**Offers of Free Attendance at Seminars and Conferences**

SAGC-EF

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1. **Purpose.** To summarize when employees may accept free attendance at a seminar, conference, or similar function.

2. **Facts.**

 a. **General.** In 1993, the Office of Government Ethics published the Standards of Conduct for the Executive Branch of the Federal Government. Among those rules is authorization to accept free attendance at official speaking engagements (5 C.F.R. § 2635.204(g)(1)), and "widely-attended gatherings" (5 C.F.R. § 2635.204(g)(2)).

 b. **Participation in an Official Capacity.**

 (1) Speaking and Similar Engagements: Pursuant to 5 C.F.R. § 2635.204(g)(1), an employee may accept free attendance at a conference or other event where the employee will participate in an official capacity, as a speaker or panel participant, to present information on behalf of his agency, provided the offer is from the event’s sponsor. This acceptance authority is limited to free attendance on the day of the official presentation, and permits the employee to accept waiver of a conference or other fee, or the provision of food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event.  Acceptance of travel expenses is not authorized under this acceptance authority.

 (2) Other Official Participation: Under certain circumstances, employees in an official travel status may accept travel and related expenses to attend conferences and similar functions, in addition to free attendance at the event (31 U.S.C. § 1353).

 c. **Participation in a Personal Capacity.** An employee attending an event in his personal capacity may accept a gift of free attendance if the event is "widely attended," pursuant to 5 C.F.R. § 2635.204(g)(2). The principal elements of a "widely attended gathering" are size and diversity. The following criteria must be satisfied for an employee to accept free attendance in a personal capacity:

 (1) The event is open to members from throughout a given industry or profession (for example, a small dinner party of twelve people is not large enough to be "widely attended"); or persons with a diversity of views or interests are expected to be present (for example, a gathering of 100 company employees, to which one or two Government employees are invited, is insufficiently diverse to be "widely attended").

 (2) The employee’s supervisor (in the grade of GS-12 or above, or a commissioned military officer) determines (verbally or in writing) that attendance is in the agency’s interest because it will further agency programs and operations and avoid undermining the integrity of the Army. The agency’s interests may include promoting community relations or providing the opportunity to exchange views or technical information with members of a specific profession. If the person who invited the employee has interests that may be affected by execution of the employee’s official duties, the supervisor must make a further written determination that the agency’s interest in attendance outweighs the appearance of improper influence. Supervisors should make this determination in consultation with their Ethics Counselor. For general officers in command and political appointees, their Ethics Counselors must make the determination.

 (3) The event’s sponsor bears the cost of free attendance or, if someone other than the sponsor bears the cost, one of the following is true:

 (a) The sponsor decides who to invite; or

 (b) More than 100 persons are expected to attend, and the value of free attendance (including the value of free attendance for an invited spouse or guest) is $350 or less.

 (4) Attendance of Spouses or Other Guests: If the employee is authorized to accept free attendance for himself under this exception, his supervisor may also authorize him to accept free attendance for his spouse or guest if:

 (a) A spouse or guest will generally accompany others in attendance; and

 (b) The offer to the spouse or guest is from the same source as the offer to the employee.

 (5) Limitations on Acceptance: If this exception applies, an employee may accept waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction, and materials furnished to all attendees as an integral part of the event.  Acceptance is unauthorized for travel expenses, lodging, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees. Separately ticketed events conducted during a larger WAG (e.g., a VIP Dinner) may qualify for its own WAG determination; however, the supervisor must independently make a determination of agency interest for the separate event.

 (6) Blanket Determinations of Agency Interest: A supervisor may issue a blanket determination that attendance by all or a specific category of subordinate employees is in the agency’s interest. A written finding described in paragraph *c (2),* above, for individuals whose duties may present a conflict, is required.

 (7) Bear in mind that acceptance of free attendance at a “widely attended gathering” (WAG) is an exception to the general prohibition on acceptance of gifts from outside sources and is a gift to the individual in a personal capacity. Therefore, individuals attending WAGS in a non-official capacity must be in a leave or other authorized absence status if held during duty hours, and the individual is responsible for providing his own transportation. TDY and Government-furnished transportation are generally unavailable for attendance at WAGs.