

FOIA MARKER

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Folder Title: Aids Policy Office				
Staff Office-Individual: Counsel's Office-Whalen, Kathleen				
Original OA/ID Number: CF 811				
Row: 21	Section: 4	Shelf: 6	Position: 1	Stack: V

**OFFICE OF NATIONAL AIDS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT**

750 17th Street
Washington, DC 20503

Phone: 202-632-1090
Fax: 202-632-1096

FACSIMILE COVER SHEET

TO: Kathi Whalen

FAX NUMBER: 456-2146

FROM: Daniel Montoya

DATE: 9/10/18/96

PAGES INCLUDING COVER SHEET: 4

COMMENTS: Thanks for your help.

Told Daniel that
Patsy Fleming could
do in her personal
capacity if she truly
thinks that's why they
asked and how it
will be perceived.
He said she probably
will not do it.
Kath Whalen
9/10/96

Tri fold
Left hand side

Event Committee

Martina Navratilova

Hilary Rosen

Chairpersons

Val Azzoli

Ingrid Casares

Mel Cheren*

Desmond Child

Kate Clinton

Karen Colamussi*

Dominique Dawes

Robin Dorian

Barry & Kathy Fiedel

Congressman Barney Frank (D-MASS)

John Fagelsang

Cynthia Garrett

Daniel Glass*

A.J. Hammer

Michael J. Klingenstein-Smith

Judy McGrath*

Linda Moran

Todd Oldham

Robert Reicher, Esq.*

Fred Rosen

Amy Scott

Center

We want you there!!!

SATURDAY, OCTOBER 12, 1996

**WARNER THEATRE
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC
8:00PM**

**PRECEDED BY THE VIP PARTY AT
THE ATRIUM
6:00PM**

HORS D'OEUVRES COURTESY OF HARD ROCK CAFE

**VIP TICKET PACKAGES
\$250**

Call LIFEbeat at 212.245.3240 for tickets

(Limited tickets available. Tickets are tax deductible to the fullest extent permitted by law.)

\$160 from each ticket sold is tax deductible

Right hand side

Music Committee

Muhammad Ali

Lee Chesnut -- VH1

Anita Domingos -- Reprise

Hootie & the Blowfish

Barney Kilpatrick -- Warner Bros.

Patti La Balle

Craig Lambert -- Epic

Monte Lipman -- Universal

Charlene Meyers -- Mix 107.3

Joni Mitchell

Alanis Morissette

Peter Napoliello -- EMI

Peggy Panosh -- 92.3 K-ROCK

Nancy Stein -- Warner Bros.

**OFFICE OF NATIONAL AIDS POLICY
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750 17th Street, N.W.
Washington, DC 20503
Phone: 202-632-1090
Fax: 202-632-1096

TO: Kathy Whalen, 456-2146

FROM: Jeff Levi

DATE: July 19, 1996

PAGES INCLUDING COVER SHEET: 2

COMMENTS:

I am told you are the maven on this: we are cosponsoring this reception (this is the group we did the Adolescent Report with); can you review the invitation -- thanks very much.

*Told Jeff this looks fine.
KMW
7/19/96*

The National AIDS Fund
and the
Office of National AIDS Policy
Cordially Invite You to Attend
A Reception
Honoring
Paula Van Ness
Founding President
The National AIDS Fund

on

Monday, August 12, 1996
6:30 pm to 8:30 pm

The Indian Treaty Room
Old Executive Office Building
(Pennsylvania Avenue Entrance)

R.S.V.P.
202 408-1818

(Names and dates of birth are required for all attendees. A photo I.D. will be required for admission to the reception.)

WAB
^

**OFFICE OF NATIONAL AIDS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT**

750 17th Street, N.W.
Washington, DC 20503

Phone: 202-632-1090
Fax: 202-632-1096

FACSIMILE COVER SHEET

TO: Kathy Whalen

FAX NUMBER: 456-1647

FROM: Patricia Fleming

DATE: 10-31-95

PAGES INCLUDING COVER SHEET: 2

COMMENTS:

Please call with your comments

Draft Letter to Geffen Foundation

Andy Spahn

title?

David Geffen Foundation

xxx

xxxx

Dear Andy:

I am delighted that the David Geffen Foundation has offered to co-sponsor the White House Conference on HIV and AIDS on December 6, 1995. As you know, this is a historic event in the fight against the epidemic, and everyone in the Administration is pleased to have the Geffen Foundation working with us in this endeavor.

