conference issues relating to non-DoD organizations and non-federal entities, including attending conferences sponsored by non-federal entities, co-locating Army conferences with conferences sponsored by non-federal entities, and co-sponsoring conferences with non-federal entities. The article concludes by reviewing the various conference reporting requirements.

### II. Background

Spanish philosopher George Santayana said, "Those who do not remember the past are condemned to repeat it."<sup>3</sup> As the federal budget tightened over the past several years, reigning in conference-related expenses became a focus of the DoD. Preceding current conference guidance, the Secretary of Defense issued a policy memorandum to the service secretaries (among other recipients) directing the use of an online tool to calculate personnel costs associated with attending, sponsoring, or hosting conferences.<sup>4</sup>

Although many practitioners are aware of the infamous General Services Administration (GSA) conference scandal, the event leading directly to an Army conference policy was the Installation Management Command (IMCOM) annual commanders' conference held in San Antonio, Texas, from

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<sup>1</sup> U.S. ARMY DEP'T, DIR. 2014-01, ARMY CONFERENCE POLICY (18 Dec. 2013) [hereinafter ARMY DIR. 2014-01] (effective date of 1 Jan. 2014), available at [http://armypubs.army.mil/epubs/pdf/ad2014\\_01.pdf](http://armypubs.army.mil/epubs/pdf/ad2014_01.pdf). An Army Conference Policy worksheet, created by the Army North Office of the Staff Judge Advocate, is attached as Appendix A.

<sup>2</sup> U.S. ARMY DEP'T, DIR. 2011-20, DEPARTMENT OF THE ARMY CONFERENCES (14 Oct. 2011) [hereinafter ARMY DIR. 2011-20].

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<sup>3</sup> George Santayana, BRAINY QUOTE, <http://www.brainyquote.com/quotes/quotes/g/georgesant101521.html> (last visited June 5, 2014).

<sup>4</sup> Memorandum from Sec'y of Defense to Principal Officials of Dep't of Defense, subject: Consideration of Costs in DoD Decision-Making (27 Dec. 2010).

18 to 21 April 2011.<sup>5</sup> After the conference, the Inspector General received an anonymous complaint alleging misuse of funds and improper support to a non-federal entity.<sup>6</sup> The resulting investigation revealed the conference failed to comply with travel regulations and rules governing ethics and contracting.<sup>7</sup> On 20 April 2011, the Secretary of the Army issued Army Directive 2011-05, in which he withheld authority to approve conferences.<sup>8</sup> Thereafter, the Secretary implemented Army Directive 2011-20,<sup>9</sup> which included the Army Conference Policy.<sup>10</sup>

The GSA conference scandal created even further controversy. Although the GSA Public Buildings Service conference pre-dated the IMCOM commanders' conference, the Office of the Inspector General did not release its report of investigation until 2 April 2012.<sup>11</sup> The report detailed excessive spending on conference planning and food, improper contracting, and numerous other questionable or improper expenses, including luxury accommodations.<sup>12</sup>

In the wake of the GSA conference publicity, spending on conferences became highly scrutinized and various departments within the executive branch released policy memoranda aimed at curbing spending on conferences. On 11 May 2012, the Office of Management and Budget (OMB) issued memorandum M-12-12 designed to reduce costs related to travel, conferences, real property, and fleet management.<sup>13</sup> On 3 June 2012, the Deputy Secretary of Defense published guidance to implement the 11 May 2012

OMB memorandum.<sup>14</sup> This memorandum instructed the heads of all DoD components to review any proposed conferences where the total cost to the DoD would exceed \$100,000 and established new approval authorities for conferences depending on the total cost of the conference.<sup>15</sup> On 22 August 2012, signaling increased congressional scrutiny on conferences, the House of Representatives Committee on Oversight and Government Reform sent a letter to Secretary of Defense Leon Panetta identifying sixty-four DoD conferences held between December 2006 and September 2011 that exceeded the GSA conference in total per-person cost and requested additional documents relating to those conferences.<sup>16</sup>

During this time of increased scrutiny, the Secretary of the Army issued a memorandum restricting Army conferences.<sup>17</sup> In this memorandum, the Secretary generally prohibited conferences with a cost exceeding \$500,000 and reiterated that only the Deputy Secretary of Defense could approve such conferences.<sup>18</sup> The Secretary withheld authority to approve conferences that cost between \$100,000 and \$500,000.<sup>19</sup> He cautioned approval authorities to "[a]ssess, in deliberate fashion, whether the conference significantly furthers the mission of your command, organization, or activity. Discretionary and 'nice to have' events that engender networking, information sharing, or professional development in a general sense normally will not meet this standard."<sup>20</sup>

Perhaps by coincidence—yet only thirty-seven days following the 22 August 2012, House committee letter—the Deputy Secretary of Defense issued a second memorandum requiring approving authorities to implement conference oversight requirements and established a tiered system of

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<sup>5</sup> PowerPoint Presentation, Levator Norsworthy, Jr., Acting Deputy General Counsel, Office of General Counsel, Issues From My Inbox . . . , slide 4 (n.d.), available at <http://fedbar.org/Norsworthy> (last visited June 11, 2014).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> U.S. DEP'T OF ARMY, DIR. 2011-5, DEPARTMENT OF THE ARMY CONFERENCES, SYMPOSIA, SEMINARS AND MEETINGS (20 Apr. 2011).

<sup>9</sup> ARMY DIR. 2011-20, *supra* note 2 (prior to the effective date of Army Directive 2014-01, Army Directive 2011-20 provided the basic framework for all conference requests).

<sup>10</sup> *Id.* enclosure 1.

<sup>11</sup> U.S. GEN. SERV. ADMIN., OFFICE OF INSPECTOR GEN., OFFICE OF INVESTIGATIONS, MANAGEMENT DEFICIENCY REPORT ON GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE 2010 WESTERN REGIONS CONFERENCE (Apr. 2, 2012).

<sup>12</sup> *Id.* For example, GSA spent over \$130,000 for travel and catering at off-site planning meetings before the conference, \$146,527.05 on catering at the conference, and \$30,207.60 for the closing reception (attendees included contractors), and \$75,000 for a team building contractor. *Id.*

<sup>13</sup> Memorandum from Exec. Office of the President, Office of Mgmt. and Budget to Heads of Exec. Dep'ts and Agencies, subject: Promoting Efficient Spending to Support Agency Operations (11 May 2012).

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<sup>14</sup> Memorandum from Deputy Sec'y of Defense to Principal Officials of Dep't of Defense, subject: Implementation of May 11, 2012, Office of Management and Budget Memorandum, "Promoting Efficient Spending to Support Agency Operations" (3 June 2012).

<sup>15</sup> *Id.* (establishing the Department of Defense (DoD) Deputy Chief Management Officer as the approval authority for any conference with a total cost to the DoD of between \$100,000 and \$500,000, and the Secretary of Defense as the approval authority for any conference with a total cost to the DoD above \$500,000).

<sup>16</sup> Letter from One Hundred Twelfth Congress, House of Representatives, Committee on Oversight and Government Reform to Sec'y of Defense Leon Panetta (Aug. 22, 2012), available at <http://oversight.house.gov/wp-content/uploads/2012/08/2012-08-22-DEI-to-Panetta-DoD-follow-up-conferences-due-9-5.pdf> (last visited June 11, 2014).

<sup>17</sup> Memorandum from Sec'y of Army to Principal Officials of Dep't of Army, subject: Continued Scrutiny of Conferences (3 Aug. 2012).

<sup>18</sup> *Id.* at 2.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 1.

conference approval authorities.<sup>21</sup> The 29 September 2012 memorandum required the Secretary of the Army or Under Secretary of the Army to approve all Army-hosted conferences with total costs exceeding \$500,000, conferences involving spouse travel, or Army attendance at any conference hosted by a non-DoD entity when the total cost exceeded \$20,000.<sup>22</sup> For Army-hosted conferences with a total cost between \$100,000 and \$500,000, the memorandum authorized the Secretary of the Army to delegate approval authority to several specified delegates, including the Administrative Assistant to the Secretary of the Army.<sup>23</sup> For Army-hosted conferences with a total cost below \$100,000 and non-DoD-hosted conferences with a total cost below \$20,000, the 12 September 2012, memorandum permitted the Secretary of the Army to delegate approval authority to “appropriate General Officers/Flag Officers/Senior Executive Service members . . . .”<sup>24</sup> Additionally, the memorandum provided definitions to use in determining if an event was a conference and exempted a number of events from the definition of a conference.<sup>25</sup>

On 17 October 2012, the Secretary of the Army issued a memorandum to implement the DoD conference policy.<sup>26</sup> This interim guidance delegated approval authority for Army-hosted conferences with a total cost between \$100,000 and \$500,000 to commanders of Army Commands (for conferences hosted by their commands) and to the Administrative Assistant to the Secretary of the Army (AASA) for other Army-hosted conferences.<sup>27</sup> The Secretary delegated approval for Army-hosted conferences with a total cost below \$100,000 to “commanders of Army Commands, Army Service Component Commands, and Direct Reporting Units (headed by a general officer or member of the Senior Executive Service) and to HQDA Principal Officials for conferences sponsored or funded by their respective commands, organizations, or activities.”<sup>28</sup>

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<sup>21</sup> Memorandum from Deputy Sec’y of Defense to Principal Officials of Dep’t of Defense, subject: Implementation of Conference Oversight Requirements and Delegation of Conference Approval Authority (29 Sept. 2012). On 6 November 2013, the DoD Deputy Chief Management Officer issued a memorandum, subject: Implementation of Updated Conference Oversight Requirements, which superseded and canceled the 29 September 2012 memorandum.

<sup>22</sup> *Id.* at 6.

<sup>23</sup> *Id.* at 7–8.

<sup>24</sup> *Id.* at 11.

<sup>25</sup> *Id.* at 12–13.

<sup>26</sup> Memorandum from Sec’y of Army to Principal Officials of Dep’t of Army, subject: Interim Guidance for Implementation of New OSD Conference Policy (17 Oct. 2012) (superseded by Army Directive 2014-01).

<sup>27</sup> *Id.* at 2.

<sup>28</sup> *Id.*

The Secretary delegated authority to the AASA to approve all requests for exemptions, as well as approval authority for all conferences hosted by a non-DoD entity with a total cost to the Army of less than \$20,000.<sup>29</sup> Subsequently, the Administrative Assistant to the Secretary of the Army issued a memorandum reiterating the approval authorities delegated in the Secretary’s 17 October 2012 memorandum.<sup>30</sup> Additionally, the AASA established procedures for requesting exemptions and requesting attendance at conferences hosted by non-DoD entities.<sup>31</sup>

With fiscal constraints tightening in the early part of fiscal year (FY) 2013, the Secretary of the Army issued a memorandum with additional restrictions aimed at reducing expenditures.<sup>32</sup> The memorandum contained two provisions directly impacting the ability to sponsor or attend conferences. The Secretary ordered commands to “[c]urtail temporary duties and professional training that are not mission-critical, such as attendance at or hosting conferences, staff assistance visits, and training seminars.”<sup>33</sup> The memorandum also required conference approval authorities to “significantly curtail participation in conferences with exceptions only for mission-critical activities executable within the fiscal guidance published by the ASA(FM&C).”<sup>34</sup>

On 23 May 2013, after sequestration went into effect, the Under Secretary of Defense issued a memorandum to “ensure consistency in the treatment of issues across the [DoD] as the Department implements sequestration . . . .”<sup>35</sup> The memorandum, which rescinded a 5 March 2013 memorandum of the same subject, seemed designed to cut costs within the DoD relating primarily to travel, public affairs events, and conferences. Specifically, with regard to conferences, the Under Secretary of Defense emphasized the requirement that conferences be “mission critical.”<sup>36</sup>

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<sup>29</sup> *Id.* at 3. The Secretary retained authority to approve Army-hosted conferences costing over \$500,000 and authority to approve Army attendance at conferences hosted by non-DoD entities where the cost to the Army exceeded \$20,000. *Id.*

<sup>30</sup> Memorandum from Admin. Assistant to Sec’y of Army to Principal Officials of the Dep’t of the Army, subject: Supplemental Conference Guidance and Data Call for Proposed FY 13 Conferences (29 Oct. 2012) (superseded by Army Directive 2014-01).

