

Gifts of Free Attendance

References:

REE Policy and Procedure 341.2 - Acceptance of Travel Expenses from Non-Federal Sources
(<http://www.afm.ars.usda.gov/ppweb/341-02.htm>)

REE Bulletin 00-305 - Acceptance of Travel Expenses from Non-Federal Sources
(<http://www.afm.ars.usda.gov/ppweb/00-305.htm>)

Conflict of Interest Analysis and Approval and Report of Travel Funds Received from Non-Federal Sources (<http://www.afm.ars.usda.gov/hrd/ethics/travel.htm>)

Widely Attended Gathering form (SEB-104)
(<http://www.afm.ars.usda.gov/hrd/ethics/files/WIDELYATTENDED.PDF>)

Federal employees may normally not accept gifts from outside sources, unless one of the exceptions permits the employee to do so. Free attendance at certain events or functions is considered a gift, and acceptance of free attendance is governed by the gift rules.

Situations which DO NOT constitute a gift include:

- Meals which are included in a registration or attendance fee paid by the employee or the Government.
- Light refreshments provided to conference attendees during breaks and receptions which are part of the event, e.g., an afternoon networking conference. Even if a pharmaceutical company supports the reception, if it is considered an integral part of the conference, this is not a gift.
- Waived registration and the meal offered to all attendees on the day an employee officially speaks or otherwise presents information on behalf of the agency.
- An employee attending and participating in a personal capacity on an approved Outside Activity may accept items offered as compensation as part of the Outside Activity, e.g., the registration and meals at the event.

Situations which DO constitute a gift include:

- Free attendance at a dinner, reception, or similar event, other than as noted above. This type of event may be a "Widely Attended Gathering" (WAG) if it meets the criteria in the regulation: a meeting, conference, or other event which is attended by either a large number of people from throughout an industry or profession, or by those representing a wide range of interests. The WAG exception to the gift prohibition permits free attendance at certain events. Obtaining permission to accept these gifts protects the employee from possible accusations of inappropriately accepting gifts. See additional information below.

- Waived registration on days which the employee does not speak or otherwise present information on behalf of the agency.

Speaking/Presenting with Free Attendance and Meal on the Day the Employee Presents

A Federal employee may accept free attendance on the day of the presentation when it is provided by the sponsor of the event. The free attendance on the day of the presentation may include a waiver of all or part of the conference or other attendance fee for that day, and the provision of food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event. "Free attendance" does not include travel expenses, lodgings, entertainment not associated with the gathering, or meals other than those taken in a group setting with all other attendees. Free attendance on the day of an official speech or other active participation (e.g., chair or participation in a panel discussion) is not considered a gift to the individual or to the agency, and no additional approval form is needed. The official duty may require approval consistent with Agency policy. Travel provided by the sponsor of the event is approved via the sponsored travel mechanism (Forms: **Conflict of Interest Analysis & Approval and Report of Travel Funds Received from Non-Federal Sources**, located at: <http://www.afm.ars.usda.gov/hrd/ethics/travel.htm>).

Example: You will give an official presentation on the first day of a 3-day conference, with travel expenses provided by your Agency. You were invited to sit at the Speakers' Table at the lunch on the day you speak. All conference participants are expected to attend the lunch as part of the program of the conference. Since you are speaking on that day, you may accept both the waived registration fee for that day and the free meal after receiving any required official duty clearance to do so.

Free Attendance and/or Meals on Days the Employee Does NOT Present

When an employee is not giving a speech or otherwise participating, the employee may accept an unsolicited gift of free attendance at all or appropriate parts of a meeting or other conference of mutual interest to a number of parties when the Agency/Area Ethics Advisor and the Science Ethics Branch Advisor determines that the employee's attendance is in the agency's interest because it will further agency programs and operations. Free attendance may include a waiver of all or part of the 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. Free attendance does not include entertainment separate from the event, meals taken other than in a group setting with all other attendees, or travel expenses and lodgings. (These latter expenses might be permitted under other statutory authorities.) Approval format depends on the type of gift offered.

Sponsored Travel and Registration: When sponsored travel is offered in connection with an employee's official participation in a meeting or other conference, the REE Agencies may accept the offer as a gift to the Agency as provided in the REE Policy and Procedure 341.2 and the REE Bulletin 00-305. If sponsored travel is offered in connection with an employee's attendance (without participation) at a meeting or other conference to which the Agency intends to send the employee for purposes of training or professional development, the Agency may likewise accept the offer. Waived registration to all or part of such a meeting or other conference may be accepted as part of sponsored travel.

Invitation to Dinners/Receptions

Invitations to attend dinners or similar events for free are gifts to the employee and attendance requires a determination by the Agency/Area Ethics Advisor and the Science Ethics Branch Advisor that attendance is in the agency's interest (for example, the employee will have the opportunity to network with scientists or other individuals interested in the programs of USDA).

This determination is made using the WAG form. See Determination of Agency Interest, below. If approved to attend, employees must do so on their own time or an excused absence.