Under the co-sponsored arrangement, the White House will be handling the invitation of attendees to the Conference as well as the content of the day's events. The David Geffen Foundation will be hosting and arranging for a reception for attendees as well as others in the Washington community, providing financial assistance for travel and hotel for those who need it, and arranging and hosting a luncheon for the attendees on the day of the conference. We will work together in developing the list of invitees to the reception; And we certainly hope you will share with us any suggestions you have for attendees at the Conference.

This Conference should be an important step in raising the nation's awareness of the importance of HIV/AIDS and we are most grateful for the support the Geffen Foundation is providing to help make this a success.

I hope you will sign below indicating that this is indeed the arrangement we have spoken about. If you have any questions, please call me.

If you concur, please sign below.
I look forward to working together over the next month.

Sincerely,

Patricia S. Fleming

Director

Office of National AIDS Policy

N1 Geffen.1

Concurrence:

Andy Spahn on behalf of the David Geffen Foundation

Date

THE WHITE HOUSE

WASHINGTON

May 3, 1994

Beth-

Could you please look
this over before I send
it out

Thanks,
Kath

MEMORANDUM FOR KRISTINE GEBBIE
NATIONAL AIDS POLICY COORDINATOR

FROM: KATHLEEN WHALEN
ASSISTANT COUNSEL TO THE PRESIDENT

SUBJECT: Fundraising Events

Andrew Barrer of your office requested guidance regarding situations in which you are asked to serve as an honorary committee member for a fundraising event.

Mr. Barrer asked in particular whether you may participate as an honorary committee-member for AIDSWALK, a fundraising walk sponsored by the Whitman Walker Clinic, to be held in Washington in the fall of 1994. He indicated that nothing would be required of you except to lend your name and show up for the walk.

OK
A WH
policy
prohibits
you from
serving as
honorary
chair or
committee
member.

→ An employee may engage in fundraising in her official capacity if, in accordance with a statute, Executive order, regulation, or otherwise as determined by the agency, she is authorized to engage in the fundraising activity as part of her official responsibilities. 5 C.F.R. § 2635.808(b).

Additionally, an employee may engage in fundraising in her personal capacity, provided that she does not: (1) personally solicit funds or other support from a subordinate or from a prohibited source; (2) use or permit the use of her official title, position, or any authority associated with her public office to further the fundraising effort; or (3) engage in any action that would otherwise violate the standards of conduct. 5 C.F.R. § 2635.808(c).

Participation in the conduct of a fundraising event is defined as:

active and visible participation in the promotion, production, or presentation of the event and includes serving as honorary chairperson, sitting at a head table during the event, and standing in a reception line. The term does not include mere attendance at an event provided that, to the employee's knowledge, his attendance is not used by the nonprofit organization to promote the event. While the term generally includes any public speaking during the event, it does not include the delivery of an official speech . . . or any

seating or other participation appropriate to the delivery of such a speech.

5 C.F.R. § 2635.808(a)(2). An official speech is one which is given by an employee in her official capacity:

on a subject matter that relates to [her] official duties, provided that the employee's agency has determined that the event at which the speech is to be given provides an appropriate forum for the dissemination of the information to be presented and provided that the employee does not request donations or other support for the nonprofit organization.

5 C.F.R. § 2635.808(a)(3).

We are unaware of a statute, Executive Order, regulation, or other authority that expressly charges you with the responsibility to engage in fundraising in your official capacity. Unless you are expressly charged with supporting a particular organization, you should not engage in fundraising events in your official capacity. If you are asked to speak at an event, and the event is an appropriate forum for an official speech, you may do so, provided that the organization does not use you or your title to promote the event. To ensure compliance with the regulations, if you are asked to speak at a fundraiser, you should consult our office before accepting.

Additionally, the regulations permit attendance at a fundraiser, again provided that the organization does not use you or your title in its advertising or otherwise as a "draw" to encourage others to attend or contribute.

Of course, you may participate in fundraisers in your personal capacity within the scope of the regulation summarized above. That is, you may not: personally solicit funds from a subordinate or prohibited source; permit the use of your position to encourage or solicit donations; or engage in conduct that is otherwise prohibited under the standards of conduct (particularly, endorsement--5 C.F.R. § 2635.702(c)--and preferential treatment--5 C.F.R. § 2635.702(d)).

With regard to AIDSWALK, unless there is some authority of which I am unaware that authorizes your participation in your official capacity, you are limited to participating in your personal capacity by attending the event and walking. If you seek pledges, you may not solicit contributions from those who work for you.

Additionally, the Clinic may not use your name or title in its advertising or invitations. The regulations specifically prohibit using a Federal employee's name or position in

fundraising activities. Nor may you appear on a dais or serve as a "celebrity" walker/leader, should that be suggested.

I understand the need for you to be visible in the community and to foster greater education regarding AIDS; however, that must be balanced with the need for impartiality and with not using your Government position to the benefit of private individuals or organizations.