<sup>31</sup> *Id.*

<sup>32</sup> Memorandum from Sec’y of the Army to Principal Officials of Dep’t of Army, subject: Risk Mitigation in the Face of Fiscal Uncertainty (16 Jan. 2013).

<sup>33</sup> *Id.* at 2(d).

<sup>34</sup> *Id.* at 2(e) (Assistant Secretary of the Army for Financial Management and Comptroller).

<sup>35</sup> Memorandum from Under Sec’y of Defense to Principal Officials of the Dep’t of Defense, subject: Additional Guidance for Handling Budgetary Uncertainty in Fiscal Year 2013 (23 May 2013).

<sup>36</sup> *Id.* at 5.

On 6 November 2013, the DoD Deputy Chief Management Officer issued DoD Conference Guidance 2.0.<sup>37</sup> The new conference guidance specifically canceled and replaced the DoD conference guidance from 29 September 2012.<sup>38</sup> On 18 December 2013, the Secretary of the Army issued a new comprehensive Army conference policy, Army Directive 2014-01.<sup>39</sup> With the issuance of Army Directive 2014-01, commands seeking to sponsor or attend conferences, and judge advocates reviewing conference requests, no longer needed to interpret multiple policy memoranda. The new Army conference policy includes the process for determining whether an event is a conference; contains the process for completing and reviewing conference requests; and introduces new approval authorities and reporting requirements.<sup>40</sup> To further assist Army conference planners, legal reviewers, and potential attendees, the AASA, who continues to be the Army conference manager,<sup>41</sup> furnished templates on its conference homepage for both conference requests and legal reviews.<sup>42</sup>

### III. Does the Event Qualify as a Conference?

Current DoD and DA policies generally establish three types of events: (1) events not considered conferences; (2) exempt conferences; and (3) conferences.<sup>43</sup> Therefore, the first step in conference analysis is to resolve whether a proposed event qualifies as a conference.<sup>44</sup> To qualify as a conference, the event must meet the definition of a conference<sup>45</sup> and must exhibit sufficient “indicia” of a

conference.<sup>46</sup> Regardless of the name,<sup>47</sup> when an event exhibits sufficient indicia of a conference, it must go through the conference approval process.<sup>48</sup> Indicia of a conference include: attendee travel; registration process; registration fees; a published substantive agenda; scheduled speakers; sponsor fees; affiliated social events; the use of official representational funds (ORF); and multi-day schedules.<sup>49</sup> No single indicator is sufficient to make an event a conference.<sup>50</sup> If the event does not exhibit sufficient indicia of a conference, the conference policy does not apply to the event and the event does not require conference approval; thus, normal TDY procedures should be followed.<sup>51</sup>

### IV. Exemptions

Although an event exhibits enough indicators of a conference, it may qualify for an exemption. In DoD Conference Guidance 2.0, the Department of Defense acknowledged several exempt activities not considered conferences, even if they have sufficient indicia of a conference.<sup>52</sup> The new Army conference policy also recognizes exemptions; but, unlike DoD Conference Guidance 2.0, it distinguishes between events that are explicitly exempt and events that are exempt only if the proper approval authority grants a request for exemption.<sup>53</sup> Therefore, if the event qualifies as a conference, the next step in the review process is to determine if an exemption applies and, if one does, whether it requires approval.

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<sup>37</sup> Memorandum from Deputy Chief Mgmt Officer to Principal Officials of the Dep’t of Def., subject: Implementation of Updated Conference Oversight Requirements (6 Nov. 2013). The DoD Conference Guidance 2.0 is attached to the memorandum, although not identified as an attachment.

<sup>38</sup> *Id.* at 5.

<sup>39</sup> ARMY DIR. 2014-01, *supra* note 1.

<sup>40</sup> *Id.* enclosure 1.

<sup>41</sup> *Id.*

<sup>42</sup> *Army Conferences Policy and Templates*, OAA.ARM.Y.MIL, <https://securecac.hqda.pentagon.mil/oaacustomer/conferences.aspx> (last visited June 11, 2014). Access to the Army Conferences portal on the Office of the Administrative Assistant (OAA) website requires a common access card. The templates found at the OAA homepage are extremely helpful and should be used by commands in preparing conference requests and by the judge advocate who reviews the request.

<sup>43</sup> E-mail from Jack Cahill, Army Conferences Mgmt., Resources and Programs Agency, Office of the Admin. Assistant to the Sec’y of the Army to the author (Jan. 25, 2013, 3:13pm) [hereinafter Cahill E-mail].

<sup>44</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 2.

<sup>45</sup> U.S. DEP’T OF DEF. JOINT FEDERAL TRAVEL REGULATION/JOINT TRAVEL REGULATION (JFTR/JTR) app. A, at A1-6 (May 1, 2014) [hereinafter JFTR/JTR]. Conference is defined as “[a] meeting, retreat, seminar, symposium, or event that involves attendee travel.” *Id.* This definition “[a]lso applies to training activities that are conferences under 5 U.S.C § 410.404 [and] [d]oes not include regularly scheduled courses of

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instruction conducted at GOV’T/commercial facility.” *Id.* Army Directive 2014-01, however, does not exempt formal classroom training in commercial facilities. *Id.*

<sup>46</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 3.

<sup>47</sup> *Id.* (“Conferences are often referred to as expositions, conventions, symposiums, seminars, workshops, exhibitions, or meetings.”).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*; see, e.g., Cahill E-mail, *supra* note 43.

<sup>50</sup> *Id.* (“Generally, the presence or absence of any one indicator is not enough to determine whether the event is a conference; you must weigh the presence of multiple indicia.”).

<sup>51</sup> *Id.* (“Events that are not characterized as a conference under this policy do not require further action as a conference.”).

<sup>52</sup> U.S. DEP’T OF DEFENSE CONFERENCE GUIDANCE 2.0, pt. IV, para. 4 (Nov. 6, 2013). The DoD Conference Guidance 2.0 is attached to Memorandum from Deputy Chief Management Officer to Principal Officials of the Dep’t of Defense, subject: Implementation of Updated Conference Oversight Requirements.

<sup>53</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 5.

## A. Explicit Exemptions

Army conference guidance identifies four explicit exemptions.<sup>54</sup> If an explicit exemption applies, the event is not considered a conference,<sup>55</sup> and there is no requirement to track or report it.<sup>56</sup> The four explicit exemptions are: (1) “[m]eetings necessary to carry out statutory command and staff oversight functions,” such as investigations or inspections; (2) formal classroom training that is regularly scheduled and conducted at government or military facilities or educational institutions; (3) “[c]hange of command, funerals, official military award, or other such ceremonies” so long as they are not held in conjunction with a conference; and (4) meetings of certain advisory committees where membership consists of one or more members who are not full-time federal employees.<sup>57</sup> If an event does not clearly meet the explicit exemption criteria, the command must classify it as a conference and continue with the conference approval process.<sup>58</sup>

## B. Exemptions Requiring Approval

The Army conference guidance recognizes four types of events that may be exempt with approval.<sup>59</sup> Army Directive 2014-01 provides a table containing the exemption criteria, decision factors, and approval authority for each.<sup>60</sup> Meetings to consider internal agency business matters are the first type of event that may necessitate an exemption approval.<sup>61</sup> These events may not be conferences, and the conference policy instructs commands to seek advice from a legal

advisor.<sup>62</sup> If no clear indication exists that the event is not a conference, the command should request an exemption.<sup>63</sup> The second type of a potentially exempt event is a bilateral or multilateral international cooperation engagement.<sup>64</sup> Events with a primary purpose of military or civilian recruiting and/or recruitment advertising make up the third category.<sup>65</sup> The last type of event is “[m]eetings necessary to carry out planning or execution of operational or operational exercise activities, or predeployment, deployment, or post-deployment activities.”<sup>66</sup>

Events requiring exemption approval have a tiered approval authority system depending on the cost and/or location of the event. Heads/commanders of direct reporting units (DRUs) and Army Service Component Commands (ASCCs) headed by general officers or senior executive service employees, commanding generals and deputy commanding generals of Army Commands, HQDA principal officials, the Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics, and Technology), or the Deputy Administrative Assistant to the Secretary of the Army may approve exemptions for this category of events costing less than \$100,000 and held in a government or military facility.<sup>67</sup> Where the event costs between \$100,000 and \$500,000 or is held in a commercial facility, the Chief of Staff of the Army (CSA), Vice Chief of Staff of the Army (VCSA), Director of the Army Staff (DAS),<sup>68</sup> commanding generals of FORSCOM, TRADOC, or Army Material Command (AMC),<sup>69</sup> or the AASA are the approval authorities.<sup>70</sup> For any event in this category with a cost to

<sup>54</sup> *Id.* (presenting a departure from prior Army conference guidance contained in Memorandum from Secretary of the Army to Principal Officials of Dep’t of Army, subject: Interim Guidance for Implementation of New OSD Conference Policy (Oct. 17, 2012), which required all exemption requests to be forwarded to the Administrative Assistant to the Secretary of the Army for approval).

<sup>55</sup> *Id.* Although conference rules do not apply to events that are explicitly exempt, attendees at such events must follow local policy regarding travel, must comply with the Joint Federal Travel Regulation, and must adhere to other applicable travel guidance promulgated by the Secretary of the Army. *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 6. The table containing exempt conferences requiring approval, found at page 6 of ARMY DIR. 2014-01, includes a fifth category of event, formal classroom training held at *commercial* facilities. Although the DoD lists this category as one that is exempted, DA further limited this category by ruling that such training events are *not* exempt and must be processed as conferences. The OAA conference homepage furnishes an exemption determination tool to assist exemption approval authorities decide and document their decisions. *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* More than likely, these events should be considered conferences only when they exhibit sufficient indicia of a conference, or involve non-DoD or non-federal entities. *Id.*

<sup>63</sup> *Id.* at 5 (“If you cannot make a clear-cut determination, categorize the event as a conference and process it under this policy.”).

<sup>64</sup> *Id.* Army Service Component Commands having significant security cooperation missions will be particularly interested in obtaining exemptions for security cooperation events.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.* This category includes meetings to plan and prepare war games, military exercises, and operational deployments, as well as the execution of these events. *Id.*

<sup>67</sup> *Id.* at 6. The Deputy Administrative Assistant to the Secretary of the Army is the approval authority for Army Organizations that do not fall under one of the other approval authorities. *Id.*

<sup>68</sup> *Id.* The Chief of Staff of the Army (CSA), Vice Chief of Staff of the Army (VCSA), and Director of the Army Staff (DAS) are approval authorities for HQDA Offices of the CSA, VCSA, DAS, and Sergeant Major of the Army (SMA), and Army Service Component Commands (ASCCs) and Direct Reporting Units (DRUs) reporting directly to the CSA. *Id.*

<sup>69</sup> *Id.* (for units falling under each of those Major Commands (MACOMs), respectively).