Example: You will give an official presentation on the first day of a 3-day conference, with travel expenses offered by sponsor of the conference and registration is waived for the entire conference. You were invited to sit at the Speakers' Table at the lunch on the day you speak. All conference participants are expected to attend the lunch as part of the program of the conference. Approval is obtained using the appropriate mechanism for the gifts offered:

- Since you are speaking on one day, you may accept both the waived registration fee for and the free meal on that day without further approval.
- Sponsored Travel to cover:
 - waived registration fee, indicate 'in-kind' support (two-thirds of the total registration fee) ; and
 - travel expenses, indicate 'in-kind' if they provide the ticket and pay the hotel bill, otherwise the government will get reimbursed for paying those expenses.
- Widely Attended Gathering form (SEB-104) - used to obtain permission to accept free meals, receptions, and similar events separate from the conference (see "Collateral Events" below), or registration not accepted by the Agency as sponsored travel.

Sometimes an invitation comes from another party, not the sponsor of the event, or an accompanying guest or spouse is also invited. Whether an employee can be approved to accept the invitation depends on the facts.

Employee Invited	Employee and Guest/Spouse Invited
<p>Sponsor Invitations: The free attendance at a widely attended gathering may be permissible when it is being supported by the sponsor of the event. There is no required number of attendees, but it must be 'widely' attended. There is no dollar limit to the market value of the free attendance.</p>	<p>Sponsor Invitations: When other attendees will generally be accompanied by a spouse or other guest, AND the invitation for the guest is from the same person who invited the employee, the agency may authorize an employee to accept an unsolicited invitation of free attendance to an accompanying spouse or other guest to participate in all or a portion of the event at which the employee's free attendance is permitted. For invitations from the sponsor of the event, there is no limit on the market value of the free attendance.</p>
<p>Non-Sponsor Invitations: If someone other than the sponsor of the event invites the employee AND bears the cost of the employee's attendance through a contribution or other payment intended to facilitate that employee's attendance, the invitation is considered to be from a non-sponsor. Payment of dues or a similar assessment to a sponsoring organization does not constitute a payment intended to facilitate the attendance of a particular employee. For invitations from non-sponsors of the event, more than 100 persons must attend and the market value of the free attendance must not exceed \$335.</p>	<p>Non-Sponsor Invitations: When other attendees will generally be accompanied by a spouse or other guest, AND the invitation for the guest is from the same person who invited the employee, the agency may authorize an employee to accept an unsolicited invitation of free attendance to an accompanying spouse or other guest to participate in all or a portion of the event at which the employee's free attendance is permitted. For invitations from a non-sponsor, more than 100 persons must attend and the gift of free attendance is limited to a market value of \$335 or less (employee plus guest).</p>

Attendance at Activities Collateral to Another Event

Frequently, organizations plan receptions and other events to coincide with professional meetings. Events which are part of the meeting but supported by other organizations are not considered separate events. For instance, the afternoon break may be sponsored by a pharmaceutical company. That is part of the professional meeting, not a separate event. If the same pharmaceutical company held a reception one evening that was not considered part of the professional meeting, e.g., not planned or managed by the organization which planned the professional meeting, an employee needs permission to attend.

There are normally two types of collateral events: 1) all attendees at the meeting are invited to attend a reception, usually in the evening following the meeting events; and 2) only certain attendees are invited. In either case, if the employee knows ahead of time about the extra receptions occurring in conjunction with a professional meeting, the employee must obtain permission to attend each activity via the WAG form. Each event is evaluated individually for agency interest. The limited attendance events may be more difficult to permit attendance, especially if they do not fit the definition of widely attended. If an employee attends a professional meeting and discovers upon arrival that other non-meeting events are being held, the employee should call his/her Agency/Area Ethics Advisor to obtain permission to attend.

Determination of Agency Interest

The Agency/Area Ethics Advisor and the Science Ethics Branch Advisor must determine that attendance at a widely attended gathering is in the agency's interest because it will further agency programs and operations. If the person who extended the invitation has interests that may be substantially affected by the performance or nonperformance of the employee's official duties, or is an association or organization the majority of whose members have such interests, this determination can only be made if your Agency/Area Ethics Advisor with concurrence of the a Science Ethics Branch Advisor determines that the employee's participation in the event outweighs concern that acceptance of the gift of free attendance may or may appear to improperly influence the employee in the performance of his/her official duties. Relevant factors to consider in making this determination include:

- the importance of the event to the agency;
- the nature and sensitivity of any pending matter affecting the interests of the person who extended the invitation;
- the significance of the employee's role in any such matter;
- the purpose of the event;
- identity of other expected participants; and
- the market value of the gift of free attendance.

Coverage Options: The written determination may be issued to cover multiple employees whose duties similarly affect the interests of the person who extended the invitation or, where that "person" is an association or organization, of its members.

For additional information, contact your Agency/Area Ethics Advisor or the Science Ethics Branch: <http://www.afm.ars.usda.gov/hrd/ethics/agency.htm>