I hope this has been helpful. If you have any questions, please call me at 456-7900.

cc: Andrew Barrer

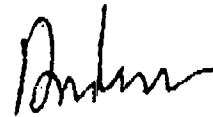
THE WHITE HOUSE
WASHINGTON

April 19, 1994

MEMORANDUM TO KATHI WHALEN, Office of the White House Counsel

VIA FAX: 456-1647

FROM: Andrew E. Barrer, Ph.D.
Office of the National AIDS Policy Coordinator



SUBJECT: Ethics question on fund raising issues

President Clinton has agreed to be the Honorary Chair of the AIDSWALK here in Washington, D.C. this fall. This is a fundraising walk sponsored by the Whitman Walker Clinic and more than 20 local AIDS service organizations.

Kristine Gebbie, National AIDS Policy Coordinator, has been asked to be a member of the Honorary Committee.

Can Ms. Gebbie be a member?

What rules should she follow?

She would not be expected to do any fundraising for the event; just to lend her name and show up for the walk.

Could you please let me know what the restrictions are. We do receive many other requests to be placed on the honorary committee for other non-profit organization events. In addition, Ms. Gebbie has spoken at some fund raising dinners and has been honored with awards at other events.

Ms. Gebbie has asked that I receive some written clarification on this question. If you have any questions for me, my direct number is 632-1215.

Your earliest response is appreciated. If you could give me a verbal response on this current AIDSWALK event I would appreciate it.

Thank you.

JUN-09-1994 16:57 FROM WHITE HOUSE AIDS POLICY TO

94566279 P.01

Office of the National AIDS Policy Coordinator



Executive Office of the President
750 17th Street, N.W. Suite 1060
Washington, D.C. 20500

Phone: (202)632-1090

Fax: (202)632-1096

Deliver To: R. WhalanSent From: -5112

Andrew E. Barrer, Ph.D.
Senior Advisor

Number of pages 1 + cover sheetFax Number: 456-6279Date: 6/9MESSAGE: Fyi

JUN-09-1994 16:58 FROM WHITE HOUSE AIDS POLICY TO

94566279 P.02

FROM: Andrew Barrer at -ONAPC 6/9/94 4:35PM
TO: Arthur Lawrence
CC: Richard Riseberg at -HUB, Kristine Gabbie
Subject: Advisory Council update

----- Message Contents -----

I spoke today with Kathleen Whalen in WH Counsel's office. She assures me that the selected members of the Council can be appointed following the WH vetting process.

The financial disclosure forms that HHS is taking care of, can be received anytime, but must only be received within 30 days of official appointment. Official appt occurs after the FBI criminal check and the IRS records check. All potential Council members are told that they are to return their initial, non financial forms, to the White House within 4 days of receipt. That means we should start getting their forms in to the WH by Tuesday.

Kathleen said that she explained this to Karen Santoro in the HHS ethics office and that if either of you are unclear about the above, you should call Karen directly.

Any legal or ethics questions on the forms should be answered by Karen or Dick Riseberg. Art will only have to collect the forms and process the paper work for the financial disclosure forms,

If any of you feel that we need a meeting on this (Kathleen feels it's clear enough now) then let me know and we will convene either an in-person meeting or a phone conference call.

I will be working with the WH Counsel's office on the vetting process and Art will work with HHS ethics and Dick Riseberg on the financial forms.

If unclear, please call me at 632-1215. Thank you for your assistance.

cc: K. Whalen
K. Santoro

Office of the National AIDS Policy Coordinator



Executive Office of the President
750 17th Street, N.W. Suite 1060
Washington, D.C. 20500

Phone: (202) 690-5560

Fax: (202) 690-7560



Deliver To: Kathy Whalen

Sent From:

Kristine Gebbie, RN, MN, National AIDS Policy Coordinator

☒ Paul Tran, Ph.D.

Number of Pages: 10 ⁽²⁰²⁾ + Cover Fax Number: 456-1647 Date: 5/24/94

Message:

FTI : Co-sponsorship guidance for HHS.

Paul

DRAFT

MEMORANDUM

TO : Deputy Ethics Counselors

FROM : Jack M. Kress
Special Counsel for Ethics

SUBJECT: Co-Sponsorship Guidance

The Department of Health and Human Services (HHS) increasingly has recognized the benefits of co-sponsoring events with non-federal entities. Proper use of the co-sponsorship mechanism benefits HHS by providing the opportunity to combine non-federal experience and resources with HHS expertise and capabilities. On the other hand, improper use of the co-sponsorship mechanism can raise legal, ethical and public relations problems. Therefore, the Office of the Special Counsel for Ethics (OSCE) is providing this guidance to inform Deputy Ethics Counselors (DECs) about some of the basic legal and policy considerations concerning co-sponsorship. We ask that DECs in turn distribute this Memorandum to program offices who may have an interest in conducting co-sponsored events.

