

## REVIEWS OF CONFERENCE ATTENDANCE REQUESTS

### POTENTIAL AREAS FOR DISCUSSION

- Is all information/documentation required by SECAF (and other intermediate level) guidance included and complete? (i.e., CAPE tool analysis and conference agenda attached)
  - Does the request include up to date attendance and cost estimates?
- Has the request been reviewed and signed off by a general officer or member of the SES?
- Is the appropriate approval AF authority identified?

NOTE: The website for the conference and/or hosting non-Federal entity (NFE), as well as follow-up communications with the AO, can be helpful in determining the information below

#### ➤ **WHO IS HOSTING THE EVENT AND HOW IS THE AF PARTICIPATING**

- If it is proposed that the AF co-sponsor or co-host the event with a NFE, or if the relationship and respective roles/responsibilities between the NFE and the AF are ambiguous, the reviews of the DAEO designation of the NFE, the memorandum of agreement underlying the co-sponsorship and the event itself should be completed by SAF/GCA
- AF-Hosted:
  - Are there sponsors/exhibitors involved? If so, how is their solicitation/payment handled? Compare to 10 USC §2262, 5 DoD FMR Volume 12, Chapter 32, and JER prohibitions on preferential treatment
- NFE-Hosted:
  - What percentage of speakers are DOD personnel?
    - If the majority of speakers are DOD personnel, what is the justification that the DOD cannot host this event itself?
    - If the number exceeds 20-30%, please consult with SAF/GCA as this may need to be accomplished as a co-sponsorship
  - NFE membership - is the NFE responsible for planning and executing this conference composed primarily of military personnel or does it have members from a broad range of the civilian community? If the former, various issues under the JER may need to be addressed (e.g. Joint Ethics Regulation limits on logistical support and limits on participation in the management of the NFE) -
    - Will AF participants be present in a leave status at personal expense to handle NFE roles/management of the conference?
    - Will participants be engaged in activities that are inappropriate for AF personnel in a duty status (e.g. handling money for the NFE)?
    - Is request to attend based on proposed participants' membership in the hosting NFE and/or is the request for AF funded participation based in whole or in part on the fact they will be performing various organizational/event execution functions?

- Are NFE management activities (e.g. annual meetings, legislative agenda reviews, etc.) that will be held during this event extremely limited in duration and/or held only during off-duty time so that military personnel can decide whether to attend in a personal capacity? If not, need to make sure that AF personnel are not attending these types of events in a funded TDY status.
- Are expenses associated with NFE activities (e.g. annual banquets) or proscribed social/recreational activities severed from the registration fee and is participation in them voluntary? If not, have organizers been contacted about severing from fees to be paid by AF personnel (NOTE: if these fees are severed attendees may still be able to attend but on own time and at personal expense).
- Vendor Exhibits – How is any proposed vendor exhibit arranged (both physically w.r.t. the conference venue and timewise w.r.t. the conference agenda)?
  - What has been the AF’s role, if any, in procuring vendor displays? AF role should be minimal at best. Has this solicitation been entirely in a personal capacity (e.g., off-duty as member of NFE)?
  - Any issues presented (appearance or otherwise) that solicitation of vendors (by AF or NFE) does or appears to be “selling access” to DOD personnel?
  - Any issues (appearance or otherwise) with preferential treatment or endorsement?
- Venue/Location - Are any appearance issues created by the venue selected (e.g. resort location) or activities planned (e.g. golf outing) by the military personnel in organizing this event?
- If the hosting NFE is a professional organization:
  - Is there a training benefit to the AF or is the member traveling exclusively to participate in professional organization activities?
  - If there are professional organization activities *ancillary* to the primary training purpose, will attendees be participating in these only in a leave (or off duty) status and at no added expense to the government (e.g. cannot travel early or remain later to participate in these activities without being in a leave status)
  - Is the primary purpose of the conference “standard-setting”? If so, please consult SAF/GCA

➤ **MISSION/PURPOSE/MISSION CRITICALITY**

- Does the request provide sufficient detail about the purpose and function of the sponsoring organization/NFE? Summarize in the review:
  - The request should include a description of the mission/purpose of the hosting organization *and* explanation of the mission and/or purpose of the conference
  - Check if there is a website available for the conference (if not already provided in the request), and compare information on the website to the information submitted in the request
- How does request establish that participation in this event “mission critical” for the AF [further discussed further below]
  - **Do not forget** that sequestration policy “overlays” AF conference policy
- If the NFE is a non-federal, professional organization, provide detail about the scope and purpose of the conference to which attendance is requested. Specifically;

