



USDA OFFICE OF ETHICS

Request for Acceptance of Free Attendance at Widely-Attended Gatherings

Please provide the invitation and agenda from the non-Federal organization and use supplemental sheets as necessary.

PART I: EMPLOYEE INFORMATION

EMPLOYEE'S NAME:	EMPLOYEE'S WORK #:
POSITION TITLE:	AGENCY NAME & ADDRESS:
E-MAIL ADDRESS:	PAY PLAN GRADE ANNUAL SALARY \$

PART II: SPONSOR INFORMATION

NAME & PURPOSE OF THE EVENT:	SOURCE OF FREE ATTENDANCE:
SPONSOR'S NAME:	APPROXIMATE VALUE: \$ Describe any other items of value – with approximate cost -- which an attendee may receive (free valet parking, gift or memento, etc.):
IS THE HOST A REGISTERED LOBBYING ORGANIZATION OR A MEDIA OR NON-PROFIT 501(C) ENTITY?	DATE(S) OF EVENT: LOCATION OF EVENT:

Check the statements that apply in the sequence indicated.

1. Is the employee assigned on official duty to participate as a speaker, panel member or otherwise to present information on behalf of USDA at a conference or similar engagement?

Yes

No

- ▶ If yes, attendance on the day(s) of the employee's actual presentation is a customary and necessary part of his performance of the assignment and does not involve a gift to the individual or the USDA. No further action is necessary. You may accept.
- ▶ If No, or the invitation includes attendance for days when the employee will not be making a presentation, proceed to Question 2.

2. Has someone other than the sponsor of the event designated the employee to be invited and will someone other than the sponsor bear the cost of the employee's attendance?

Yes

No

- ▶ If the answer to either is No, proceed to Question 3.
- ▶ If the answer to both is Yes, the invitation may not be accepted under the widely attended gathering exception UNLESS more than 100 persons are expected to attend the event and the gift of free attendance has a market value of \$390 or less.
 - If the market value of the gift of free attendance is \$390 or less AND more than 100 persons are expected to attend, proceed to Question 3.
 - If the answer to either question is No, this gift may not be accepted under the WAG exception.

3. Was the offer of free attendance solicited?

Yes (If Yes, the invitation may not be accepted.)

No (If No, proceed to Question 4.)

4. Is the event "widely attended" within the meaning of [5 CFR 2635.204\(g\)\(2\)](#)? A gathering is widely attended if it is expected that a large number of persons will attend, that persons with a diversity of views or interests will be present, for example, if it is open to members from throughout the interested industry or profession or if those in attendance represent a range of persons interested in a given matter, and that there will be an opportunity to exchange ideas and views among invited persons.

a. Is the event open to members from throughout a given industry?

Yes

No

- ▶ If Yes, please provide a brief description including the different interests and points of view they may represent:

b. Will individuals in attendance represent a range of persons interested in a given matter?

Yes

No

- ▶ If Yes, please provide a brief description of likely attendees (government employees, industry, public, scientists, etc.) Describe by groups -- not individual names:

c. Is the event expected to be attended by a large number of people?

Yes

No

- ▶ If Yes, please provide the approximate number of expected attendees:

5. Will fundraising be part of the event?

Yes

No

- ▶ If Yes, please provide details about the fundraising efforts (how are the funds being raised, seating arrangements, etc.):

6. Is attendance at this event in the interest of the agency because it will further agency programs or operations?

Yes

No

- ▶ If Yes, explain how the event relates to the employee's duties and how attendance would further agency programs:

- ▶ If No, the gift may not be accepted under this exception.

7. A WAG exception involves a gift to an individual rather than to the USDA. Therefore, any individual subject to a leave system must be on his own time or have an excused absence.

- ▶ Will the event be held after duty hours (e.g. evening, weekend)?

Yes

No

- ▶ If during duty hours, the employee may be on excused absence in accordance with applicable USDA policies and practices.

Yes

No

8. Does the invitation include attendance by the employee's spouse or other guest?

Yes

No

- ▶ If Yes, does your spouse work for USDA?

Yes

No

- ▶ If Yes, where?

- ▶ If Yes, will other attendees at the event generally be accompanied by their spouse or other guests?

Yes

No

Note: If yes, and someone other than the event sponsor is paying, the value of the guest's free attendance must be aggregated with the value of the employee's free attendance in applying the \$390 ceiling for WAGs offered by non-sponsors.