Definitions

At the outset, two terms require definition. First, for the purposes of this Memorandum, the term "HHS" refers to the Department as a whole and/or any component or subdivision thereof. In the past, co-sponsored events have been developed by OPPDIVs, STAFFDIVs, Regional Offices, PHS Agencies, and various other subdivisions of the Department. This Memorandum is not intended to establish which components or subdivisions of the Department have authority to conduct co-sponsored activities, but rather to set out the criteria for permissible co-sponsorships by any offices that have authority to engage in such activities.

Second, the term "co-sponsorship" needs explanation. Not every joint effort between HHS and a private entity is properly viewed as a co-sponsorship. Many relationships between HHS and private entities are governed by different legal requirements than those set out in this Memorandum. As used in this Memorandum, the term "co-sponsorship" refers to the joint development and/or presentation of a conference, seminar, symposium, educational program, public information campaign, or

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similar event related to the mission of the Department, by HHS and one or more non-federal entities that share a mutual interest in the subject matter. For reasons discussed under "Statutory and Regulatory Restrictions" below, this definition excludes prospective co-sponsors who would provide only funding for an event, as well as prospective co-sponsors who do not have a demonstrated substantive interest in the subject matter of the event.

Basic Principles

The co-sponsorship guidance set forth here embodies several important principles. It is particularly important that HHS involvement in a co-sponsored event not create the appearance that HHS endorses the general policies, activities, or products of a co-sponsor. Likewise, there must be no appearance that the co-sponsor's support of an event will improperly influence the Department or any HHS employee. It is also crucial that HHS abide by all legal restrictions on the use of federal funds and all applicable appropriations law requirements.

In part, the provisions developed below reflect specific statutory and regulatory requirements (see "Statutory and Regulatory Restrictions"). However, some of these provisions exceed narrow requirements as a matter of ethical and legal policy (see "Policy Guidance"). Adherence to this additional policy guidance will hold the Department and those employees associated with a co-sponsored event to a high ethical standard and avoid appearances of impropriety.

Therefore, subject to the restrictions below, HHS may co-sponsor an event with a non-federal entity. Permissible events include conferences, seminars, symposia, educational programs, public information campaigns, and similar events permitted under the relevant authorizing legislation.

Statutory and Regulatory Restrictions

As a federal agency, HHS is subject to certain statutory and regulatory restrictions on its co-sponsorship of an event:

(1) **Funds-Only Contributors.** HHS may not enter into a co-sponsorship with a non-federal entity that would contribute only funding, logistical services, or other material support for an event, but would not participate in the development or presentation of the substantive aspects of the event. Such a contribution might constitute an augmentation of appropriations and would be impermissible, unless authorized by an applicable agency gift acceptance statute.

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(2) **Substantive Interest of Co-Sponsor.** HHS may not enter into a co-sponsorship with a non-federal entity that does not have a demonstrated substantive interest in the subject matter of the event. An outside entity with no demonstrated substantive interest in the subject matter of the event will be allowed to provide services and goods only pursuant to a contract, an applicable agency gift acceptance statute, or other appropriate legal mechanism.

(3) **Registration Fees.** Absent applicable user fee authority, any registration fee collected by HHS must be deposited in the Treasury of the United States, without deduction for any charge or claim. 31 U.S.C. § 3302. However, a private co-sponsor may collect a mandatory fee from attendees to cover its share of the expenses incurred for rental of the facilities, production of the event, and food and refreshments.

(4) **Free Attendance for HHS Employees.** If HHS and the private co-sponsor(s) agree at the outset that HHS employees will be allowed free attendance at the event, then HHS employees may attend the co-sponsored event for free, at the discretion of their supervisors. If HHS and the private co-sponsor(s) do not provide for free attendance in their basic co-sponsorship agreement, then HHS personnel may accept free attendance at the event only if free attendance would not improperly augment the agency's appropriations or violate the Standards of Ethical Conduct for Employees of the Executive Branch. See, e.g., 5 C.F.R. §2635.204(g)(1)-(4) (free attendance at widely attended gatherings). For these purposes, "free attendance" would include the waiver of all or part of any registration fee, the provision of food, refreshments, entertainment, instruction and materials furnished to attendees as an integral part of the event.

(5) **Government Property.** HHS equipment, supplies, penalty envelopes, or other property may not be made available for use by a private co-sponsor unless used to assist in the development or presentation of the co-sponsored event.

