

FOR YOUR INFORMATION
Widely-Attended-Gathering (WAG) Requests
from Non-Federal Entities

The Department of Defense Standards of Conduct Office (SOCO) regularly receives requests from non-Federal entities (e.g., defense contractors, professional associations, charities) for blanket WAG determinations, to permit DoD personnel to accept the gift of free attendance at an upcoming event (e.g., gala, award ceremony, round table, luncheon).

SOCO instituted a policy to no longer provide blanket WAG determinations for most events. See http://www.dod.mil/dodgc/defense_ethics/2008_Advisories/ADV_0808.htm. The appropriate DoD Ethics Officials must make a decision for respective Service or DoD Agency clients/invitees. To expedite this process, however, we recommend that any request for a WAG determination to any DoD entity provide at least the following information:

1. Number of people expected to attend.
2. Demographics of expected attendees (e.g., Federal, State & Local government; Congressional; private sector; non-profits) and/or preferably the list of invited attendees.
3. If any portion of the event is a fundraiser, all details about the fundraising efforts (e.g., how are the funds being raised, what are the seating arrangements).
4. Cost of an individual ticket to the event (or if there is no charge, the aggregate fair market value expended for each attendee--e.g., cost for local, food, services).
5. Details (in particular, cost) of any other items of value which an attendee may receive (attendance for a guest/spouse, gift or memento for attendance, free valet parking etc).
6. Provide all information about other sponsors to the event (e.g., can sponsors dictate seating assignment, identify government invitees).
7. Whether the host is a registered lobbying organization or a media or non-profit 501(c)(3) entity.
8. Name and contact information for a point of contact who can provide prompt responses to any concerns or questions.
9. Describe the extent of the opportunity for an exchange of ideas or discussion among attendees (e.g., concerts, golf 4-somes, and attendance at sporting events generally are for observation and do not promote exchange of ideas and would not qualify as a WAG event).

We also suggest the host entity consider including appropriate language in the invitation similar to the following:

ATTENDANCE BY DOD PERSONNEL

Please be advised that the Department of Defense (DoD) no longer provides "blanket" Widely Attended Gathering (WAG) determinations for external events. This event may qualify as a WAG pursuant to 5 C.F.R. § 2635.204(g). All personnel are strongly encouraged to consult with their supervisor or ethics advisor prior to attending.

ATTENDANCE BY POLITICAL APPOINTEES

Executive Order 13490 of January 20, 2009 prohibits political appointees from accepting gifts from lobbyists or lobbying organizations pursuant to the widely attended gathering exception to the federal gift rules. Since [INSERT HOST/SPONSOR NAME] [is/is not] a lobbying organization, political appointees are [in/eligible] to accept our invitation of free attendance. To ensure compliance with Executive Order 13490, we suggest that DoD political appointees consult with their ethics advisor.