



U.S. Department of Defense Standards of Conduct Office

EVENT ATTENDANCE REQUEST

General Rule: Employees generally may not accept gifts, including free attendance, offered because of their official position or offered by a person or organization that seeks official action or business with the employee's agency, is regulated by the employee's agency, or has interests that could be substantially affected by the performance or nonperformance of the employee's official duties. However, there are exceptions, and this handout provides the process for determining whether an invitation meets one of those exceptions and if applicable, the required approval processes. Note that there are two documents attached that may require completion:

TAB A: Screening Questions and Event Attendance Information Questionnaires – The screening questions should be used as a tool to determine whether or not to complete and submit an event attendance request. The Questionnaire should be completed by the event host/POC and is designed to ensure that supervisors and ethics officials have sufficient information to determine whether the offer of free attendance can be accepted.

TAB B: Approval memorandum template for authorization to accept free attendance to a Widely Attended Gathering (WAG). This memorandum must be signed by the approval authority and forwarded, along with the completed questionnaire and a copy of the invitation, to an ethics officials for review. ***For PAS officials and military officers in the grade of O-7 or above who are in command, the ethics official will complete the memorandum at TAB B. Requests should be submitted at least 10 working days before the event.***

- **OSD Personnel Only:** Requests must be sent via email to osd.soco@mail.mil.
- **All Other DoD Personnel:** Contact the ethics official(s) via your organization's legal office

Widely Attended Gatherings (WAGs) Exception: A common exception to the general gift prohibitions exists for certain widely-attended events. In order to use this exception, an employee must obtain written approval prior to accepting the offer. (5 C.F.R. § 2635.204(g)(1) & (3)). In most cases, approval may be given by the employee's supervisor, after consultation with an ethics official. The approval must include a written determination that the agency has an interest in the employee's attendance, and that this interest outweighs any concern the employee

may be, or may appear to be, improperly influenced in the performance of official duties.

- Agency Designee: The written determination discussed above must be made by a supervisor who is a commissioned military officer or a civilian (not a contractor) above GS-11 and in the chain of command or supervision of the DoD employee invited to attend the event. The Agency Designee must consult with their ethics official. *For any military officer in the grade O-7 or above who is in command, and any civilian Presidential appointee confirmed by the Senate, the Agency Designee is the ethics official.* (JER 1-202, DoD 5500.7-R)
- Political Appointees - Additional Restrictions Apply! For PAS, non-career SES, and Schedule C employees, the President's Ethics Pledge (E.O. 13770) signed by all political appointees prohibits accepting gifts from registered lobbyists or lobbying organizations, with limited exceptions.
- Criteria for Approval (5 C.F.R. 2635.204(g)(3)): The agency designee must find that:
 - (1) The event is a widely-attended gathering. That is, a large number of persons, with a diversity of views or interests, are expected to be present; and, there will be an opportunity to exchange ideas and views with other attendees (5 C.F.R. 2635.204(g)(2)); and
 - (2) The employee's attendance at the event is in the agency's interest because it will further agency programs or operations; and
 - (3) The agency's interest in the employee's attendance outweighs concerns the employee may be, or may appear to be, improperly influenced in the performance of official duties; and
 - (4) If a person other than the host of the event invites or designates the employee as an invitee, and bears the cost of that gift; the event is expected to be attended by more than 100 persons, and the value of the gift of free attendance does not exceed \$415.
- Relevant Factors – Agency Interest (5 C.F.R. 2635.204(g)(4)): In determining whether the agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duties, the agency designee may consider relevant factors, including:
 - (1) The importance of the event to the agency;
 - (2) The nature and sensitivity of any pending matter affecting the interests of the person who extended the invitation and the significance of the employee's role in any such matter;
 - (3) The purpose of the event;
 - (4) The identity of other expected participants;
 - (5) Whether acceptance would reasonably create the appearance that the donor is receiving preferential treatment;
 - (6) Whether the Government is also providing [or would provide] persons with views or interests that differ from those of the donor with access to the Government; and

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(7) The market value of the gift of free attendance.

- Accompanying spouse or other guest (5 C.F.R. 2635.204(g)(6)): When others in attendance will generally be accompanied by a spouse or other guest, and the invitation is from the same person who invited the employee, the agency designee may authorize an employee to accept an unsolicited invitation to an accompanying spouse or one other accompanying guest to participate in all or a portion of the event. This authorization must be in writing.
- Important Notes:
 - (1) Attendance using the WAG exception is always in a personal capacity, notwithstanding the agency interest determination. TDY funds may NOT be used to send an employee to a WAG. An employee already TDY for other purposes, may use the WAG exception to attend an ancillary event at the TDY location.
 - (2) Because free attendance using the WAG exception is in a personal capacity, the value of free attendance for the employee and personal guest(s) are considered gifts to the employee and must be reported on the employee's next financial disclosure report if the total exceeds the reportable threshold.