(6) **Fundraising.** HHS staff may not engage in fundraising, or solicitations for donations of any kind, to support an event, except as may be authorized specifically by law. (HHS may, however, actively seek out potential co-sponsors, subject to restrictions noted below.)

(7) **Internal Events.** HHS may not co-sponsor an event where attendance at the event is limited to HHS staff.

(8) **HHS Payment for Food and Refreshments for Employees.** HHS may spend appropriated funds, including contract funds, to pay for the costs of food and refreshments for HHS employees attending a co-sponsored event only if:

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(a) the event is an authorized training program conducted pursuant to the Government Employees Training Act, 5 U.S.C. §4101 et seq., and the provision of food and refreshments is considered necessary to achieve the objectives of the training program; or

(b) the food and refreshments are incidental to the event; the serving of the food and refreshments is necessary for HHS employees to participate fully in the event; and the HHS employees attending the event would miss essential formal discussions, lectures, or speeches concerning the purpose of the event if they took their meals elsewhere.

(9) **HHS Payment for Food and Refreshments for Non-Employees.** HHS may not spend any appropriated funds, including contract funds, to pay for the costs of food and refreshments for non-HHS attendees at a co-sponsored event unless the event is conducted pursuant to the Government Employees Training Act and such attendees are officially participating as speakers in the event.

Policy Guidance

There are additional restrictions which, while not strictly required by statute or regulation, also should apply to events which HHS co-sponsors with a non-federal entity:

(1) **Co-Sponsor Created for Event.** HHS may not co-sponsor an event with an entity created solely for involvement in that particular event.

(2) **Agreements and Records.** Whenever practicable, HHS should enter into a written co-sponsorship agreement and should do so well in advance of the event. Agreements and records concerning co-sponsored events should account fully and accurately for each co-sponsor's programmatic and financial responsibilities and activities. Agreements and records should describe separately any portion of an event exclusively sponsored by HHS or exclusively sponsored by a private co-sponsor. Agreements and records concerning the amount, sources, and uses of funds generally should be made available to the public. HHS generally should not co-sponsor an event with an organization that will not make information concerning funding publicly available.

(3) **Prohibited Sources.** While not prohibited, any proposed co-sponsorship with an entity that would be deemed a "prohibited source" under the Standards of Ethical Conduct should be reviewed with particular care. A "prohibited source" is any person or entity that: (a) is seeking official action by the agency planning the event; (b) does business or seeks to do business

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with that agency; (c) conducts activities regulated by that agency; (d) has interests that may be substantially affected by the performance or nonperformance of the official duties of an employee of that agency; or (e) is an organization a majority of whose members are described in (a) through (d) above.

HHS always must weigh the appearance of a conflict of interest against the importance of having a given prohibited source as a co-sponsor. HHS should consider any facts that have a bearing on either the severity of the apparent conflict or the benefit to the agency from working with a particular prohibited source, including the following factors:

- *Is the event one which serves an important mission of the Department?

- *Is there another available co-sponsor that is not a prohibited source, or does the prohibited source have a special expertise or status that would make it the preferred co-sponsor of the event?

- *What would be the nature of the prohibited source's involvement in the event? To what extent will the prohibited source take an active and important role in the development of the substantive portions of the event?

- *Would co-sponsoring an event with the prohibited source create an appearance of partiality toward that source?

- *Does the prohibited source regularly apply for contracts, grants, or other financial relationships with the HHS component co-sponsoring the event? Do grants, contracts, or other financial relationships with the HHS component represent a significant percentage of the source's overall budget? If either of these is the case, the HHS component may not co-sponsor an event with that prohibited source unless the benefits to the Department clearly outweigh any appearance of preferential treatment or undue influence.

- *Are significant activities of the prohibited source regulated by the HHS component co-sponsoring the event? If so, the HHS component may not co-sponsor an event with that prohibited source unless the benefits to the Department clearly outweigh the potential appearance of preferential treatment or undue influence.

(4) Solicitations By Private Co-Sponsors Directed at Prohibited Sources. Often, a private co-sponsor will want to raise funds from various donors in order to help meet its allotted share of the costs of the event. As a practical matter, HHS cannot become involved in scrutinizing the fundraising

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activities of its co-sponsors. However, where the private co-sponsor wants to solicit gifts from prohibited sources, the private co-sponsor must agree in advance to do the following: (a) ensure that any solicitation will make clear that the private co-sponsor, not HHS, is asking for the gift, and that any gift will go solely toward the expenses of the private co-sponsor, not HHS; and (b) give assurances that it will not imply that HHS endorses any fundraising directed toward prohibited sources.