<sup>70</sup> *Id.* (for Army units that do not fall directly under any of the other approval authorities).

the Army exceeding \$500,000, the AASA is the approval authority.<sup>71</sup>

Conference approvals must be in writing and the signed document, along with all supporting documentation, must be retained for five years.<sup>72</sup> Additionally, the Secretary of the Army, through the Office of the Administrative Assistant, maintains oversight of exemption approvals since they must be reported to the Office of the Administrative Assistant to the Secretary of the Army upon request.<sup>73</sup> Therefore, exemption approval authorities should carefully consider exemption requests and strictly adhere to the requirement that “[e]xemptions . . . be granted only when a *clear determination* can be made.”<sup>74</sup> Also, although legal reviews for exemption requests are not required by the Army conference policy, judge advocates would be well-advised to include legal reviews with exemption requests.<sup>75</sup>

## V. Analysis of Conference Requests

When an event exhibits sufficient indicia of a conference and does not qualify for an exemption, commands must follow conference approval procedures.<sup>76</sup> There are four conference categories:<sup>77</sup> Army-hosted conferences;<sup>78</sup> Army co-sponsored conferences;<sup>79</sup> conferences hosted by non-Army DoD organizations;<sup>80</sup> and

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<sup>71</sup> *Id.* The AASA is the approval authority for any exemption request for an event that exceeds \$500,000 in costs.

<sup>72</sup> *Id.* at 7.

<sup>73</sup> *Id.* at 10. Army Directive 2014-01 states that requests for reporting are expected to be quarterly, and it will likely be similar to the quarterly data call in effect pursuant to previous Army conference guidance. *Id.*

<sup>74</sup> *Id.* at 5 (emphasis added).

<sup>75</sup> Legal reviews were required for exemption requests pursuant to Memorandum from Admin. Assistant to the Sec’y of Army to Principal Officials of the Dep’t of Army, subject: Supplemental Conference Guidance and Data Call for Proposed FY 13 Conferences (Oct. 29, 2012) (requiring legal reviews for exemption requests).

<sup>76</sup> Cahill E-mail, *supra* note 43.

<sup>77</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 3.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* Co-sponsored conferences may be conducted with other U.S., foreign, or multi-government organizations, such as NATO, or with other non-federal entities. *Id.* A co-sponsorship occurs when the Army “develops the substantive aspects of the event or provides substantial logistical support, as defined by the JER, or the Army provides more than 50 percent or more of the speakers at a single conference.” U.S. DEP’T OF DEF., 5500.7-R, JOINT ETHICS REGULATION (JER) para. 3-207 (30 Aug. 1993) (C7, 17 Nov. 2011).

<sup>80</sup> ARMY DIR. 2014-01, *supra* note 1, at 4. The DoD organization sponsoring the conference is responsible for obtaining conference approval; Army attendees are responsible for complying with local, Department of the Army (DA), or DoD travel policies. *Id.*

non-DoD hosted conferences.<sup>81</sup> Approval procedures depend on the type of conference being considered.<sup>82</sup> The cost of the conference determines the approval authority.<sup>83</sup>

### A. Approval Authorities

Conference approval authority for both Army-sponsored conferences and conferences hosted by non-DoD organizations depends on the cost of the conference.<sup>84</sup> For Army-sponsored conferences with a cost exceeding \$500,000, and for non-DoD-hosted conferences with a cost exceeding \$50,000, the conference approval authorities are the Secretary of the Army or Under Secretary of the Army.<sup>85</sup>

The approval authorities for Army-sponsored conferences costing \$100,000 to \$500,000, and non-DoD-hosted conferences costing \$10,000 to \$50,000 are:

(1) the CSA or VCSA for HQDA offices of the CSA, VCSA, DAS, and SMA, and ASCCs or DRUs reporting directly to the CSA;

(2) CG FORSCOM for all units reporting to FORSCOM;

(3) CG TRADOC for all units reporting to TRADOC;

(4) CG AMC for all units reporting to AMC; and

(5) AASA for any organizations that do not report to any of the other approval authorities.<sup>86</sup>

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<sup>81</sup> *Id.* Any conference hosted by an agency or organization that is not part of the DA or DoD falls within this category. Attendance at these conferences must be processed in accordance with Army Directive 2014-01. *Id.*

<sup>82</sup> *Id.* at 3.

<sup>83</sup> *Id.* at 8.

<sup>84</sup> *Id.* The tiered conference approval authorities are carried forward from previous Army conference guidance; however, under prior Army conference direction only Secretary of the Army, Under Secretary of the Army, or Administrative Assistant to the Secretary of the Army could approve attendance at conferences hosted by non-DoD organization, depending on the cost of attending the conference. See Memorandum from Sec’y of Army to Principal Officials of Dep’t of Army, subject: Interim Guidance for Implementation of New OSD Conference Policy (Oct. 17, 2012) (superseded by Army Directive 2014-01).

<sup>85</sup> *Id.* The Secretary of the Army or Under Secretary of the Army are also the approval authorities for any conferences, regardless of cost, that involve spouse travel at government expense. U.S. DEP’T OF ARMY, DIR. 2007-01, POLICY FOR TRAVEL BY DEPARTMENT OF ARMY OFFICIALS 20–25 (25 Jan. 2007) (governing Army spouse travel).

<sup>86</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1. The Army conference policy contains a table to assist commands in determining the proper approval authority for events.

Army-sponsored conferences costing less than \$100,000 and conferences hosted by non-DoD organizations costing less than \$10,000 may be approved by heads or commanders of DRUs or ASCCs,<sup>87</sup> commanding generals or deputy commanding generals of Army Commands, HQDA Principal Officials,<sup>88</sup> and the Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics, and Technology).<sup>89</sup>

## B. Approval Procedures for Army-Sponsored and Co-Sponsored Conferences

Approval procedures for Army-sponsored conferences are contained in Section II of Enclosure 1 to Army Directive 2014-01.<sup>90</sup> Co-sponsored conferences are treated as Army-sponsored conferences for approval purposes.<sup>91</sup> The Army conference policy mandates requests use a template found at the Office of the Administrative Assistant (OAA) conference home page.<sup>92</sup> Additionally, the endorsement level of all requests is one level lower than the approval authority, and requests are due at the approval authority at least sixty days prior to the event.<sup>93</sup> All conference requests must provide an attached legal review and address the elements identified below.

### 1. Dates of Conference

The request must identify the dates of the conference, including travel days.<sup>94</sup> The Army conference policy

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<sup>87</sup> *Id.* Only commanders and heads of DRUs or ASCCs who are general officers or senior executive service employees have conference approval authority. *Id.*

<sup>88</sup> *Id.* (list of HQDA Principal Officials available at <https://www.army.mil/info/organization/headquarters/hqda/> (last visited May 30, 2014)).

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at 10–21.

<sup>91</sup> *Id.* at 22. Co-sponsorships with commercial non-federal entities implicate the Joint Ethics Regulation (JER) and require prior approval of a co-sponsorship agreement, in accordance with JER para. 3-206, approved separately from the conference approval request. The JER does not apply to co-sponsorships with foreign governments or multi-governmental organizations, such as NATO, but Army Directive 2014-01 recommends entering into a co-sponsorship agreement to clarify each party's responsibilities. *Id.*

<sup>92</sup> *Id.* at 11; see Army Conferences, *supra* note 42 (providing OAA conference home page). Office of the Administrative Assistant and Office of the Administrative Assistant to the Secretary of the Army are synonymous.

<sup>93</sup> *Id.* For example, an Army-hosted conference costing \$150,000 requested by U.S. Army Europe (USAREUR) must be endorsed by the USAREUR Commanding General (CG) and received by the Chief of Staff for the Army (CSA) not later than sixty days prior to the planned event.

<sup>94</sup> *Id.* at 12.

requires the length of the conference be limited to the time necessary to meet mission requirements.<sup>95</sup> Social activities may not be held during normal duty hours and may not be used to extend conference attendees in travel status.<sup>96</sup> While military awards ceremonies may be held during duty hours as official business, they cannot extend the time attendees are in TDY status.<sup>97</sup>

### 2. Purpose and Justification

Conference requests must state the purpose and justification of the conference.<sup>98</sup> Army policy regarding conferences presumes that co-location is unnecessary.<sup>99</sup> To overcome this presumption, the request must provide sufficient information to convince the approval authority that the “conference will further the Army’s mission.”<sup>100</sup> The policy also directs that the request “must certify that hosting the event is mission-critical for all proposed attendees. In addition to this statement, the request *must provide sufficient information to fully substantiate and justify how the event is mission-critical for all proposed attendees.*”<sup>101</sup>

Army conference guidance contains two new requirements for approval requests. Conference requests must state whether the conference has been held before and include the dates and locations of the previous conference.<sup>102</sup>

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<sup>95</sup> *Id.*

<sup>96</sup> *Id.* As a practical matter, when conducting a legal review of a conference request, it is important to ensure that any social activities, such as ice breakers, military balls, or golf tournaments, are conducted after duty hours and not on the last day of any conference.

<sup>97</sup> *Id.* Conference planners should ensure that award ceremonies are not the only event planned for the last day of a conference before attendees are released to return to their duty locations.

<sup>98</sup> *Id.* The purpose and justification portion of a conference request is, perhaps, the most important part of the request since it is the part of the request where the party requesting the conference convinces the approval authority that the event is mission-critical.

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.* (“Every attendee and every member of the support staff must be justified as mission-critical.”). This requirement is more stringent than prior guidance contained in Memorandum from Sec’y Army to Commander, U.S. Army Forces Command, et al., subject: Delegation of Authority to Approve Conferences (Oct. 18, 2012), which mandated only that the event be mission-essential, and Memorandum from Sec’y of Army to Principal Officials of Dept’ of Army, et al., subject: Risk Mitigation in the Face of Fiscal Uncertainty (Jan. 16, 2013), which required conferences be mission-critical. There is no indication in the guidance of any difference in the terms mission-essential and mission-critical, but mission-critical persists in the most recent DoD and DA conference guidance.

<sup>102</sup> *Army Conferences Policy and Templates*, *supra* note 42. A copy of the Army-hosted conference request template is available on the OAA.ARMY.MIL homepage under “Templates” and is attached as Appendix B.

Additionally, the request should provide a justification for holding the conference again and include a copy of the after action report (AAR) of the previous conference.<sup>103</sup> These requirements highlight the need for accurate recordkeeping by commands.

