

THE WHITE HOUSE

WASHINGTON

June 15, 2004

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ALBERTO R. GONZALES  
COUNSEL TO THE PRESIDENT 

SUBJECT: Attending Convention  
Receptions, Dinners and Similar Events

The President expects his Administration to adhere to the highest ethical standards and has therefore asked me to summarize ethics rules concerning gifts and attendance at events at the national party conventions (Convention). As explained more fully below, gift rules apply to Convention activities and you may accept travel, hotel accommodations, dinners, receptions, entertainment and sporting events, *only* in accordance with this guidance and applicable ethics laws and rules. In addition, I urge you to consult with your General Counsel and ethics officials regarding attendance at or participation in specific events.

Federal employees are obligated to know and follow the government-wide Standards of Ethical Conduct for Employees of the Executive Branch. *See* 5 C.F.R. Part 2635, Subpart B. The Standards provide that a Federal employee may not accept a gift from a prohibited source<sup>1</sup> or a gift that is given to the employee because of the employee's official position, unless an exception applies. In connection with Convention activities and depending on the specific facts, the following gift exceptions may apply:

Gifts valued at \$20 or less. A Federal employee may accept unsolicited gifts valued at \$20 or less—including food or drink at a reception, dinner, or other event—provided the total value of gifts from that source does not exceed \$50 in a calendar year.

Gifts offered by tax-exempt 527(e) Political Organizations. A Federal employee participating in lawful political activity under the Hatch Act may accept unsolicited meals, lodging, transportation, and other benefits when provided by a *political organization* in connection with such active political participation. The Republican National Committee, the Democratic National Committee, National Republican Senatorial Committee, Democratic Senatorial Campaign Committee, National Republican Campaign Committee, Democratic

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<sup>1</sup> A prohibited source means any person who is seeking official action by the employee's agency (or, for White House Staff, the Executive Office of the President); does business or seeks to do business with the employee's agency or entity, conducts activities regulated by the employee's agency or entity, has interests that may be substantially affected by their official duties, or an organization, the majority of whose members meet any of these criteria. *See* 5 C.F.R. § 2635.202(d).

Congressional Campaign Committee, federally-registered candidate committees, state party committees and other tax-exempt 527(e) political action committees *are* political organizations, *but convention host committees and individual corporations are not.*

During the Convention, many organizations, advocacy groups, non-profits, unions, corporations, and other entities will offer employees the opportunity to attend receptions, dinners, and other similar events. The President has made the determination that, with respect to attendance by Federal employees at such events during the Convention, a Federal employee may accept such offers of free attendance if:

- (1) the gift of free attendance is unsolicited;
- (2) the event is widely attended (i.e., 200 or more persons representing a diversity of viewpoints<sup>2</sup> are expected to attend); *and*
- (3) the event is hosted in connection with a Convention for the nomination of a Presidential candidate.

If these criteria are met, employees may also attend plays, sporting events, and other entertainment if the entertainment is structured in such a way as to allow for the expression of a diversity of viewpoints at the event. The Office of Government Ethics has no objection to this policy since it is similar to that issued by previous administrations and is intended to protect employees from inadvertent violations of the Standards of Conduct.

Finally, remember that specific rules generally prohibit employees from accepting certain gifts from *foreign* national governments. You also remain subject to the Hatch Act and other federal laws regulating the political activities of federal employees. Certain guidance regarding such laws is contained in my memorandum of June 19, 2003, regarding political activity.

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<sup>2</sup> For example, the gathering 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. *See* 5 C.F.R. § 2635.204(g)(2).