(5) Commercialized Events. HHS may not co-sponsor an event that is developed by the co-sponsor as a profit-making endeavor. Any registration fees charged to attendees of a co-sponsored event should not be designed to exceed the co-sponsor's costs for the event.

(6) Promotion or Sale of Products. HHS may not co-sponsor an event where the event is primarily devoted to promoting a product. However, educational materials prepared for a co-sponsored event may be sold to participants at cost. Also, transcripts and recordings of a co-sponsored seminar, conference, or workshop may be sold at cost after the event is concluded.

(7) Independently Sponsored Portions of An Event. Sometimes, a private co-sponsor will desire to sponsor a discrete portion of an event independently. HHS staff may not assist the co-sponsor in planning or otherwise organizing any discrete portion of an event that is exclusively sponsored by a private co-sponsor, except to the extent necessary to coordinate the overall program. Furthermore, HHS staff may not use or provide HHS equipment, supplies, or penalty envelopes to promote an independent portion of the event that is clearly not sponsored by HHS. However, official announcements and brochures for the event may contain factual references to the existence and scheduling of the entire event, including those portions of the event that are sponsored solely by a private co-sponsor, and HHS may participate in the preparation and distribution of such materials.

(8) Event Publicity vs. General Endorsement. Once a co-sponsored event has been approved, the co-sponsor may use its name in connection with HHS only in factual publicity for that specific event. Factual publicity includes dates, times, locations, purposes, agendas, fees, and speakers involved with the event. Such factual publicity should not imply that the involvement of HHS in the event serves as an endorsement of the general policies, activities, or products of the co-sponsor; where confusion could result, publicity should be accompanied by a disclaimer to that effect. Private co-sponsors must agree to clear all promotional material for the event with HHS to ensure compliance with these restrictions.

(9) Purely Social Events. HHS may not co-sponsor an event

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that is purely social, unless the event is paid for from the Secretary's official reception and representation fund. Events that have a social component (such as a modest reception) may be co-sponsored by HHS if there is also an educational or informational purpose to the event and the event would be related to a mission of HHS.

(10) Seeking Qualified Co-Sponsors. HHS actively may seek out qualified co-sponsors for a contemplated event. There are, however, two areas of concern with respect to the solicitation of potential co-sponsors:

(a) Appearance of Coercion. HHS must be careful to avoid any appearance that it is coercing an outside entity to become a co-sponsor. This appearance is most likely to arise when the agency solicits potential co-sponsors who have interests that could be affected significantly by pending agency action. Therefore, great care should be taken when HHS actively solicits prohibited sources to become co-sponsors. Where practicable, for example, HHS personnel who participate personally and substantially in official matters that affect a private entity should not be the personnel who make the overtures toward that same entity about a possible co-sponsorship.

(b) Appearance of Favoritism. On the other hand, HHS must be careful to avoid any appearance that it is showing favoritism by approaching only certain entities, even though other qualified entities could derive a benefit from entering into the particular co-sponsorship with HHS. Where practicable, HHS should make the opportunity for a co-sponsorship known to all similarly situated entities. In some instances, for example, HHS has published a Federal Register notice to announce the opportunity for a co-sponsorship. For some events, it may not be feasible to engage more than one co-sponsor or even to make the opportunity for a co-sponsorship known to all qualified entities; at the very least, however, HHS must be able to articulate a reasonable basis for limiting its field of potential co-sponsors.

Examples

This section provides hypothetical examples illustrating some common proposals for co-sponsorship and how the guidance detailed above may be applied to each scenario:

(1) The Substance Abuse and Mental Health Services Administration (SAMHSA) and the California Conference of Local Mental Health Directors (CCLMHD) propose to co-sponsor a

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symposium focusing on the mental health issues affecting the homeless in the United States. SAMHSA proposes to provide speakers from SAMHSA and will mail fliers advertising the theme of the symposium as well as the scheduled speakers. The CCLMHD would provide speakers from its own organization and select qualified speakers from various private sector groups and academic institutions. The CCLMHD would also pay for refreshments and the facilities for the day-long symposium. This proposal would be approved because it represents a true joint effort in which the co-sponsor is not merely responsible for providing funds to defray the costs of the event, but is also involved in the substantive development of the event by arranging for qualified speakers. Moreover, the CCLMHD is an organization with an obvious substantive interest in mental health matters, and, therefore, it is an appropriate co-sponsor for a symposium on the mental health of the homeless.