Tabs

A – Event Attendance Information Questionnaire

B – Written Authorization to Accept Free Attendance at a Widely Attended Gathering

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TAB A

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Event Attendance Information Questionnaire

SECTION 1: SCREENING

Screening Questions: The answers to these questions will determine whether or not to complete the questionnaire. Please contact an ethics official with any questions. ***This portion of the questionnaire should be answered by the invitee/immediate staff.***

A. Does the invitee's schedule permit attendance AND has the invitee indicated they want to attend the event?

- NO ____ **STOP!**
To avoid waste of Government resources, do not request a legal opinion until/unless the invitee has determined that they are available and would like to attend.
- YES ____ (*Continue to QUESTION B.*)

B. Has the invitee been asked to speak or present information in their official capacity on behalf of the Department?

- YES ____
The offer of free attendance, to include meals/refreshments available to all attendees, ***on the day(s) the invitee is speaking/presenting in an official capacity*** is not considered a gift. However, there may be other ethics considerations requiring an opinion. Additionally, a PAO and security review of speaking materials may be required.
 - ❖ *If the invitee will only attend on the days they are officially speaking/presenting, **complete SECTION III only.***
 - ❖ *If the invitee will also receive free attendance on days they are **not** speaking/presenting, **continue to QUESTION C.***
- NO ____ (*Continue to QUESTION C*)

C. Is the event free AND open to the public or to **ALL** civilian and military personnel (*vice invite only*)?

- YES ____ **STOP!**
- The offer of free attendance is not considered a gift and a legal opinion is not required. Only supervisor approval is required for attendance ***if*** attending in an official capacity. No approval required for personal attendance. Recommend the invitee retain the completed copy of this page along with documentation that attendance is free and open for their files.
- NO ____ (*Complete SECTION II and the MEMORANDUM at TAB B*)

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SECTION II: FREE ATTENDANCE QUESTIONNAIRE

Note: The Questionnaire should be completed by the event host/POC. All items must be completed, unless otherwise indicated.

1. Name of Invitee(s):
2. Name of the event:
3. Host(s) or organizer(s) of the event (who “owns” the event):
 - Name of Entity:
 - Name of POC:
 - Phone:
 - E-mail:
 - Event website:
4. Dates:
 - a. Date(s) of the event:
 - b. Date(s) invitee is on the agenda to speak/present in an official capacity (if applicable):
5. Location of the event:

(Note – WAG attendance is in a personal capacity, and therefore, TDY funds are not available for travel solely to attend a WAG event. Where an employee will already be TDY for official business, the employee may attend an ancillary event at the TDY location using the WAG exception, if approved in advance).

6. Nature and purpose of the event:
7. Approximate total number of attendees:
8. Identify general sources of attendees at the event. (Check all that apply)
 - Federal Executive Branch ____
 - DoD ____
 - Non-DoD ____
 - State or local Government ____
 - Academia ____
 - Industry ____ Approximately how many different companies will be represented? ____
 - Legislative Branch ____
 - Other (describe) _____
9. Is an entity other than the event host paying the cost for DoD invitees? (Y/N) ____
 - If Yes, provide:
 - Name of entity paying:
 - Names of the DoD invitees it will pay for:

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10. Is an entity other than the host designating the DoD invitees? (Y/N) _____

- If Yes, provide:
 - Name of entity designating invitees:
 - Names of the DoD invitees it designated:

11. Does the invitation include an unsolicited offer for the employee to bring a guest? (Y/N)

- If Yes:
 - How many? _____
 - Will others in attendance also be accompanied by a guest? (Y/N) _____

12. Does the person / organization extending the invitation have any matter(s) pending before DoD and, if so, is the DoD employee who has been invited to the event involved in these matters? (Y/N) _____

- If Yes, please describe:

13. What is the value of free attendance being offered? If tickets to the event are sold, please provide the face value of the ticket. If tickets are not sold, then please indicate the per person cost to host the event.

a. Face value of ticket, if applicable: _____

or

b. Estimated per person cost to host the event: _____

14. Are other unsolicited gifts being offered in addition to free attendance (i.e., free parking, memento, transportation, etc.) (Y/N) _____

- If Yes, please itemize and identify the estimated cost of each gift:

15. Is the hosting or inviting organization tax-exempt under 501(c)(3)? (Y/N) _____

16. Is the hosting or inviting organization a registered lobbyist or lobbying organization (2 U.S. Code §1603(a))? (Y/N) _____

17. Is this a fundraising event (e.g., is any portion of the admission price tax deductible)? (Y/N) _____

- If Yes, and a portion is identified to attendees as being tax deductible, please provide that amount: \$ _____

18. Is this an event recurring from year to year? (Y/N) _____

19. Comments Section: Please provide any additional information (copy of invitation, invitation transmittal letter/email, etc.)