9. Does the event sponsor have interests that may be substantially affected by the performance or nonperformance of the attendee's official duties? (If the sponsor is an organization/association, do the majority of its members have such interests?)

Yes

No

- **If the response to Question 9 is No, please forward this form to your Ethics Official for approval.** If the response to Question 9 is Yes, authorization to attend may be granted only if the Ethics Advisor issues a written finding that USDA's interest in the employee's participation outweighs concern that acceptance of the gift may or may appear to improperly influence the employee in the performance of his official duties.
- **If the response to Question 9 is Yes, please provide the following information to assist the Ethics Official in reaching a decision.** (You may attach a separate sheet of paper with this information) --
 - Describe the purpose and the importance of the event to USDA:
 - Provide information on the nature and sensitivity of any pending matter(s) affecting the interests of the sponsor of the event:
 - Describe the significance, if any, of the employee's role in the matter described above:

PART III: CERTIFICATION/RECOMMENDATION

EMPLOYEE'S SIGNATURE

I certify that the statements made and information provided on this form are true, complete, and correct to the best of my knowledge. A copy of the invitation is attached.

Employee's Signature:

SUPERVISOR'S RECOMMENDATION & SIGNATURE

Recommend Approval

Do Not Recommend Approval

Supervisor's Signature:

Title:

AGENCY/AREA ETHICS OFFICIAL RECOMMENDATION

Based on my review of the above statements and supporting documentation supplied by the employee, this constitutes my determination pursuant to 5 CFR 2635.204(g)(2), that the employee's request is:

Approved as requested

Disapproved

Approved with the following conditions:

Signature:

Title:

USDA OFFICE OF ETHICS - CONCURRENCE

Concur

Do not Concur for this reason:

Signature:

Title:

NOTICES

Any offer of free attendance (e.g., waiver of registration fee, reception, dinner) is a gift and must be evaluated to determine if acceptance is appropriate. Employees may be permitted to accept such gifts under the exception to the gift rule found in the Standards of Ethical Conduct for Employees of the Executive Branch ([5 C.F.R. § 2635.204\(g\)](#)).

Free attendance on the day(s) of actual participation in an event is a customary and necessary part of performance of official duties. Free attendance on those days offered by the sponsor of the event, including meals offered to all attendees as a part of the event, does not involve a gift to the employee or the agency. If this is the case, do not complete this form.

For gifts of waived registration, agencies may accept the offer using the Sponsored Travel ([AD-1101](#)) form *unless* it is a local event. For local events, use this form for gifts of free attendance at meals, receptions, and similar events.

Gifts accepted based on this form are gifts to the employee, and attendance must be on the employee's own time or excused absence.

FINANCIAL DISCLOSURE

Awards, including cash, cash equivalents, meals, lodging, transportation, reimbursements, entertainment, free attendance, or other benefits incident thereto, received for the personal use, disposition, or retention by the employee valued individually in excess of \$150 and which aggregate \$415 (as of January 2020) or more must be disclosed by employees who file a financial disclosure report. Incumbent and termination filers of the OGE-278 Public Financial Disclosure Report include this information on Schedule B, Part II filers include these items in Part IV. (Note that the reporting threshold is determined every 3 years; check the financial disclosure requirements for the current amount.) Travel funds accepted by the agency under the sponsored travel regulations are not reported as personal gifts on the OGE-278 or on the OGE-450.

CERTIFICATION

The signature of the employee on this form certifies that the statements made and information provided on this form are true, complete, and correct to the best of the individual's knowledge. Failure to provide the requested information will result in the denial of the request for approval. Falsification of information required to be reported for this purpose may subject the employee to disciplinary action by the employing agency or other appropriate authority.

WHERE TO SUBMIT YOUR FORM

Once the employee completes the form, it should be sent to their immediate supervisor for review and recommendation then forwarded to their appropriate Agency/Area Ethics Advisor. A list of Agency Ethics contacts is available on the USDA Office of Ethics website at: <https://www.ethics.usda.gov/advisor.htm>

Once the form is signed by the Agency/Area Ethics Advisor, with concurrence by the USDA Office of Ethics, the requesting employee will be given a copy of the form while the original is maintained in the USDA Office of Ethics for a period of 6 years.