### 3. Cost Benefit Analysis

A conference request must contain a cost-benefit analysis.<sup>104</sup> This paragraph of the conference request must state the conference objectives and declare that meeting those objectives requires attendee travel.<sup>105</sup> If a conference requires travel, the request must include a certification that the conference objectives cannot be met by cheaper alternative means, such as teleconferencing, video teleconferencing, web-based training, train-the-trainer, or other means.<sup>106</sup>

### 4. Site Selection and Venue

The conference request must include information pertaining to the site selection and data to support the selection of the city and venue.<sup>107</sup> Conference policy mandates that military or government facilities are the first choice for conference venues to support the goal of conducting conferences at the least expensive location that meets the requirements of the conference.<sup>108</sup> On-post Morale, Welfare, and Recreation (MWR) facilities and the Armed Forces Resort Centers, such as Edelweiss in Garmisch, Germany, or Shades of Green in Orlando, Florida, are considered government facilities for purposes of conference approval procedures.<sup>109</sup> If the venue is a commercial facility, the request must specify attempts made to secure a government or military location and explain why neither is being used.<sup>110</sup> Selection of commercial facilities requires: (1) a demonstrated cost savings compared to a government/military facility, and (2) a rationale why government or military facilities are not adequate to meet

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<sup>103</sup> *Id.*

<sup>104</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 12.

<sup>105</sup> *Army Conferences Policy and Templates*, *supra* notes 42 and 102.

<sup>106</sup> *Id.*

<sup>107</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 12. Although Army Directive 2014-01 suggests that information relating to site selection and venue are part of the cost-benefit analysis, the conference request template requires site selection analysis to be a separate paragraph.

<sup>108</sup> *Id.*

<sup>109</sup> E-mail from Lori Kimmons, Resources and Programs Agency, Special Programs Office, Office of the Admin. Assistant to the Sec'y of the Army to author (Dec. 19, 2012, 3:54 PM).

<sup>110</sup> *Army Conferences Policy and Templates*, *supra* notes 42 and 102.

conference requirements, such as operational necessities.<sup>111</sup> Conference planners must change conference dates if adequate government facilities are available in the selected location on dates different from the planned dates.<sup>112</sup>

When selecting a venue, conference planners must consider at least three cities.<sup>113</sup> Once planners select a particular city, they must consider at least three venues within the city.<sup>114</sup> If planners choose a commercial facility, it must be on the list of approved accommodations maintained by the Federal Emergency Management Agency.<sup>115</sup> Conference planners must use factors listed in Army Directive 2014-01 in deciding on a conference venue.<sup>116</sup> The conference policy requires commands to document and maintain a record of the conference selection process.<sup>117</sup> Commands should be aware that their conference requests and approvals are subject to audit.

### 5. Attendees

Conference requests must include a breakdown of all conference attendees.<sup>118</sup> Conference planners must use the attendee table contained in the conference request template to account for all attendees.<sup>119</sup> To capture all costs to the

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<sup>111</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 16.

<sup>112</sup> *Id.* (“Government and military locations may not be ruled out as a conference venue solely because the facility is not available on the exact dates the sponsor wants to hold the conference.”). There is no guidance or standard in the directive concerning what would be reasonable in terms of date changes for a conference based on facility availability, leading to uncertainty for conference planners as to how far left or right from their preferred conference dates the planner should consider.

<sup>113</sup> *Id.* at 15. When selecting among cities, conference planners must consider per diem expenses, travel costs, distance from most attendees, and seasonal rates (among other considerations) to obtain the most cost-effective venue for the Army.

<sup>114</sup> *Id.* Planners must always keep in mind the preference for government facilities.

<sup>115</sup> *Id.* A list of approved accommodations is available at <http://usfa.fema.gov/applications/hotel> (last visited June 11, 2014) (providing an easy-to-use search engine for a convenient method of searching approved accommodations). Note that Outside the Continental United States locations are not included in the list of approved accommodations.

<sup>116</sup> *Id.* The non-exclusive list of factors includes: availability of on-post lodging; participation in the Lodging Success Program; distance to the nearest airport; availability of free airport-shuttle service; cost of the venue; availability of rooms below the per diem rate; and public perception. *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 13 (explaining that the breakdown of attendees will identify the numbers of attendees in each category: (1) DA military, (2) DA civilian; (3) non-Army U.S. military, (4) contractors; (5) Army funded spouses; (6) contractors; and (7) other attendees such as guest speakers, statutory volunteers, or other federal government employees).

<sup>119</sup> *Id.*

Army, planners must include as attendees conference participants, support staff, aides, presenters, guest speakers, and non-Army personnel.<sup>120</sup> Commands must limit the list of attendees to the minimum number of attendees necessary to achieve conference objectives.<sup>121</sup> The request needs to include the criteria used to select attendees, along with an explanation of why the command selected each attendee.<sup>122</sup> Lastly, the conference request must specifically state why each attendee is mission critical.<sup>123</sup>

## 6. Security Assessment

A security assessment must be conducted and attached to the conference request for all conferences held in a commercial facility.<sup>124</sup> The security assessment must include a force protection assessment, a statement indicating if foreign government personnel will attend, and a statement indicating the conference's classification level.<sup>125</sup> If there are foreign government personnel attendees, the security assessment needs to contain a statement that the conference sponsor has coordinated with the Deputy Chief of Staff, G2 and will comply with the requirements of Army Regulation 380-10 (Foreign Disclosure and Contacts with Foreign Representatives).<sup>126</sup>

## 7. Conference Funding

The new conference request template requires an explanation of how the conference will be funded.<sup>127</sup> If planners expect to use ORF, they must explain the use of ORF in the conference request.<sup>128</sup> In addition, the conference request must include information concerning contracting procedures and any contract documents should be attached to the conference request.<sup>129</sup>

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<sup>120</sup> *Id.*

<sup>121</sup> *Army Conferences Policy and Templates, supra* notes 42 and 102.

<sup>122</sup> *Id.* In practice, commands should use a spreadsheet or some other method of documenting each attendee along with the selection criteria used for selecting attendees.

<sup>123</sup> *Id.*

<sup>124</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 13.

<sup>125</sup> *Id.* at 14 (stating local installation Departments of Emergency Services can assist with force protection assessments).

<sup>126</sup> *Id.* (providing coordination with the Deputy Chief of Staff, G2 requires 120 days before the conference date).

<sup>127</sup> *Army Conferences Policy and Templates, supra* notes 42 and 102.

<sup>128</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 16. Official representation funds (ORF) are requested and approved separately from conferences.

<sup>129</sup> *Army Conferences Policy and Templates, supra* notes 42 and 102.

## 8. Meals, Per Diem, Refreshments, and Fees

Conference requests must address meals, per diem, refreshments, and fees.<sup>130</sup> Conference requests need to indicate any meals provided at government expense. If furnished as part of a government contract or conference registration fee, they are government provided meals.<sup>131</sup> If the government supplies all meals at government expense, the cost of the meals may not exceed the meals per diem for the location of the conference.<sup>132</sup> If the government provides fewer than all the meals at government expense, planners must use the proportional meal rate (PMR).<sup>133</sup> If planners use the PMR, the total of the PMR plus the cost of government provided meals cannot exceed the total meals per diem for the location.<sup>134</sup> If served during normal meal times, planners must consider government-provided refreshments as meals.<sup>135</sup> Generally, Army policy prohibits light refreshments, not considered a meal, unless they cannot be eliminated from the contract and the venue will not reduce the rate if refreshments are not provided.<sup>136</sup> Lastly, conference requests must account for any fees charged to offset conference costs as well as any fees charged by guest speakers.<sup>137</sup> Planners must capture all estimated conference costs and enter them into a table in the conference request template.<sup>138</sup> Conference planners must ensure that they do not include any expressly prohibited expenses.<sup>139</sup>

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<sup>130</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 19. Meals, per diem, and refreshments are addressed in paragraphs 9 and 10 of the conference request template.

<sup>131</sup> *Id.* Travelers must ensure that they properly annotate government furnished meals on their travel vouchers. *Id.*

<sup>132</sup> *Id.* If all meals are provided at government expense, the traveler may only claim incidental expenses. *Id.*

<sup>133</sup> JFTR/JTR, *supra* note 45, app. R1, at 4.

<sup>134</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 19. For example, if one meal costing \$10 is provided at government expense and the proportional meal rate is \$55, the meals per diem for the location cannot be less than \$65. *Id.*

<sup>135</sup> JFTR/JTR, *supra* note 133. Oftentimes, icebreakers are held on the opening evening of a conference during dinner hours, and if light refreshments are served, it is considered a government furnished meal. *Id.*

<sup>136</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 20 (otherwise referred to as "nonsegregable" and "nonseverable"). Conference sponsors should be prepared to provide evidence that refreshments are, in fact, nonsegregable and nonseverable.

<sup>137</sup> *Id.* at 17 (stating honorariums and speakers' fees are limited to \$2,000 per speaker).

<sup>138</sup> *Army Conferences Policy and Templates, supra* notes 42 and 102.

<sup>139</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 17 (generally prohibiting entertainment-related expenses).

## 9. Legal Reviews

All conference requests require an attached legal review.<sup>140</sup> “The legal review must address all fiscal, ethic[al], contracting, and travel issues, including a comprehensive assessment of whether the conference complies with applicable regulations and Army policy.”<sup>141</sup> The Office of the Administrative Assistant’s conference homepage provides a template for conducting legal reviews of Army-sponsored conferences.<sup>142</sup> In the legal review, the judge advocate must address all required portions of the conference request and note any legal objections.<sup>143</sup> Planners must address any legal objections before forwarding the conference request to the approval authority.<sup>144</sup>

### C. Conference Sponsored by Non-federal Entities and Non-DoD Organizations

This subsection discusses requests to attend conferences sponsored by non-DoD organizations and non-federal entities.<sup>145</sup> Non-federal entities may sponsor, co-sponsor, or be co-located with conferences. Such conferences are treated as Army-sponsored conferences for purposes of conference approval procedures.<sup>146</sup> However, these conferences may be subject to provisions of the Joint Ethics Regulation (JER).<sup>147</sup>

Requests to attend any conference sponsored by a non-DoD organization must use the non-DoD conference request template.<sup>148</sup> As with Army-sponsored conferences, requests to attend non-DoD conferences must justify attendance and certify that attending the conference is mission-critical for all proposed attendees. Specifically, the request “*must provide sufficient information to fully substantiate and justify how the event is mission-critical for all proposed attendees.*”<sup>149</sup> Requests to attend a conference sponsored by

a non-DoD entity must include the conference agenda as an attachment.<sup>150</sup>

Requests to attend non-DoD conferences require a cost-benefit analysis explaining the expected benefit of attendance, along with a description of exactly what the Army is paying for and a certification that less expensive methods are not available.<sup>151</sup> The request also needs to include a breakdown of conference attendees and a justification for each attendee.<sup>152</sup> Lastly, the request must contain a breakdown of the total cost to the Army for attending the conference.<sup>153</sup> In calculating the cost for attending the conference, it is important to keep in mind that any meals provided as part of a government-paid conference fee are considered government-furnished meals.<sup>154</sup>

Army Directive 2014-01 mandates legal reviews for requests to attend non-DoD conferences, and must be included with the request as an attachment.<sup>155</sup> The OAA conference homepage contains a template for legal reviews of non-DoD conferences, the use of which ensures that they are thorough and complete.<sup>156</sup>

### D. Local and No-Cost Conferences

In addition to the four main categories of conferences, two additional conference categories may require approval: local conferences and no-cost conferences.<sup>157</sup> The Army conference policy specifies events held at the local duty location and not involving travel may nevertheless be conferences if there is any cost to the Army.<sup>158</sup> If a local event incurs any cost to the Army, the conference sponsor must submit a conference request in accordance with Army

<sup>140</sup> *Id.* at 14.