- Is equivalent training available on-line? If so, what additional value is unique to in-person attendance at the conference?
- Are the proposed attendees presenting original research or participating in a discussion panel?
- Is there a hands-on training/skills component that is unique to the conference?
- What formal AF guidance is cited as requiring attendance – is it accurately quoted?
  - Does it mandate AF members attend such a conference or does the relevant guidance include a broad/less stringent requirement that conference attendance is merely suggested but not required?
  - If proposed attendance is based upon external professional licensing or residency program requirements, indicate. What organization is the regulatory authority?
  - What are the specific regulations governing licensure/accreditation?
  - If there is a continuing education requirement, what types of training are sufficient? How available are these training opportunities and how much training does the individual attendee still need in order to be compliant?
- Is the attendee serving in an AF capacity that requires them to train other personnel?
  - If so, is the subject matter of this conference directly related to that training?
- Is this conference the only way to satisfy a graduation requirement from an AF program by the attendee? If so, does the request include a copy of the source of the requirement? (Ex: any relevant AFI or a copy of graduation/residency requirements)
- If the proposed attendee needs to attend the conference in order to address an organizational need, indicate why this specific training is the only (or best) means of addressing such a need
- Is there a unique AF organizational requirement?
  - Identify how many other personnel in the organization are proficient and why the proposed attendee's duty position requires this competency
  - Indicate whether this training will establish a new organizational capability or whether it will maintain a current capability
- How does the subject matter of this conference directly address an operational need of the AF/the organization?
- Alternatives:
  - Are there alternatives in the local area that do not require AF-funded travel?
  - Are there other NFEs in the same field that provide similar opportunities – if so have they been explored and does the request include a cost comparison of the similar and/or alternative opportunities? (I.e., Specifically indicate if there are no other professional organizations in your specific field)

➤ **ATTENDEES/FREQUENCY**

- Attendees: Describe the pool of proposed AF-funded attendees
  - Break out categories – AF active duty / AF civilian employee / others
  - How many personnel will attend in a TDY status and in a non-TDY status?
  - Do any AF-funded personnel attend on a recurring basis, for example, did any of the proposed attendees covered by the present request attend the last session of this event and if so, why are they attending again?

- How is attendance determined? What guidance is given to the field on selection of attendees and who at higher HQ screens those selections?
- Speakers:
  - Are any of the proposed attendees participating as speakers at the conference?
    - If so, at what cost to the AF?
    - Is the conference host offering to cover any travel-related costs of speakers or will the AF fund any or all costs for speakers to attend?
  - Does the request include an explanation of speaker participation (why and to what extent)?
  - Looking at the total number of speakers who will be at the conference—what percentage/portion of speakers are AF members?
- Spouses: Will spouses attend? If so, in what status and at what expense to the AF?
  - Does the request include a separate spouse agenda?
- Other non-AF Attendees: If the AF is to fund attendance by other than active duty or AF civilian employees, identify group and justification for expense
  - Is it proposed that any contractors will attend at AF expense? Doing so is generally prohibited and any contract providing for their attendance should be reviewed and discussed/clearly documented in the file
- What proportion of overall conference attendee numbers do AF-funded participants represent? Does it appear disproportional?
- Frequency: How often is this conference held? (i.e., is it held annually?)
  - Have Air Force personnel participated previously in a funded TDY status or permissive TDY status? If so, does the request provide justification for why AF members must attend every year instead of bi-annually?
  - How do attendee numbers this year vary from prior years?
  - What steps have been taken to reduce attendee numbers?

#### ➤ **LOCATION/FACILITIES**

- What is the proposed site of the event? Describe the location and venue
  - Is the venue a commercial or government facility?
- If event will be AF-hosted, will the event be held on-base or in a government facility?
  - If not on-base/in government facility, why not? What efforts were made to try to locate an on-base/government facility?
  - If not on-base/in government facility, was an appropriate cost comparison done and included?
  - If not on-base or in a government facility and the event is being held in the NCR, was appropriate WHS approval of rental of a conference facility obtained?
- If event is NFE hosted,
  - Did AF have any input into site selection?
  - Does the location itself present “perception” questions?
  - Does the location present any issues regarding AF attendance (for example, is billeting on-site more expensive than staying at nearby military installations and commuting or staying at nearby hotel with lower room rates?)