(2) The Social Security Administration (SSA) and the American Association of Retired Persons (AARP) propose to co-sponsor a one-day seminar on "How to Maximize Your Social Security Benefits." The seminar would include a variety of government and private sector experts in the field, selected jointly by SSA and AARP. SSA would be responsible for assembling speakers, and would share responsibility with AARP for developing the seminar agenda. AARP would be responsible for the printed materials and a lunch. AARP plans to charge private participants a fee for the lunch and the costs of the printed materials; HHS employees would be admitted free of charge. This proposal would be allowed, provided the fees collected by AARP are not expected to exceed the costs of the lunch and the printed materials. Furthermore, it would be proper for SSA employees to be admitted free of charge, because AARP and SSA included free attendance for HHS employees as part of the basic co-sponsorship agreement.

(3) The Health Industry Manufacturers Association (HIMA) proposes to co-sponsor a gala dinner with the Food and Drug Administration (FDA) to celebrate the anniversary of the Medical Device Amendments of 1976. Unless the event has an underlying educational or informational purpose related to a mission of the Department, FDA would not be allowed to co-sponsor this social event with HIMA.

(4) The New York Regional Office of the Health Care Financing Administration (HCFA) and the Health Insurance Association of America (HIAA) propose to co-sponsor a conference on reducing health care costs. The conference includes speakers from HCFA, various health insurance companies, and academic institutions. In addition to co-sponsoring and participating with HCFA in the joint presentation of several sessions on the first two days of the event, HIAA plans separately to organize and present several sessions on a third day focusing exclusively

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on the concerns of the insurance industry. Participation in the conference is by invitation only and includes two box lunches, a continental breakfast, and a buffet dinner, the costs of which will be paid for by HIAA; all other costs will be covered by HCFA. This proposal would be allowed because HIAA, in addition to paying for the costs of food and refreshments, is actively participating in the substantive portions of the conference. However, the costs paid by HCFA and by HIAA should be separated clearly in the records of the proposed event. HCFA must ensure that it does not provide HHS staff, equipment, supplies, or penalty envelopes for those portions of the conference independently organized and presented by HIAA. The official brochure for the conference may refer to the independently sponsored sessions as part of the overall schedule for the event, but HHS may not be associated otherwise with the promotion of those sessions.

(5) The National Institutes of Health (NIH) and the Association of Biotechnology Companies (ABC) propose to co-sponsor a two-day conference on technology transfer. ABC would arrange and pay for the conference rooms, lunches, and all promotional and informational materials. ABC also would be responsible for promoting the conference to other private organizations, while NIH would be responsible for contacting other federal agencies. NIH would provide speakers, although representatives of several ABC members would serve as panel moderators. The agenda for the conference would be developed jointly by NIH and ABC. This event would be approved, even though ABC is a prohibited source. ABC would be making a significant contribution to the planning and presentation of the event, including developing the agenda and providing panel moderators. Moreover, the dissemination of information regarding the benefits of technology transfer between the government and the private sector is part of NIH's mission; ABC represents many member organizations that could benefit from technology transfer arrangements with the government, and, therefore, ABC would be particularly well-suited to co-sponsor a conference on this subject.

(6) The National Institute of Child Health and Human Development proposes a conference on emerging child health issues. Science Productions of America (SPA) would like to participate in the event. SPA is an organization that specializes in providing logistical support for scientific conferences. SPA is expert in handling the audio-visual and other technical equipment that is involved in producing conferences, as well as in arranging for publications, catering, facilities and other logistical details. SPA proposes to provide these services for the child health conference. However, SPA would not make any substantive contribution (such as the development of the conference agenda or the selection of

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qualified speakers), and in fact SPA has no history of involvement or interest in the field of child health issues. Therefore, SPA is not a permissible co-sponsor. The services SPA wants to provide might be procured pursuant to a contract, or they might be accepted as a gift pursuant to any applicable gift acceptance statute.

(7) XYZ Corporation, a large manufacturer of oil drilling equipment, proposes to co-sponsor a workshop on "Aging Issues in the Work Place" with the Administration on Aging (AOA). XYZ representatives have long participated on AOA's Private Sector Management Committee, which deals with aging issues in business. XYZ also has implemented a well-recognized internal program for dealing with aging issues that arise in the work place. With respect to the proposed workshop, XYZ would arrange for qualified speakers from the private sector and take responsibility for promoting the workshop within the private sector. Although XYZ is a for-profit corporation whose main business is unrelated to the mission of AOA, XYZ would be an appropriate co-sponsor of this workshop, in light of the corporation's long history of involvement in aging issues in the private sector.