<sup>141</sup> *Id.*

<sup>142</sup> *Army Conferences Policy and Templates*, *supra* notes 42 and 102. A copy of the legal review template is available on the OAA.ARMY.MIL homepage under “Templates” and is attached as Appendix C.

<sup>143</sup> *Id.*

<sup>144</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 14.

<sup>145</sup> For purposes of conference approval procedures, any entity or organization that is not part of the Department of Defense is treated identically.

<sup>146</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 21.

<sup>147</sup> *See, e.g.* JER, *supra* note 79, ch. 3.

<sup>148</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 24.

<sup>149</sup> *Id.* (“Attendees must be kept to the minimum mission-critical number”).

<sup>150</sup> *Id.* at 25.

<sup>151</sup> *Army Conferences Policy and Templates*, *supra* notes 42 and 102. A copy of the template for non-DoD conference requests under \$50,000 is available on the OAA.ARMY.MIL homepage under “Templates” and is attached as Appendix D.

<sup>152</sup> *Id.* The non-DoD conference request template includes a number of factors that may be considered in making the mission-critical determination.

<sup>153</sup> *Id.* In calculating the cost to the Army, one must consider any gifts of travel under 31 U.S.C. § 1353.

<sup>154</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 27.

<sup>155</sup> *Id.* at 26.

<sup>156</sup> *Army Conferences Policy and Templates*, *supra* notes 42 and 102. A copy of the template for legal reviews of non-DoD-hosted conferences is available on the OAA.ARMY.MIL homepage under “Templates” and is attached as Appendix E.

<sup>157</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 4.

<sup>158</sup> *Id.*

Directive 2014-01.<sup>159</sup> Likewise, on occasion, Army personnel may be invited to attend conferences sponsored by non-federal entities at no cost to the Army through waived registration fees or gifted travel pursuant to 31 U.S.C. § 1353.<sup>160</sup> If attendance at a conference is truly at no cost to the Army, a conference request is not required.<sup>161</sup> However, the Army conference policy cautions care when accepting gifts of travel because certain travel-related expenses, such as parking and per diem on travel days, may not be covered by the offered gift.<sup>162</sup> Army Directive 2014-01 requires conference requests if there is any reimbursable cost to the Army.<sup>163</sup> As a practical matter, however, offered gifts of travel should be handled before completing the conference request since such gifts will likely reduce the cost to the Army and may improve the chances of conference approval.

## VI. Reporting Requirements

To maintain oversight of conferences sponsored and attended by DoD personnel, DoD Conference Guidance 2.0 established a series of reporting requirements for DoD components.<sup>164</sup> To implement them, the Secretary of the Army included conference reporting requirements in Army Directive 2014-01.<sup>165</sup> Any conferences “considered to have particularly high visibility or [that] exhibit unusual circumstances” must be reported to the Office of the Administrative Assistant during the planning process.<sup>166</sup> Within five days after approval of any conference action,

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<sup>159</sup> *Id.* Costs to the government could include, for example, mileage reimbursement, parking fees, or meal reimbursement where local travel exceeds twelve hours. *Id.*

<sup>160</sup> Title 31 U.S. Code Section 1353 is the authority for the acceptance of gifts of travel and travel related expenses. The travel must be in the interests of the Government. Cash may not be accepted by DoD employees. Additionally, the Secretary of the Army Travel policy provides specific requirements for the acceptance of travel related gifts under 31 U.S.C. § 1353. Offered gifts of travel related expenses may be accepted so long as the offer was: (1) unsolicited and completely voluntary; (2) is only used for official travel; (3) is used for a conference or other similar function; (4) does not create a conflict of interest; and (5) acceptance would not cause a reasonable person in possession of the relevant facts to question the integrity of Army programs or operations. (Army Directive 2007-01 regulates acceptance of gifts of travel pursuant to 31 U.S.C. § 1353.).

<sup>161</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 4 (“For conferences involving absolutely no reimbursable travel or attendance costs, or other Army expenditures, conference approval is not necessary.”).

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> DEP’T OF DEF. CONFERENCE GUIDANCE 2.0 (Nov. 6, 2013), *supra* note 53, at 19.

<sup>165</sup> ARMY DIR. 2014-01, *supra* note 1, enclosure 1, at 9–10.

<sup>166</sup> *Id.* Unusual circumstances means conferences with a particularly high cost, conferences with media or congressional interest, conferences that involve controversial topics, or that may have an appearance of impropriety due to location or planned events. *Id.*

commands must forward the written approval and conference request packet to OAA.<sup>167</sup> Within twenty-five days after the end of any conference, organizations must furnish OAA with an AAR.<sup>168</sup> For Army-hosted conferences, the organization hosting the conference will submit the AAR.<sup>169</sup> For conferences hosted by non-DoD organizations, each command requesting approval to attend the non-DoD conference supplies the AAR for its personnel to OAA.<sup>170</sup>

## VII. Conclusion

Conference oversight is clearly a priority at the highest levels of the DoD. Although the new conference guidance and the availability of online tools at the OAA conference homepage have simplified the conference request and approval process somewhat, preparation of conference requests sufficient to obtain approval will remain a challenge to commands. Through a thorough understanding of DoD and DA conference policies, travel and ethics regulations, and their commanders’ missions, judge advocates will enable their commands to more effectively and efficiently navigate the new conference guidance.

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<sup>167</sup> *Id.*

<sup>168</sup> *Id.* Conferences costing more than \$50,000 require a full AAR, whereas conferences costing less than \$50,000 require a “simplified closeout report . . .” *Id.* Templates for the AAR and closeout reports are located on the OAA conference homepage. See *Army Conferences Policy and Templates*, *supra* note 42.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

## Appendix A

### ARNORTH Army Conference Policy<sup>171</sup>

#### Army Conference Policy –

#### Determining the Appropriate Level Approval for Conference Hosting and Attendance

This worksheet is designed to assist command conference planners in determining the appropriate level approval for conferences sponsored by ARNORTH, or conferences that ARNORTH personnel desire to attend in furtherance of their official duties. This worksheet is prepared in accordance with the Army Conference Policy, dated 18 December 2013. The Command Conference Manager should be contacted as soon as you start planning a conference or desire to attend a conference. If you have questions about the criteria listed below, please contact the Administrative and Civil Law Division, Office of the Staff Judge Advocate, at (210)221-2373.

I. Determination of a Conference		
<p><b>Does the event qualify as a “conference?”</b></p> <p>1. <u>JFTR/JTR definition of a “conference”</u> – “[a] meeting, retreat, seminar, symposium or <i>event that involves attendee travel</i>. Also applies to training activities that are considered to be conferences under 5 C.F.R. § 410.404.”</p> <p>2. <b>Indicia of a Conference:</b> They typically involve (a) topical matters of interest, and the participation of, multiple agencies and/or non-Federal participants; (b) Registration process; (c) Registration fees; (d) a published substantive agenda (multiple-day agendas); (e) speakers or discussion panels; and (f) affiliated social events. (Note: Generally, the presence or absence of any one indicator is not enough to determine whether the event is a conference; you must weigh the presence of multiple indicia.)</p> <ul style="list-style-type: none"> <li>• <i>Events meeting the JFTR/JTR definition and held in commercial facilities normally will be categorized as conferences regardless of other indicia.</i></li> <li>• <i>If you cannot make a clear-cut determination, categorize the event as a conference and process it accordingly.</i></li> </ul>	<input type="checkbox"/> YES  Go to Block II below.	<input type="checkbox"/> NO    Events not categorized as a conference under this policy do not require further action as a conference. However, ARNORTH personnel must follow DoD, Army and agency’s TDY policies for approval and abide by all pertinent travel policies and guidelines.
II. Exemptible Conferences		
<p>1. <u>Explicit Exemptions:</u> Can the event be properly categorized as one of the following?</p> <p>a. Meetings necessary to carry out statutory command and staff oversight functions (e.g., investigations, inspections, audits or site visits).</p> <p>b. Formal classroom training held in a Government or military facility or educational institution (e.g., regular courses of instruction or training seminars, or other recurring training).</p> <p>c. Change of command, official military award, funeral or other official ceremonies.</p> <p>d. Meetings of advisory committees subject to DoDI 5105.04 (DoD</p>	<input type="checkbox"/> YES  This event is explicitly exempted from the Army Conference Policy. Proceed IAW your command guidance.	<input type="checkbox"/> NO  Go to question II.2.

<sup>171</sup> Reproduced with permission of the Army North Office of the Staff Judge Advocate.

<p>Federal Advisory Committee Management Program) where membership consists of one or more individuals who are not full-time or permanent Federal officers or employees.</p> <ul style="list-style-type: none"> <li>• <i>When in doubt, contact your legal advisor or treat the event as a conference and process it accordingly.</i></li> </ul>		
<p>2. <u>Exemptions Requiring Approval</u>: If the event can be categorized as one of the following, it requires approval.  <b>Note: Prepare the OAA-approved Exemption Determination Tool (Encl. 1) to be submitted to the appropriate approval authority.</b></p>		
<p>a. Meetings to consider internal agency business matters. This exemption would include activities such as meetings that take place as part of an organization's regular course of business.</p>	<p><input type="checkbox"/> YES  <b>Need approval as specified below:</b></p> <p>i. Costs &lt;\$100K, and held in a Government/military facility: CG, ARNORTH must approve.</p> <p>ii. Costs \$100K - \$500K, or held in a commercial facility: CSA/VCSA/DAS must approve.</p> <p>iii. Costs &gt;\$500K: AASA must approve.</p>	<p><input type="checkbox"/> NO  Go to question II.2.b.</p>
<p>b. Bilateral and multilateral International cooperation engagements.</p>	<p><input type="checkbox"/> YES  <b>Need approval as provided under II.2.a. above.</b></p>	<p><input type="checkbox"/> NO  Go to question II.2.c.</p>
<p>c. Events where the primary purpose of DoD's participation is military or civilian recruiting and/or recruitment advertising.</p>	<p><input type="checkbox"/> YES  <b>Need approval as specified below:</b></p> <p>i. Costs &lt;\$50K: CG, ARNORTH must approve.</p> <p>ii. Costs \$50K or above: CSA/VCSA/DAS must approve.</p>	<p><input type="checkbox"/> NO  Go to question II.2.d.</p>
<p>d. ARNORTH-hosted formal classroom training held <i>in a commercial facility</i>. This exemption would include activities such as regular courses of instruction or training seminars.</p>	<p><input type="checkbox"/> YES  <b>Need approval as specified below:</b></p> <p>i. Costs &lt;\$100K: CG, ARNORTH must approve.</p> <p>ii. Costs up to \$500K: CSA/VCSA must approve.</p> <p>iii. Costs exceeding</p>	<p><input type="checkbox"/> NO  Go to question II.2.e.</p>