## ➤ AGENDA

- How much “contact time” will attendees have each day? I.e., are there sufficient substantive portions on the agenda?
  - Does it appear adequate for the cost involved?
  - Does the agenda include extended breaks and lengthy lunch hours without explanation?
  - Does the conference “substance” start late or end early?
  - Can this time be condensed to reduce the overall length of the event?
- How has the event been shortened from prior years?
- Do AF members need to attend all days of the conference or is partial-attendance an option? (I.e. does the conference host allow for purchasing registration to individual days of the conference)?
- If there will be spouses attending the conference, does any spouse agenda reflect appropriate subject matter and adequate “contact time”?
- Does the agenda include any events which are prohibited or frowned upon by DOD or AF guidance (e.g., “teambuilding” during the duty day, or entertainment-type prohibited activities funded by the AF)?
- Are any awards ceremonies appropriately placed on the agenda?
  - I.e., do awards ceremonies occur on the last day of the conference and/or lengthen the duration of the conference?
- Does the agenda call for AF personnel to spend inordinate amounts of time touring exhibitor/vendor booths/displays (i.e., does the agenda set aside time for exhibitor viewing)?
- How much use is being made of video-teleconferencing in of speakers? If not, why not?
- How will organizers monitor/track/verify attendance, particularly at large group events (e.g., bar code reader)? How is attendance recorded?

## ➤ COSTS/ECONOMIES

- Describe the overall estimated cost of AF attendance:
  - Is the overall estimated cost of AF attendance adequately described?
  - Itemize as appropriate - usually break out travel-related costs by category (total and per person): commercial air travel; POV travel; Local area transportation (rental cars, airport shuttles, cabs, Metro, etc.); lodging; meals/MI&E; registration charges; any other expenses
  - Are there any cost estimates/factors which appear out of line – either too high or too low? What type of local transportation? Are rental cars warranted; if so, how many?
- How do costs compare with the suggested Congressional “standard” or recommended “cap” of \$3,000 total per person per event and \$600 per person per day?
  - If anticipated costs exceed these “caps,” is command prepared to justify the expense?
- What does the registration fee cover? E.g., meals, banquets/receptions, continuing education credits
  - If meals are included, will they be deducted as meals provided/result in an adjustment of MI&E?

- Does the admission/registration cost per day exceed the DOD SOCO cap of \$645 per day? If so, explain
- Do the figures in the request and the CAPE tool analysis reflect the same estimated costs? If not, explain differences. Do the totals add up?
- What efforts or initiatives have been undertaken to mitigate the cost to the Air Force? (e.g., purchasing tapes for later viewing; doubling up on rental cars, use of hotel shuttles, shortening the length of attendance at the conference etc.)
- What is the comparative cost for prior attendance in prior years? (Refer back to “Frequency” section to determine further cost-minimization)
- Are attendees being offered any discounted or free/waived registration or free meals? If so, inquire further and ensure that any gifts issues are in compliance with 5 CFR 2635 and JER requirements

➤ **OTHER MATTERS FOR CONSIDERATION**

- SUBJECT MATTER
  - Is the subject matter of the conference something that warrants AF participation?
- SECURITY ISSUES
  - Will classified information be used at this event?
    - Have appropriate clearances been obtained to conduct an event involving classified information?
    - Is the proposed location appropriately cleared for an event involving classified information?
    - Has the AF retained primary responsibility for screening attendees, verifying access and ability to present/discuss classified in the proposed conference location?
  - Are there any other potential security issues (personnel or information)?
- LOGISTICAL SUPPORT
  - How much, if any, of a support staff will the AF provide and at what cost?
    - Are the numbers reasonable? How do they compare with prior years?
    - If the event is NFE-hosted, the request should include sufficient justification for why logistical support to the NFE is necessary or appropriate
  - Are costs of TDY support staff and local travel for local support staff included in the cost estimates provided for attendees?
  - Can local area personnel provide this support at lower cost? If so, why is TDY support staff required?
  - Does the requesting organization anticipate local area support staff being billeted at/TDY'd to local event site? If so, have appropriate findings been made regarding need for 24 hour presence? [Contact SAF/GCA for details on fiscal issues involved]
- MISSION CRITICALITY
  - Is mission criticality addressed clearly and in detail?
    - How will not attending this specific conference adversely impact the organization's/AF's capability?