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SECTION III: OFFICIAL SPEAKING/PRESENTING QUESTIONNAIRE

Note: The Questionnaire should be completed by the event host/POC. All items must be completed, unless otherwise indicated.

1. Name of Invitee(s):
2. Name of the event:
3. Host(s) or organizer(s) of the event (who “owns” the event):
 - Name of Entity:
 - Name of POC:
 - Phone:
 - E-mail:
 - Event website:
4. Dates:
 - a. Date(s) of the event:
 - b. Date(s) invitee is on the agenda to speak/present in an official capacity:
 - c. Will invitee attend on days other than the date they are speaking/presenting? (Y/N)____
If yes, which days?
5. Location of the event:
6. Nature and purpose of the event:
7. Does the percentage of total speakers/presenters who are DoD personnel exceed 20%? (Y/N)
 - If Yes, what percentage are DoD personnel? _____
8. Are attendees limited to only clients/customers/employees of the host? (Y/N) _____
 - Approximate total number of attendees: _____
9. Does the invitation include an unsolicited offer for the employee to bring a guest? (Y/N)
 - If Yes:
 - How many? _____
 - Will others in attendance also be accompanied by a guest? (Y/N) _____
10. Does the person / organization extending the invitation have any matter(s) pending before DoD and, if so, is the DoD employee who has been invited to the event involved in these matters? (Y/N) _____
 - If Yes, describe:

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11. Is there a fee for anyone to attend the event? (Y/N) _____

- If Yes, what is the highest fee \$_____ per person?
- Do certain categories get free or reduced attendance? If so, identify those categories:

12. Are any unsolicited gifts being offered to the invitee that are not included in the event registration fee for all attendees (i.e., speaker gift, separately charged/special invitation meal, free parking, transportation, etc.)? (Y/N) _____

- If yes, identify these gifts and provide estimated cost for each:

13. Is this a fundraising event (e.g., is any portion of the admission price tax deductible)? (Y/N) _____

- If Yes, and a portion is identified to attendees as being tax deductible, please provide that amount: \$_____

14. Is this an event recurring from year to year? (Y/N) _____

15. Is this an event recurring from year to year? (Y/N) _____

16. Is the hosting or inviting organization tax-exempt under 501(c)(3)? (Y/N) _____

17. Is the hosting or inviting organization a registered lobbyist or lobbying organization (2 U.S. Code §1603(a))? (Y/N) _____

18. Comments Section: Please provide any additional information (copy of invitation, invitation transmittal letter/email, etc.)

TAB B

[For PAS or O-7 & Above in Command – An Ethics Official May Provide Authorization]

Date:

MEMORANDUM FOR RECORD

SUBJECT: Written Authorization to Accept Free Attendance at a Widely-Attended Gathering

[Employee name] has been invited by [non-Federal source] to attend [name event] on [date of meeting] in [place of meeting] at no charge. [Employee name] is a Federal employee assigned as [position] in the [office / command]. The offer of free attendance [includes/does not include] an invitation for [employee name] to bring a guest. The event will be attended by approximately [###] people from [government, industry, academia, other (name all that apply)] representing a diversity of views or interests. There will be an opportunity for [employee name] to exchange ideas and views with other attendees. I find that the event is a widely attended gathering; the employee's attendance is in the agency's interest because it will further agency programs or operations; and the agency's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duties.

I have considered the importance of the event to the agency, the nature and sensitivity of any pending matter affecting the interests of [non-Federal source] and the significance of [employee name]'s role in any such matter. I have also considered the purpose of the event, the identity of other expected participants, the value of the gift of free attendance, whether acceptance would reasonably create the appearance that [non-Federal source] is receiving preferential treatment, and persons with views or interests that differ from those of [non-Federal source] have been, or would be, provided similar access to Government employees.

Acceptance of this offer of free attendance is approved, subject to an ethics official's review and concurrence. This memorandum will be coordinated with an ethics official prior to acceptance. I understand that attendance is in a personal capacity and that TDY funds cannot be used to send employees to this event.

[Supervisor name, position, and grade].

Point of Contact: _____

Phone: _____

Ethics Official Coordination: Concur _____

Non-concur _____

Copy to: [employee name]

* Employees should retain a copy of this memo for six years