	\$500K: SA must approve.	
e. Meetings necessary to carry out planning or execution of operational or operational exercise activities, or predeployment, deployment or post-deployment activities.	<input type="checkbox"/> YES Need approval as provided under II.2.a. above.	<input type="checkbox"/> NO Go to block III below.
<b>III. Types of Conferences</b>		
1. Is the conference hosted/sponsored by ARNORTH?	<input type="checkbox"/> YES Go to Block IV below.	<input type="checkbox"/> NO Go to question III.2.
2. Is the conference hosted/sponsored by another DoD/Army organization?	<input type="checkbox"/> YES Go to block V below.	<input type="checkbox"/> NO Go to question III. 3.
3. Is the conference hosted/sponsored by a non-DoD organization (e.g., another federal agency or non-Federal entity)?	<input type="checkbox"/> YES Go to block VI below.	
<b>IV. ARNORTH-Hosted/Sponsored Conferences</b>		
1. All requests must be received by the approval authority at least <b><i>60 days in advance</i></b> of the conference or commitment of nonrefundable funds.		Approvals must be in writing and maintained for 5 years.
2. <b>Approval Authority:</b>		
i. Costs exceeding \$500K (generally prohibited), or if it involves spouse travel at Government expense regardless of cost		SA
ii. Costs between \$100K and \$500K.		CSA/VCSA
iii. Costs under \$100K		CG, ARNORTH
3. <b>Process:</b> Prepare the OAA-approved request memo (Encl . 2), providing the following information:		
(a) <b>Dates (including travel days)</b> – ice breakers, receptions, socials, golf tournaments, or other ancillary activities will not be held during regularly scheduled duty hours.		
(b) <b>Purpose and Justification:</b> The justification for hosting the conference <b><i>must overcome the presumption that face-to-face collocation of personnel is not necessary.</i></b> The justification must also specifically substantiate and justify how the event is mission-critical for all proposed attendees.		
(c) <b>Cost-Benefit Analysis:</b> Provide a detailed and credible cost-benefit analysis that includes an explanation of other options considered (e.g., VTC, or train-the-trainer), as well as information on site selection and enough data to support the selected city and venue. Once the most cost-effective geographic locale is identified, <b><i>Government or military facilities should be the first choice for all Army hosted-conferences.</i></b> If a Government or military facility is not chosen, provide justification for the use of a commercial facility and a cost comparison between the venues considered.		
(d) <b>Estimated Total Costs.</b> Use the Cost Assessment and Program Evaluation cost estimating calculator ( <a href="https://www.cape.osd.mil/CostGuidance/">https://www.cape.osd.mil/CostGuidance/</a> ), and also the cost estimation table in the request template.		

<p>Estimated costs must include expenses for all DoD-funded attendees, not just Army-funded attendees. Requesting organizations are responsible for gathering cost estimate data on non-Army attendees from other DoD components.</p> <p>Exempted costs:</p> <ul style="list-style-type: none"> <li>- Employee time for conference planning and preparation;</li> <li>- Employee time for conference attendance;</li> <li>- Security cost; and</li> <li>- Costs associated with use of GOVs.</li> </ul> <p>(e) <u>Substantive Agenda</u>.</p> <p>(f) <u>Security Assessment</u>.</p> <p>(g) <u>Legal Review</u>.</p> <p>(h) <u>Precontract Decision Documents</u>. The requester must include any contract-related documents that would assist the approval authority, such as the letter of intent from the hotel or a request for proposal.</p>	
<p><b>V. DoD-Hosted/Sponsored Conferences</b></p> <p>For conferences hosted by a DoD organization external to the Army, the host DoD component is responsible for estimating and reporting total DoD attendance and costs. The hosting organization is responsible for obtaining conference approval from its appropriate approval authority. As a general rule, Army conference approval is not required, but <b>attendance will be limited to those Army personnel who are mission-critical and whose attendance was included and approved in the hosting DoD organization's request</b>. Army attendees must follow DoD, Army and their organization's TDY policies for approval and abide by all pertinent travel policies and guidelines.</p>	
<p><b>VI. Non-DoD Hosted/Sponsored Conferences</b></p>	
<p>1. All requests must be received by the approval authority <b>at least 30 days before</b> the start date of the conference or before the obligation of nonrefundable funds (such as registration fees) regardless of approval authority.</p>	<p>Approvals must be in writing and maintained for 5 years.</p>
<p>2. <b>Approval Authority:</b></p>	
<p>i. Costs \$50K or above.</p>	<p>SA</p>
<p>ii. Costs \$10K or above, but under \$50K.</p>	<p>CSA/VCSA</p>
<p>iii. Costs under \$10K</p>	<p>CG, ARNORTH</p>
<p>3. <b>Process:</b> Prepare the OAA-approved request template (<b>Encl. 3 or 4 as appropriate</b>), providing the following information must be provided:</p> <p>(a) <u>Dates</u>. The dates of the conference will include travel days.</p> <p>(b) <u>Purpose and Justification</u>. The justification <b>must overcome the presumption that face-to-face collocation of personnel is not necessary</b>. The justification must certify that attending the event is mission-critical and fully substantiate how it is mission-critical for all proposed attendees. The request also needs to clearly address how attending the conference will further the Army's mission.</p> <p>(c) <u>Estimated Total Costs</u>: Must use the cost estimation table in the OAA-approved request template.</p> <p>Exempted costs:</p> <ul style="list-style-type: none"> <li>- Employee time for conference attendance or travel time; and</li> <li>- Costs associated with use of GOVs.</li> </ul>	

(d) Attendees. A breakdown of attendees, including the rationale and criteria applied to scope the attendee population, and the mission-critical justification for the requested number of attendees. Attendees must include all participants, including support staff, aides, guest speakers and presenters.

(e) Substantive Agenda.

(f) Legal Review.

**VII. Co-sponsored Conferences**

A conference is considered a co-sponsored conference if ARNORTH develops the substantive aspects of the event or provides substantial logistical support, or ARNORTH provides 50 percent or more of the speakers at a single conference. ***Requests for co-sponsored conferences must be processed and approved IAW Block IV.3 above.***

❖ ***Spousal Travel: Every instance of accompanied spouse travel represents an exception to policy. Regardless of cost, any conference requests that include Government-funded spouse travel must be approved by the SA.***

4 Encls.

1. Exemption Determination Tool.
2. Army Hosted Conference Request Template.
3. Non-DoD Over \$50K Conference Request Template.
4. Non-DoD Under \$50K Conference Request Template.

## Appendix B

### Army-Hosted Conference Request Template

YOUR OFFICIAL LETTERHEAD

(OFFICE SYMBOL)

(date signed)

MEMORANDUM THRU (if applicable)

FOR (Approval Authority in accordance with Army Directive 2014-01)

SUBJECT: Request Approval to (Sponsor or Cosponsor) the (Insert Name of Event),  
(Dates)

1. Event. (Insert name of sponsoring proponent) requests approval to conduct the (insert name of conference), (insert dates of conference including travel days) at (insert venue, city, State, or country, if OCONUS).

2. Purpose and Justification. Explain why the conference is being held; include any applicable statutes or regulations. Explain how this conference will further the mission of the Department and any tangible benefits from hosting the event. Justify how hosting the conference is mission-critical. If the conference is being cosponsored, include a full explanation of the terms of the cosponsorship (that is, who is providing what). If the conference is cosponsored with a non-Federal entity, additional requirements apply (refer to section 2, paragraph 6 of Army Directive 2014-01).

3. Previous Conferences. If this conference was held previously, list the dates and locations, if known. If this is a recurring conference, justify why the conference should be held again and any expected differences from the previous iteration. Provide a copy of the last after action review.

4. Cost-Benefit Analysis. Explain the benefits of holding the conference. You must provide the specific objectives and/or tangible benefits you seek to achieve. Explain why lower cost alternatives (such as teleconferencing, video conferencing, or Web conferencing) were not feasible, and include any cost-saving features from previous conferences. For any conference requiring travel, include a certifying statement that the objectives of the conference cannot be satisfactorily accomplished less expensively by correspondence, teleconferencing, Web-based communications, or other appropriate means.

5. Analysis for Location Selection. Clearly indicate whether a Government/military facility or commercial facility is being used. Government-owned or leased space or military installation must be the first choice for venue. Demonstrate efforts to first secure Government or military space. If a Government/military facility is not being used for the event, explain why. Identify three geographic locations surveyed and provide a convincing business argument for the selected geographic location. (For example, you

SUBJECT: Request Approval to (Sponsor or Cosponsor) the (Insert Name of Event), (Dates)

should demonstrate where the majority of your attendees are traveling from and why the geographic location is the most cost-effective.) If a Government/military facility is not used, clearly identify the three venues considered in the geographic location where the conference will take place, including costs and any other factors used in the selection.

6. Attendees. Explain what measures were taken to discipline attendance to ensure the minimum number of attendees. Provide information on your expected attendees (for example, all general officers in the medical profession on the East Coast). Clearly articulate why these attendees have been selected to attend the conference. Certify that each attendee is mission-critical. Then complete this chart for your expected attendance:

	Local	Travel Required	Total
DA Military			
DA Civilian			
Other DoD Component (Non-Army)			
Contractors (NOTE: Include any contractors who are traveling to attend or support the conference. Explain in the narrative their role and how they are funded--through a contract line item number, etc.). Legal review should specifically address contractor attendance.			
"Other" Specify (other Federal Government personnel, statutory volunteers, guest speakers, etc.) Legal review should specifically address other attendees.			
Foreign (Military or Government)			
Government-funded spouses			
<b>GRAND TOTAL</b>			
Of those above*:			
Number of Army-funded attendees			
Number of DoD (non-Army) funded attendees			
Number non-DoD funded attendees (specify)			
GRAND TOTAL (should match the Grand Total above)			

\* OSD conference policy requires us to report attendee numbers broken out by Army-funded, DoD-funded, and total attendance.

SUBJECT: Request Approval to (Sponsor or Cosponsor) the (Insert Name of Event), (Dates)

7. Security. You must enclose with your conference request a conference security assessment, including threat and vulnerability assessments for the conference facility site and any specific security requirements for the conference facility. If the facility has not been selected at the time of the request, include as much information as you know. Provide contact information for the security office handling the conference. State the classification of the conference and certify that the procedures outlined in AR 380-5 (Department of the Army Information Security Program) have been followed, if applicable. If any personnel from a foreign government are attending, or if any classified information will be discussed, certify that the event has been coordinated with the Office of the Deputy Chief of Staff, G-2 (DAMI). The requirements of this section vary greatly depending on the specific facts of the conference (for example, a commercial facility or military installation). Contact your local security office for specific requirements.

8. Funding and Contracts. **Clearly explain how the conference is funded.** Explain who is paying for all costs associated with the event and what funding source they are using (regular Operation and Maintenance, Army; official representation funds (ORF)); registration or exhibit fees; grants; or any other Government agency funds). Include funding from both the conference proponent and attendees' organizations. For example, state whether attendees' organizations are funding travel and reimbursable registration fees. (A full explanation of how registration fees will be collected and expended should be included in paragraph 10.) If applicable, state the amount of ORF being requested and the date the ORF packet was submitted or will be submitted in accordance with AR 37-47 (Representation Funds of the Secretary of the Army). A separate ORF request must be submitted. **If you are using an NFE conference planner, provide the name of the contractor and clearly describe the services being provided.** Enclose any contract-related documents that will be relevant to decision making. **Include a description of the contracting procedures used, including whether contracts were awarded on a competitive basis and any cost comparison conducted in evaluating potential contractors.**

9. Meals and Incidental Expenses (M&IE). State whether any meals will be provided at Government expense in lieu of per diem. State the cost of each meal (including gratuity and applicable taxes) for each person. For example, each day attendees will be provided breakfast, lunch, and dinner at the following costs: B = \$#/person, L = \$#/person, D = \$#/person OR conference attendees will be provided lunch each day at \$#/person). If one or two Government-furnished meals are provided, the proportional meal rate (PMR) applies. See the Directive or Joint Federal Travel Regulations/Joint Travel Regulations for more information on M&IE and PMR. You must demonstrate that the actual cost of the Government-furnished meals plus PMR does not exceed the per diem for the locale. If all meals are provided at Government expense, PMR is not authorized, but attendees are still entitled to incidentals (\$5 in most CONUS locations). If meal breaks are worked into the agenda and attendees will purchase all meals with

SUBJECT: Request Approval to (Sponsor or Cosponsor) the (Insert Name of Event), (Dates)

their provided per diem or optional nonreimbursable registration fee, please indicate "No Government-furnished meals." In the "Estimated Costs" table in paragraph 13, you will need to show the calculations of M&IE and Government-furnished meals to make sure attendees are given the proper M&IE rate. Travelers are authorized 75 percent of M&IE on travel days regardless of meals provided.