- Will denial of the request to attend this conference result in a complete mission failure?
  - Will the proposed attendees still be technically proficient and legally able to do their job if they do not attend?
  - Continuing education credit (i.e. CLE's, CME's) alone is not sufficient justification for finding that attendance is mission critical, especially if it is available by other means.
  - Similarly, carefully review conferences with the sole/primary purpose to prepare attendees for tests required to obtain licensure. Must differentiate between personal responsibility to obtain and maintain certification/licensure and training that has benefit to the AF.
- Is the commander who certifies "mission criticality" ready and able to defend that determination [Washington Post test]?)
- **FUNDING** – Are there any unusual or unclear expenses or funding arrangements?
  - Is a "landing fee" being collected from attendees?
    - If so, is it voluntary
    - Is it being used only for appropriate purposes (e.g., cannot be used for expenses that should be covered with appropriated funds, for example attendees should not be asked to cover costs of room rentals or office supplies)
  - Is the AF providing honoraria for speakers?
    - Has approval of the expense and amount been obtained IAW AFI 65-601, vol 1?
  - Is an NFE waiving registration fees?
    - Is the record clear that this waiver was not solicited by the AF?
    - If so, does this fall under any of the exceptions to the gift rules in 5 CFR §2635.204?
    - Has an appropriate ethics office review/determination been completed?
  - Is anyone paying the attendee's travel expenses?
    - If so, have the travel approval authority and a designated ethics official completed the necessary reviews IAW 31 USC 1353?
    - Is all travel in compliance with all sequestration-related guidance on travel funded by NFEs?
  - How are meals and/or recreational activities being funded?
    - If recreational activities are included in the registration fee, has the requesting organization taken steps to determine if these expenses are severable?
    - If recreational activities are not severable, do they present legal or appearance issues?
    - If meals or recreational activities are being provided by a third party, has an ethics official determined whether acceptance of these is permissible under the gift rules?
- **EXEMPTIONS** – Requests for exemptions must be reviewed by the conference approval authority (currently the Under Secretary). An AETC "training line number" is *not* sufficient to establish an exemption for a conference that is held off-base, hosted by an NFE, or procured by contract.

➤ **COMMON LEGAL ISSUES TO CONSIDER**

- **GIFT RULES**

- Offers of free attendance to attendees and/or speakers must comply with gift rules (See 5 C.F.R. §2635). These types of offers may require a gift rule analysis.
- CO-SPONSORED EVENTS
  - Must be IAW the Joint Ethics Regulations (JER) on co-sponsorships (See JER 3-206)
  - Too much logistical support may rise to the level of co-sponsorship. (See JER 3-211)
- CONTINUING EDUCATION (CE) CREDITS
  - According to the JER, the need to obtain continuing education is not in itself sufficient justification for attending a conference. (See JER 2-300(b)).
  - Must cite to a relevant AFI to justify the need for training, licensure, and/or continuing education credits
  - May be a “packaging” issue – where training can be justified and CE credits are just a collateral benefit, justification is on more solid footing. Much better than trying to “sell” attendance at AF expense on the need for CE credits alone
- Generally, reviewers should make sure that the proposed conference attendance is IAW with current DoD and AF policy on conferences
  - ~~DEPSECDEF Memorandum Implementation of Conference Oversight Requirements and Delegation of Conference Approval Authority (29 September 2012) (which includes DoD prohibitions on entertainment related expenses) and the Conference Approval Guidance – Frequently Asked Questions (13 November 2012)~~
  - **JUST RELEASED** - DoD Conference Guidance, Version 2.0 (6 November 2013) – effective 20 November 2013
  - SECAF Policy Memorandum – *Conferences* (28 October 2011), as extended on 9 May 2012
  - SECAF Memorandum - *Air Force Conference Policy Update* (12 December 2012)
  - All DOD and AF sequestration-related guidance as it addresses conference hosting, attendance and travel.
  - As highlighted in all current guidance, cost minimization and PERCEPTION is always a consideration when reviewing conference expenditure
- Current AF sequestration guidance is found at *Fiscal Year 2014 (FY14) Spending Control Actions to Mitigate Budget Reduction Impacts* (AF/CV, 25 September 2013)
- Current Headquarters AF sequestration guidance is found at *Headquarters Air Force (HAF) Guidance for FY14 Execution Upon Receipt of a Continuing Resolution or FY14 Appropriation* (SAF/AA and AF/CVA, 17 October 2013)