



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

Office Of The General Counsel

[DATE] 2013

MEMORANDUM FOR THE ACTING SECRETARY

FROM: SAF/GCA

SUBJECT: Proposed Air Force Attendance at [Name of Event]

SAF/GCA has completed its review of the conference package submitted by the AF/SG seeking final approval for attendance by [number (Y)] Air Force (AF) [personnel – officers] at the [conference name] (conference) planned for [dates of event] 2013 in [City, State]. In accordance with the Air Force conference policy established by the 12 December 2012 memorandum, “Air Force Conference Policy Update,” and HAF sequestration guidance from 1 March 2013, as updated, you serve as the approval authority for this request. The request includes a [conference attendance request], [agenda] and [the results of a CAPE tool analysis].

Based on the information included in the staff package, we identified the following comments:

Purpose of Attendance:

- [PRIMARY PURPOSE OF ATTENDING] The request indicates that the primary purpose of attendance is the “presentation of original research or information expected to impact/shape/contribute significantly to the professional practice standards in military and/or civilian healthcare.”
- [DESCRIBE HOST NFE] The [NFE] is described as an “educational research and scientific association of physicians, organized to raise and maintain the standards of the medical practice of anesthesiology and to improve care of the patient.” The [NFE] is described as “a component society of the [NFE] specifically dedicated to the unique practice of military anesthesiology. Its purpose is to serve as an educational and networking platform for all ranches of uniformed service.”
- [SPEAKING OPPORTUNITIES] The request notes that the proposed AF participant has been invited to make a presentation but it does not further explain why his attendance at the remainder of the event is required. You may wish to ask for further clarification/justification before taking final action on this request. Invitations to speak generally should not be solicited or accepted prior to approval through the AF speaker and conference attendance processes. The invitation (and any acceptance prior to submission of this request) does not bind the AF to fund participation.
- [JOINTLY HELD MEETINGS] The request also notes that [NFE] holds its annual meeting each year in conjunction with the [NFE] annual meeting and that “both meetings offer attendees the opportunity to present and share research relevant to the field of [specialty]. The [NFE] particularly helps facilitate the sharing of knowledge, experience and research related to the practice of military [specialty].”

- **[RESIDENCY PROGRAM REQMT SHORTFALL ]** The staff package indicates that “the **[NFE]** event allows our residents and **[specialty]** core faculty members the opportunity to demonstrate participation in scholarly activity.” This participation is described as particularly important as the AF **[specialty]** residency training program received “citations” during its last ACGME accreditation visit due to the lack of participation by faculty and residents in scholarly activity and research. As a result the requesting organization asserts that “this specific **[NFE]** combined conference is the most cost-effective means to demonstrate to the ACGME accreditation body a commitment to research and scholarly activity by our residency program.” Paragraph 7 of the request indicates that if the personnel do not attend “for the SAUSHEC **[Specialty]** **[specialty]** Residency Program, it puts our renewed accreditation in the fall of 2014 at risk.”

Location/Venue: This **[NFE]** conference will take place on **[dates]** 2013 with the proposed attendees traveling on **[dates]**. The venue will be the **[venue]** in **[city, state]**. The primary sponsoring entity, **[NFE]**, was solely responsible for selection of this venue.

Frequency: This is an annual conference, last held in **[month, year]**; approximately **[number]** AF personnel attended at an estimated cost of **[\$ figure]**. **[No details on the level of prior AF attendance or the cost of that attendance were available.]**

AF Attendees: The organization requests AF-funded travel in a TDY status for **[number]** **[personnel - officers]**. The proposed attendees will be unaccompanied. Paragraph 7 of the request notes that **[number]** of the requested attendees are core faculty **[specialty]** and **[number]** proposed attendees are residents from the **[specialty]** program. All proposed attendees “are directly associated with presentations at the conferences” (further detailed in the request). **Before taking a final action you may wish to inquire the location to which each proposed attendee is assigned. You may also want to inquire about the source of any DoD or AF requirement for [specified certification cited as justification], on an initial or on-going basis.**

Agenda:

- The agenda provided for this course (and on-line) reflects three full days of training with follow-on on-line training to be completed within 60 days after the course. No questionable “social” or “recreational” activities were identified.
- **[SEPARATELY FUNDED SOCIAL EVENTS]** The **[NFE]** agenda is included in the staff package. We note that it includes an invitation to attend the **[event]** (separate registration is required) which appears to be the type of social or recreational event for which the cost of attendance cannot be paid with official funds. Should you choose to approve attendance at **[event]** by some or all of the proposed attendees, we recommend that your approval be conditioned on the understanding that while attendees may participate in the **[event]** (which occurs after duty hours), they must do so at their own expense.
- **[SEPARATELY FUNDED SOCIAL EVENTS]** The agenda also includes announcements for an **[event]** and a **[event]** both of which require separate additional fees. Should you choose to approve attendance at this conference, we recommend that your approval be conditioned on the understanding that while the attendee may participate in these events (which occur after duty hours), he/she must do so at his/her own expense. This same limitation would apply to any other “recreational” or “social type events held in conjunction with this conference.