10. Refreshments. Explain whether any refreshments will be provided and how they will be funded. Army policy is that refreshments are a personal expense and will not be provided at Government expense. Conference planners may offer attendees the opportunity to purchase refreshments as a personal expense ***not reimbursable*** by the Government. On rare occasions refreshments are both nonsegregable (not identifiable as a separate charge in the facility costs) and nonnegotiable (that is, the facility will not reduce the cost of the venue if refreshments are refused). ***Any refreshments provided must be specifically addressed in the written legal review submitted with the conference request.***

11. Fees. State whether a conference registration fee or exhibitor (vendor) fee will be collected, state the amount of the fee collected for each person or vendor, and list all expenses and costs the fee covers. Collection of fees must be conducted as permitted by applicable law, regulation, and policy. ***Any conference or exhibit fee must be explicitly addressed in the written legal review submitted with the conference request.***

12. Honoraria or Speaker Fees. State whether (or not) honorariums or speaker fees will be paid and the cost paid for each speaker. In general, fees are limited to \$2,000 a person, but refer to your command policy and/or DoD 7000.14-R (DoD Financial Management Regulation), Volume 10, chapter 12, paragraph 1208 (Payments of Fees for Guest Speakers, Lecturers, and Panelists) for more information. Include an explanation of any other costs to the Army for speakers (travel costs, etc.)

13. Estimated Army Costs. State the estimated costs for all expenses listed in the table and show all calculations (*examples of appropriate remarks and calculations are provided in italics*). Costs should include not only those for attendees, but also for speakers, support staff—anyone traveling at Army expense. This table is the only acceptable cost estimate template. Equations to show estimated costs are required.



SUBJECT: Request Approval to (Sponsor or Cosponsor) the (Insert Name of Event),  
(Dates)

Expense	Estimated Cost	Remarks/Calculations
Travel costs for attendees		(Average price of plane ticket) x (# of attendees) and/or POV reimbursement or other travel methods. Include rental cars, airport parking fees, room taxes, taxi or POV mileage to and from airports, etc.
<i>Example:</i>	\$47,722	\$500 x 95 attendees flying = \$47,500 \$ 555/mile x 80 mi x 5 attendees driving = \$222
Total Travel Costs	\$	Total of the previous costs, including per diem and travel expenses
<i>Hosting Costs</i>		
Meeting space rental costs	\$	Include all costs associated with facility rental space.
Fees for guest speakers, lecturers, or panelists	\$	Include cost for each speaker, travel costs or any other costs associated with speakers; include all DoD-funded costs (ex. Navy speakers) if not included in numbers above.
Printing or reproduction costs	\$	For example, reproduction costs for handouts.
Standard supplies	\$	For example, name tags, pens, paper, folders
Other costs	\$	For example, van needed to transport supplies to venue or Official Representation Funds
Contract costs	\$	Include any costs for contract support and/or contract conference planners. Include the contract or requisition # if known and a description of what it covers (what is the s. If not included above, include support contractor labor costs in this section.
Total Hosting Costs	\$	Total of the costs, including, but not limited to: supplies, printing/reproduction, meeting space, and contracted facilitators.
<i>Audiovisual Costs</i>		
Audiovisual Cost	\$	Include any audiovisual cost estimates (screens, microphones, etc.) <b>Audiovisual costs must be broken out separately and cannot be included in meeting space rental costs or contracted facilitator costs.</b>

SUBJECT: Request Approval to (Sponsor or Cosponsor) the (Insert Name of Event),  
(Dates)

Expense	Estimated Cost	Remarks/Calculations
<b>Food and Beverage Costs</b>		
Food and Beverages	\$	Include any costs for food, beverages, and refreshments provided by the host.
<b>TOTAL EXPENSES</b>	\$	Calculate the total expenses
Revenue (such as non-Army registration, exhibitor, or sponsor fees, and any grant monies)	(\$\$\$\$)	Describe each source of revenue and the amount.
<b>TOTAL COSTS</b>	\$	Total Expenses – Total Revenue

14. Estimated Other DoD Costs. OSD requires us to capture the total costs DoD paid. Use this next table to provide estimated costs for non-Army DoD attendees. Best estimates are acceptable.

Expense	Estimated Cost	Remarks/Calculations
<i>Travel Costs</i>		
Lodging costs for attendees	\$	
M&IE costs for attendees	\$	
Government-furnished meals	\$	
Travel costs for attendees	\$	
<b>Total Travel Costs</b>	\$	
<b>Other Costs</b>		
Conference/registration fee	\$	
Other costs	\$	
<b>Total Other Costs</b>	\$	
<b>Total Non-Army DoD Costs</b>	\$	Total of the above travel and other cost sections.

SUBJECT: Request Approval to (Sponsor or Cosponsor) the (Insert Name of Event),  
(Dates)

15. Reporting Requirement. Within 5 business days of approval, a copy of the approval memorandum and this request must be forwarded to OAA's Army Conference Management Directorate at [hqda.conferences.inbox@mail.mil](mailto:hqda.conferences.inbox@mail.mil). Within 25 days of the conclusion of the conference, provide an after action report to the approval authority and OAA. Required formats for the after action and closeout reports are available on the Army Conference home site.

16. Point of Contact. (Provide organization contact information: name, phone number, email address. This should be the individual most knowledgeable about the conference who should be contacted with questions.)

(Signature Block of Reviewing Official)

NOTE: The following items must accompany this request:

1. Conference agenda
2. Security review
3. Legal review
4. Precontract decision documents (if applicable)
5. Approval of venue selection within NCR by WHS (if applicable)

## Appendix C

### Army-Hosted Conference Legal Review Template

#### YOUR OFFICIAL LETTERHEAD

(OFFICE SYMBOL)

(date signed)

MEMORANDUM THRU (if applicable)

FOR (Requestor)

SUBJECT: Legal Review of (Sponsoring Proponent) (Name of Event), (Dates)

1. References: (list all relevant references)
2. Event. (Name of sponsoring proponent) requests approval to conduct the (name of conference), (dates of conference excluding travel days) at (venue, city, State, or country if OCONUS).
3. BLUF. State whether or not you have a legal objection to the request and briefly explain why.
4. Purpose and Justification. Is the purpose and justification for the event clearly explained? Does the agenda appear robust? Has the request overcome the presumption that a face-to-face event is not required?
5. Mission-Critical Analysis. Does the request contain a mission-critical certification? Consider quoting DoD's and the Secretary's mission-critical travel and attendance requirement. Does the request contain sufficient information to allow the approval authority to make a credible mission-critical determination for ALL the proposed attendees—not just some of them?
6. Cost-Benefit Analysis. Are less costly alternatives addressed? Is clear justification provided for why less costly alternatives are not used? Is the required certification statement included in the request or the endorsement? Is the request signed by a general officer or member of the Senior Executive Service?
7. Analysis of Location Selection. Were three geographic areas compared? Were three local facilities compared? Were Government/military facilities considered first? How does the proposed site help minimize costs? Does the request establish that commercial facilities are more economical than Government/military facilities if a commercial facility is used? Did the requesting organization try to contain the size of the conference to the capacity of the Government/military facilities nearest the majority of local attendees?

SUBJECT: Legal Review of (Sponsoring Proponent) (Name of Event), (Dates)

8. Attendees. Is Army-funded attendance limited to the minimum mission-critical attendees? Does the request contain sufficient information about the attendees and the requirement for all proposed attendees to attend to allow the approval authority to make a credible mission-critical determination for all or some portion of the attendees? Does the request explain the measures taken to discipline attendance? Are any spouses traveling at Government expense? How is contractor attendance funded?

9. Security. Is a security assessment in the required format provided? Does it raise any new issues?

10. Funding and Contracts. Is the proposed expenditure consistent with Army policy? Is the correct funding source being used? Is the correct approval authority cited? Are copies of any conference-related contracts provided?

11. Per Diem. Is the Government providing meals? Are the meals provided (if any) compliant with applicable rules, policy, and law? Has the requester demonstrated that the cost of any provided meals plus the authorized proportional meal rate do not exceed the local meal rate? Are meal and incidental rates consistent with local area allowances? Is lodging provided at the per diem rate? Are room taxes addressed? Does the request indicate whether room tax relief was or is being requested from the commercial lodging facility?

12. Refreshments. Are refreshments provided? How are they funded: Nonreimbursable conference fee? On a pay-as-you-go basis? As part of the facility rental? If provided as part of the facility rental, are refreshments nonsegregable and nonnegotiable?

13. Fees. Does the event have a registration/conference fee? If so, who pays and what is its purpose? What does the fee cover (specifically address any meals included in the registration fee and cross reference with paragraph 11)? Is the fee reimbursable? If so, is the expense a permissible expenditure?

14. Honoraria or Speaker Fees. Is the Government paying these fees? Why, how much, and what type of funds are proposed? Is the fee for each speaker within the \$2,000 limit? How necessary is this speaker?

15. Estimated Costs. Review the estimated costs. Identify and discuss any questionable expenses (for example, audiovisual charges, security, bartender fees, gifts, rental car, contractor facilitator fee, or anything else that does not look right). Are rental cars authorized? If yes, how does that affect the cost of the conference? Were alternatives to rental cars considered? Are transportation costs to and from the airport and airport parking addressed? Are there facility fees? What facilities are we paying for? Are conference room, audiovisual fees, etc. reasonable?

SUBJECT: Legal Review of (Sponsoring Proponent) (Name of Event), (Dates)

16. Conclusion. The conclusion must state "No legal objections" or summarize the deficiencies in or concerns with the request. Even if not legally objectionable, summarize any concerns the approval authority should know about and consider in deciding whether to approve the request.

