

This replies to your January 11, 2008 request for approval for Department of Defense (DoD) personnel to attend and accept a gift of free attendance at the National Space Club's (NSC) 1st Quarter Luncheon on February 7, 2008 at the Reserve Officer's Association in Washington, DC. You indicate that approximately 400 people will be invited to the event and that approximately 200 will be in attendance. Approximately 75 invitations will be sent to Executive Branch personnel from DoD, NASA, Commerce, and Transportation, and to Congressional staff. Of these, less than half will go to DoD personnel. The guest speaker is the Honorable Michael D. Griffin, NASA Administrator, who will discuss the FY 2009 NASA budget request. NSC will issue the invitations directly to the Executive Branch invitees and will assign seating at the tables. The ticket price for attending the luncheon is \$85 (non-member rate).

Upon review of the documentation you provided, the Department of Defense has determined that this event is a social event and that DoD personnel may not generally attend in their official capacities.

For purposes of 5 CFR 2635.204(g), Widely Attended Gatherings, DoD has determined that this event qualifies as a widely attended gathering. If a DoD Component command or organization determines that attendance by its personnel serves an agency interest (such as exchanging ideas among individuals with common interests of value to DoD), then DoD personnel may accept reduced or free admission in accordance with 5 CFR 2635.204(g)(2). The titles, positions, and DoD organization names of DoD personnel attending in their personal capacities may not be used to promote this event, as it would give the appearance of DoD endorsement of your event. This determination should neither be considered DoD endorsement of the event nor approval for widespread attendance. DoD Component commands and organizations are individually responsible for approval of acceptance of reduced or free admission by their personnel based on mission requirements and DoD regulations, including standards of conduct regulations.

To preclude misunderstandings by DoD personnel, any statement you choose to print in your event literature that paraphrases this DoD position must include **all** of the following: "**The Department of Defense finds that, for purpose of accepting free attendance by DoD personnel, in their personal capacities, as specified in 5 CFR 2635.204(g), Widely Attended Gatherings, the National Space Club 1st Quarter Luncheon Event qualifies as a widely attended gathering. Prior to acceptance, individual DoD personnel's Ethics Counselors must also determine that attendance is in the interest of their agency. Other gift acceptance exceptions under 5 CFR 2635.204 may also apply.**"

Best wishes for a successful event.

Dave LaCroix  
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Standards of Conduct Office  
DoD General Counsel