To KW
Date 4/6 Time 10 52

WHILE YOU WERE OUT

M John Gurro
of _____
Phone 632-1090

Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL ☒

Message _____

Operator 7



23-021 - 200 SETS
23-421 - 400 SETS

CARBONLESS

To KW
Date 4/5 Time 2:35

WHILE YOU WERE OUT

M John Gavella
of _____
Phone 632-1090

Area Code Number Extension

TELEPHONED		PLEASE CALL	
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WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL ☐

Message LM 5:00

Operator



23-021 - 200 SETS
23-421 - 400 SETS

CARBONLESS

Office of the National AIDS Policy Coordinator



Executive Office of the President
750 17th Street, N.W. Suite 1060
Washington, D.C. 20500



Phone: (202)632-1090

Fax: (202)632-1096

Deliver To: Kathy Waler

Sent From:

_____ Kristine Gebbie, RN, MN, National AIDS Policy Coordinator

☒ John Paul Gurrola, Director of Communications

Number of Pages: 1 + Cover Fax Number: 456-1647 Date: 03/29/94

Message:

If a copy of the
Charter of the Council would
be helpful, Call Tanya Dean
at 202/632-1090 to get one
faxed to you
Thanks lots.

2

VOL. XIII, PG 685 ACC

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Independent

AUTHORITY: P.L. 100-607, Title II, Subtitle D, Sec. 242,
November 4, 1988

METHOD: Appointed by the President and see below

MEMBERS: FIFTEEN, as follows:

Five members shall be appointed by the President,
three of whom shall be the Secretary of Health
and Human Services, the Administrator of
Veterans' Affairs, and the Secretary of
Defense, who shall be nonvoting members, except
that, in the case of a tie vote by the
Commission, the Secretary of Health and Human
Services shall be a voting member, and
two of whom shall be selected from the general
public on the basis of such individuals being
specially qualified to serve on the Commission
by reason of their education, training, or
experience.

Five members shall be appointed by the Speaker of
the House of Representatives on the joint
recommendation of the Majority and Minority
Leaders of the House of Representatives.

Five members shall be appointed by the President
pro tempore of the Senate on the joint
recommendation of the Majority and Minority
Leaders of the Senate.

The Members of the Commission shall be appointed
not later than December 19, 1988.

CHAIRMAN: Not later than 15 days after the members of the
Commission are appointed, such members shall
select a Chairman from among the members of the
Commission.

(CONTINUED - PAGE TWO)

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROMEIndependent

TERM: Members of the Commission, other than the three government members appointed by the President, shall serve for the life of the Commission. (If any of the three government members leaves office, his successor must immediately be appointed to this commission.)

SALARY: Without compensation. Members who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission. While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under 5 USC 5702, 5703.

PURPOSE: To carry out activities for the purpose of promoting the development of a national consensus on policy concerning acquired immune deficiency syndrome and of studying and making recommendations for a consistent national policy concerning AIDS.

REPORTS AND TERMINATION: Not later than 1 year after the date on which all members of the are appointed the Commission shall prepare and submit to the President and to the appropriate committees of the Congress a comprehensive report on the activities of the Commission to that date. Not later than 2 years after the date on which the Commission is fully constituted, the Commission shall prepare and submit a final report to the President and to the appropriate committees of the Congress, which report shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate. The Commission shall cease to exist 30 days after the date on which its final report is submitted. The President may extend the life of the Commission for a period of not to exceed 2 years.

*original apphs
made 7-31-89*

HISTORICAL NOTE: The Commission succeeds the 13-member Presidential Commission on the Human Immunodeficiency Virus Epidemic, established by Executive Order 12601 of June 24, 1987, which was chaired by James D. Watkins, USN, Ret., and which terminated soon after submitting its final report to the President on June 27, 1987 (INACTIVE, VOL I).

THE WHITE HOUSE
WASHINGTON

March 29, 1994

Presidential HIV/AIDS
Advisory Council

PPO contact person =
Tom Shea

MEMORANDUM FOR KATHY WALEN

CHERYL D. MILLS
OFFICE OF GENERAL COUNSEL

FROM

JOHN PAUL GURROLA 
DIRECTOR OF COMMUNICATIONS
OFFICE OF THE NATIONAL AIDS POLICY COORDINATOR

SUBJECT

Presidential HIV/AIDS Advisory Council reception

In response to the phone call that I had with Kathy Walen concerning my inquiry to the possibilities for a reception for the soon to be named HIV/AIDS Advisory Council, I submit this request for counsel:

We need to know if it would be legal for the Office of National AIDS Policy in the Executive Office of the President to allow one of two events:

For Geffen Records to host and pay for a reception for the HIV/AIDS Advisory Council at a (TBD) location in the Washington area.

For Trumpets Restaurant to host and pay for a reception for the HIV/AIDS Advisory Council at their location in Northwest Washington.

We expect the Council to be named within the next few weeks and need to have some idea of what we can or cannot do celebration wise after the announcement by the President.

Thank you for your attention to this matter. If you have any questions, please call me at 202/632-1090.