17. Point of Contact. (Provide organization contact information: name, phone number, email address.)

(Signature Block of Reviewing Official)

## Appendix D

### Non-DoD-Sponsored Conference (Under \$50,000) Request Template

YOUR OFFICIAL LETTERHEAD

(OFFICE SYMBOL)

(date signed)

MEMORANDUM FOR (Approval Authority in accordance with Army Directive 2014-01)

SUBJECT: Request Approval to Spend Less Than \$50,000 on Army Attendance at (Insert Name of Non-DoD Event), (Dates)

1. Event. Request approval for Army expenditures of less than \$50,000 for Army attendance at the (name of non-DoD conference), (dates of conference), at (venue, city, State and country, if OCONUS).
2. Purpose. Explain why Army personnel are attending the conference and how participation will advance the mission of the department. Provide a detailed justification for attendance at this event, including any applicable regulations or directives. Explain why this event was chosen and include supporting justification from the conference mission or agenda that explains why attendance is required. ***Attest that this event is mission-critical to the Army.***
3. Justification and Cost-Benefit Analysis
  - a. Anticipated Benefits. Provide a detailed description of the anticipated benefits of conference attendance. As part of this description, quantify the benefit(s) in terms of a tangible result to assist with the cost-benefit analysis and describe the tangible return on investment. What do you expect to get out of the conference and why is it the best option? If this is a recurring event, provide cost-benefit details from the last iteration as part of this justification. Justify how attending the event is mission-critical.
  - b. Conference Fees and Contracts. Clearly explain what the Army is funding, including contractual support, in association with the conference (such as an exhibit booth, display, advertising or Web site) and what funding source is used for the expenses. State whether the Army is paying conference registration or exhibitor (vendor) fees. Provide the amount of the fee, by type and costs it covers, such as but not restricted to, training certifications, light refreshments, meals, recognition on the conference Web site and/or space in a conference exhibition hall. Explain what actions you took to minimize these costs. Highlight any sunk costs, such as nonrefundable travel or registration fees. If meals are included in the registration fee, the proportional meal rate (PMR) applies.
  - c. Alternatives. Explain why lower cost alternatives, such as virtual conferencing or a DoD-hosted event, were not feasible.

SUBJECT: Request Approval to Spend Less Than \$50,000 on Army Attendance at (Insert Name of Non-DoD Event), (Dates)

4. Attendees. Provide the following information on expected attendees:-

Number of DA civilian attendees	
Number of Army military attendees	
GRAND TOTAL	
Of the attendees:	
Number of local attendees (those not on TDY orders—usually traveling from within the local commuting area)	
Number funded from other sources (Section 1353 travel)	
Number of Army-funded attendees (either centrally or command-funded). (Note: This is NOT the # on TDY; this is the number of attendees funded at Government expense).	
Number of spouses traveling at Government expense (additional approval required).	

5. Attendee Justification. Justify why attendance is mission-critical for the requested attendees. Based on your functional expertise, identify categories of attendees and associated restrictions. The following list provides examples of criteria you may use to justify conference attendance. This list is not all-inclusive. Certify that each attendee is mission-critical.

a. *Registered speakers*: Attendance may be restricted to personnel the conference organizer invited to speak at one or more conference sessions. Normally, but not always, this individual would be included in the conference agenda by name.

b. *Subject matter experts*: Individuals who are critical to the success of the conference based on their unique knowledge of a specific issue or process.

c. *Required agency representation*: Attendance may be authorized for a specific group or type of organization if the conference is expected to distribute and/or clarify information that is critical to the efficient and effective operations of those organizations in the future. This criterion would generally restrict representation to the minimum required to address the organization's concerns and gather the required information (for example, two from an Army Service Component Command, one from a resource management office, three for each installation, etc.).

d. *Required training not provided elsewhere*: Attendance may be restricted to those for whom the conference is expected to distribute and/or clarify information that is

SUBJECT: Request Approval to Spend Less Than \$50,000 on Army Attendance at (Insert Name of Non-DoD Event), (Dates)

required for professional certification and/or career progression, and no alternative is available. In these instances, the conference proponent is expected to work with the conference organizer to develop nonconference alternatives for required training in the future.

e. *Career or position specific:* Conference attendance may be constrained to individuals in a certain career field and/or duty position to receive critical information not available via an alternative forum. As in paragraph 5d, the proponent would be expected to work with the conference organizer to develop alternative information outlets to reduce or eliminate required conference attendance in the future.

f. *Coordination and networking:* Generally the least compelling reason for conference travel and attendance, this criterion may be restricted to individuals who are new to their profession or duty position to give them an opportunity to meet key people.

g. *Previous attendance:* Attendees may be restricted based on frequency of attendance, such as every other year or every other session. This criterion is particularly applicable to personnel attending just for networking or noncritical training.

h. *Allocation rule:* Attendance can be directly constrained to a specific number of attendees or a specific dollar amount for each command.

6. Total Costs. Complete the following table to detail the estimated costs for all expenses and show all calculations. Examples of appropriate remarks and calculations are provided. Costs should include any Army funds to be expended, whether by the conference attendees, commands or organizations. Highlight any sunk costs, such as nonrefundable travel or registration fees. If meals are included in the registration fee, PMR applies.

SUBJECT: Request Approval to Spend Less Than \$50,000 on Army Attendance at  
(Insert Name of Non-DoD Event), (Dates)

Expense	Estimated Cost	Remarks/Calculations
<i>Attendee Costs</i>		
Lodging costs for attendees		(Hotel rate) x (# nights) x (# of attendees on TDY) = \$____. Clearly state if lodging exceeds the per diem lodging rate (justification must be included). If the # of nights for attendees varies (for example, support staff arrives early), show the calculations.  Organizations should request tax exemption where possible. If tax exemption is not feasible, calculate hotel tax fees and add to the total in this box. In addition, include any "resort fees" or other costs associated with conference lodging.
<i>Example: Washington, DC</i>	<i>\$112,000</i>	<i>\$224 x 5 nights x 100 attendees = \$112,000</i>
M&IE costs for attendees		FIRST & LAST DAY OF TRAVEL: (M&IE rate) x 75% x (2 travel days) x (# of attendees on TDY) = \$____.  CONFERENCE DAYS (w/ no Government-furnished meals): (M&IE rate) x (# full conference days) x (# of attendees on TDY) = \$____.  CONFERENCE DAYS (with Government-furnished meals): (PMR) x (# days with Government-furnished meals) x (# of attendees on TDY) = \$____.  NOTE: PMR is used for any days the Government provides one or two meals; if it provides three meals, only incidentals are allowable. Local attendees (those not in TDY status) are not authorized meals at Government expense.
<i>Example: Washington, DC</i>	<i>\$36,050</i>	
Travel costs for attendees		(Average price of plane ticket) x (# of attendees) and/or POV reimbursement or other travel methods. Include rental cars, airport parking fees, room taxes, taxi or POV mileage to and from airports, etc.
<i>Example:</i>	<i>\$47,722</i>	<i>\$500 x 95 attendees flying = \$47,500</i> <i>\$.555/mile x 80 mi x 5 attendees driving = \$222</i>
Registration fee		Number of attendees x registration fee; include a short description of what is included in the registration fee (such as meals, materials)

SUBJECT: Request Approval to Spend Less Than \$50,000 on Army Attendance at  
 (Insert Name of Non-DoD Event), (Dates)

Expense	Estimated Cost	Remarks/Calculations
Total attendee costs	\$	Total of the above costs to include: per diem, travel expenses and registration fees
Other Costs		
Exhibit fee (if applicable)	\$	Specify what size exhibit was purchased and any applicable associated costs.
Other costs	\$	For example, van needed to transport supplies to venue. Include all specific costs associated with attending the conference not included above
Total other costs	\$	Total of the costs above, including exhibit or other costs
<b>TOTAL COSTS</b>	<b>\$</b>	<b>Total Expenses</b>

7. Reporting Requirement. Within 5 business days of approval, a copy of the approval memorandum and this request must be forwarded to OAA's Army Conference Management Directorate at [hqda.conferences.inbox@mail.mil](mailto:hqda.conferences.inbox@mail.mil). Within 25 days of the conclusion of the conference, provide an after action report to the approval authority and OAA. Required formats for after action and closeout reports are available on the Army Conference home page.

8. Point of Contact. (Provide organization contact information: name, phone number, email address.)

Encl

(Signature Block of Requester)

NOTE: The following items must accompany this request:

1. Conference agenda
2. Legal review

## Appendix E

### Non-DoD-Sponsored Conference Legal Review Template

YOUR OFFICIAL LETTERHEAD

(OFFICE SYMBOL)

(date signed)

MEMORANDUM THRU (if applicable)

FOR (Approval Authority or Endorser, as applicable)

SUBJECT: Legal Review of (Name of Requesting Organization)'s Request to Attend (Name of Sponsoring Organization)'s (Name of Event), (Dates)

1. References: (List relevant references, including DoD conference policy, Army conference policy, and any applicable DoD or Army policy memorandums.)
2. Event. I have reviewed (name or requestor/requesting organization)'s request for approval to spend (total estimated cost) to send (total number of requested attendees) to (name of sponsoring organization)'s (name of conference), (dates of conference excluding travel days) at (venue, city, State, or country if OCONUS).
3. BLUE. Briefly indicate whether the request does or does not comply with the intent and requirements of the applicable references.
4. Purpose and Justification. Is the purpose of the conference explained and is clear justification for Army attendance at the conference provided? Does the agenda appear robust? Has the request overcome the presumption that a face-to-face event is not required?
5. Certification Statement. Does the request contain the mandatory mission-critical certification statement?
6. Mission-Critical Analysis. Does the request contain sufficient information to allow the approval authority to make a credible mission-critical determination for all proposed attendees—not just some of them? Paraphrase or quote key portions of the request to summarize its key points to support a mission-critical determination. Explain how these key points do or do not provide enough information to allow the approval authority to make a credible mission-critical determination for ALL requested attendees, not just some attendees.
7. Attendees. Is attendance limited to the minimum mission-critical attendees? Does the request contain sufficient information about the attendees and the requirement for all proposed attendees to attend to allow the approval authority to make a credible mission-critical determination for all or some portion of the attendees? Does the

SUBJECT: Legal Review of (Name of Requesting Organization)'s Request to Attend (Name of Sponsoring Organization)'s (Name of Event), (Dates)

request explain the measures taken to discipline attendance? Are any spouses traveling at Government expense? How is contractor attendance funded?

8. Funding and Contracts. Is the proposed expenditure consistent with Army policy? Is the correct funding source being used? Is the correct approval authority cited? Are copies of any conference-related contracts provided?

9. Registration Fee. Does the event have a registration/conference fee? If so, list the registration fees applicable to the Army attendees. Who pays? What does the fee cover? Specifically identify any meals or entertainment events included in the registration fee and cross-reference with paragraph 10. Is the fee reimbursable? If so, is the expense a permissible expenditure?

10. Per Diem. Is the Government providing meals? Are the meals provided (if any) compliant with applicable rules, policy, and law? Has the requester demonstrated that any provided meals plus the authorized proportional meal rate do not exceed the local meal rate? Are meal and incidental rates consistent with local area allowances? Is lodging provided at the per diem rate? Are room taxes addressed? Does the request indicate whether room tax relief was or is being requested from the commercial lodging facility?

11. Estimated Costs. Review the estimated costs. Identify and discuss any questionable expenses (for entertainment, gifts, or anything else that does not look right). Are rental cars authorized? If yes, how does that affect the cost of the conference? Were alternatives to rental cars considered? Are transportation costs to and from the airport and airport parking addressed?

12. Conclusion. Indicate whether the request is "not legally objectionable" or "is legally objectionable." Summarize any deficiencies in or concerns with the request, including those that might not rise to the level of rendering the request legally objectionable. While the approval authority determines if the requested attendance is mission-critical to the Army, the legal review should point out deficiencies or lack of information in the request that make the request suspect or insufficient to support a credible mission-critical determination.

13. Point of Contact. (Provide organization contact information: name, phone number, email address.)

(Signature Block of Reviewing Official)