- **[EVENTS DURING EXPECTED DUTY HOURS]** Separately we note that the **[NFE]** agenda materials include some items warranting comment and consideration during your deliberations. The brochure mentions a “Run for Warriors” on Sunday and “California Tours” on various days. Any approval by you should be contingent upon an understanding by approved AF attendees that their presence/participation is to optimize involvement in educational activities over the weekend of **[dates]** and that should they choose to participate in any of the optional “recreational” activities during normal duty hours, they should take leave and must pay for their participation from personal funds.
- **[NFE BUSINESS EVENTS]** Lastly, we note that internal “business type” meetings of the **[NFE]** are on the schedule (e.g., house of delegates sessions). Any approval by you should be contingent upon an understanding by approved AF attendees that they may not participate in these types of activities during normal duty hours, nor may they extend their TDY to do so. Any attendance should be in a personal, not official, status.

Cost Estimate: The estimated total cost of attendance, excluding DoD manpower, will be **[\$ total]**.

**NOTE:** This amount exceeds by over **[XX%]** the \$3,000 “per event” cap recommended by Congress on attendee participation, as well as the \$600 “per day” cap recommended by Congress. You should consider these factors in assessing whether to approve attendance by some or all of the proposed attendees.

- Air fare is projected to cost **[\$ total]** (**[\$ figure]** per attendee)
- Local transportation is projected to cost **[\$ total]** (**[\$ figure]** per attendee for airport related charges and **[\$ figure]** per attendee for transportation in **[event location]**) **[Paragraph 18 of the request indicates that attendees have been notified that rental cars for the conference location are not approved unless the attendee can demonstrate cost savings to the government. You may wish to consider requiring that attendees travel two or three to a rental car to cut costs].**
- Lodging is projected to cost **[\$ total]** (**[\$ figure]** plus tax for per night for **[#]** nights per attendee)
- MI&E will cost **[\$ total]** (**[\$ figure]** per day for **[#]** days and **[\$ figure]** per day for **[#]** travel days per attendee)
- Other projected costs will be a **[\$ total]** in registration fees (broken out as follows: **[\$ total]** for the **[NFE]** conference **[\$ figure]** each for faculty and **[\$ figure]** each for residents). Paragraph 18 of the request discusses the registration fees in more detail and notes that they do not include lodging or meals (other than snacks). **[Paragraph 18 of the request indicates that the registration fee includes lunches so you should condition any approval on the attendees listing these meals as “meals provided” on their travel vouchers.]** **[NOTE: You should inquire as to how this fee was calculated so as to ensure no recreational or social event expenses are included and whether any meals will be otherwise included.]** **[Paragraph 16 of the request advises that the registration fee “provides access to all lectures, presentations, exhibits at meeting; meals are not included in fee.”** However, we note from the agenda included in the staff package that a “complementary lunch” is provided to attendees on two days and a “complementary brunch” is provided on the third day. If you approve attendance at this event, you should condition any such approval on the attendee noting on his/her travel voucher that these meals are “provided.”]

#### Mission Criticality:

- The primary justification for attendance at this conference is as outlined above ensuring that the faculty and students in the AF's [specialty] residency program suitably participate in scholarly activities so as to meet accreditation requirements. The request advocates that these events are the most cost effective way to do so – meaning there may be other less effective or more expensive events which would also help to meet this requirement. Prior to any approval of this request, you must determine that this justification, along with any other factors you deem pertinent, is sufficient to establish the required “mission criticality.” [The primary justification for attendance at this conference by the various proposed attendees is as outlined for each above. The request also indicates that command authorities have determined that participation is mission critical in their estimation. You should assess whether the justification for each individual adequately meets this requirement before approving his/her funded participation.]
- [CME REQMTS] The request also notes that attendees will be able to satisfy continuing medical education (CME) requirements. As presented, this [appears] [does not appear] to be the primary justification for attendance. [Nevertheless, we] [We] note that Section 3-200(b) of the Joint Ethics Regulation (JER) states that DoD employees are prohibited from attending events sponsored by non-federal entities (NFEs) in their official DoD capacities at federal expense solely to acquire or maintain professional credentials that are a minimum requirement to hold the DoD position. If, based on your review, you determine that the primary justification in this case is to allow [attendee] [attendees] to obtain CME hours required for personal licensure or certification and the training involved is of questionable value to the AF or the proposed attendance does not appropriately enhance the [attendee's] [attendees'] abilities to perform [his/her] [ their] primary AF duties, then the JER limitation precludes approval of attendance. If, on the other hand, you find that training experience is the primary reason for attending and will enhance each attendee's performance of his/her official duties, then the collateral benefit of receiving CME credit does not bar approval. In some cases, questions about the primary purpose of attendance may result from how the request is “packaged” or presented. In those cases you should seek additional details as may be required and assess the benefit to the AF and whether that justifies approval irrespective of any CME credit that may be earned.

You may approve this request for attendance by [some or all of] the proposed AF attendee [attendees] at this event, if, after balancing the potential benefit to the AF mission with the anticipated costs and other factors you deem pertinent, you determine that the event is mission-critical and that attendance is in the AF's best interests. You may condition your approval on factors you deem appropriate and/or direct that further particulars be provided before you act on this request.

Please contact me if you have any questions on these comments.

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(Fiscal, Ethics and Administrative Law)