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Ethics File

THE WHITE HOUSE

WASHINGTON

June 8, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM:

BERNARD W. NUSSBAUM ^{BN}
COUNSEL TO THE PRESIDENT

CHERYL MILLS
ASSOCIATE COUNSEL TO THE PRESIDENT

BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Reminder on Ethics Obligations and Gifts

The President is committed to ensuring that all employees adhere to the highest standards of integrity. As a White House employee, you are subject to the criminal conflict of interest laws, the Standards of Ethical Conduct for Executive Branch Employees, the Foreign Gifts Act, and a number of other restrictions, some of them with significant penalties. You should have received a copy of the Standards of Ethical Conduct when you attended your orientation ethics briefing. Additional copies of the Standards of Ethical Conduct are available in the Counsel's Office, OEOP Room 128. If you have not attended an Ethics briefing, please be sure that you attend the next regularly scheduled briefing, on Tuesday, June 29, 1993 at 4:00 p.m. in Room 450, OEOP. It is critical that every White House employee receive training in the ethical obligations that apply to those serving in the government.

This memorandum lays out the White House policy regulating the receipt of gifts, both domestic and foreign, under the Standards of Ethical Conduct for Executive Branch Employees and the Foreign Gift Act.

General Domestic Gift Principles

The principles discussed below apply to gifts offered to or received by you personally. You should be aware that there are only very limited circumstances in which a gift may be accepted for official purposes, or otherwise on behalf of the White House. **No gift** -- including, but not limited to, computer software or hardware, or other equipment, whether by outright gift or loan --

should be accepted for official use without first checking with the Counsel's Office. Normally, acceptance of such gifts will not be permissible. Although it is often frustrating to deal with outmoded or inadequate equipment, the solution is NOT for White House staff individually to solicit or accept gifts or loans of such equipment from private sources. Moreover, it also is improper to solicit or accept such equipment personally and then use it for official business. It is very important that you understand and comply with this restriction on soliciting and accepting gifts for official purposes.

Gifts that are offered to or received by you personally are also subject to a number of limitations, which are set forth in the Standards of Ethical Conduct. These limits are discussed below, but you should refer to the Standards of Ethical Conduct themselves if any questions arise about a gift.

Under the Standards of Ethical Conduct, executive branch employees may not accept a gift in return for being influenced in the performance of an official act nor may he or she solicit or coerce the offering of any gift.

Moreover, White House employees may not solicit or accept a gift:

1. from a prohibited source; or
2. given because of the employee's official position.

I. What Constitutes a "Gift"

Virtually anything of value constitutes a gift, whether it comes in the form of an outright donation, loan, favor, discount, travel, lodging, entertainment, or other hospitality. This includes, for example, meals, flowers, tickets to events, or loans of software or equipment. When in doubt, it is best to assume that anything of value is a gift. As discussed below, however, some exceptions permit you to accept certain gifts.

II. What Constitutes a "Prohibited Source"

A prohibited source includes anyone who:

1. is seeking official action by the White House;
2. does business or seeks to do business with the White House;
3. conducts activities regulated by the White House;
4. has interests that may be substantially affected by the performance or nonperformance of your official duties; or

5. is an organization composed of members who can be described by the criteria set forth immediately above.

Thus, under the Standards of Ethical Conduct, White House staff members generally are prohibited from accepting gifts (including meals, evaluative computer hardware and software, tickets to events) from most sources -- including, among others, contractors, the press, corporations, regulated business groups, and litigating parties.

III. Gifts That May Be Accepted

The Standards of Ethical Conduct provide limited exceptions under which certain gifts from prohibited sources or gifts given because of a staff member's official position properly may be accepted. These exceptions are very limited; gifts that fall outside of the exceptions cannot be accepted consistent with the Standards of Ethical Conduct.

In addition to the exceptions, you always may choose to pay the regular price for an item -- the face value of a ticket, the market price of a book, etc., -- if you wish to keep an item that you are not permitted to accept as a gift. Moreover, under certain circumstances, travel on official business may be paid for by outside sources. However, you must seek approval for such travel expenses prior to traveling.

In all instances, however, employees may not solicit or coerce the offering of a gift -- even if the gift could be accepted under one of the excepted categories in the Standards of Ethical Conduct.

The following categories of gifts may be accepted consistent with the Standards of Ethical Conduct:

A. Gifts of \$20 or Less. You may accept an unsolicited gift (other than cash or its equivalent) that is valued at \$20 or less per occasion. This category applies to all goods as well as dinners and receptions. See Memorandum for White House Staff, "Meals, Receptions, Dinners, and Events" (March 1, 1993). Although, you may accept a meal, book, or other item valued at \$20 or less, you may not keep a gift valued over \$20 by paying the difference between the gift's market value and the \$20 limitation. Moreover, you may not accept more than an aggregate amount of \$50 in gifts under this exception from any single source in a calendar year.

Unsolicited advertising and promotional materials of nominal value may be accepted even if they come from individuals or businesses having business with your office or regulated by your office or some other agency of the government. This extends only to such customary items as desk calendars, pens, pocket diaries,

and the like. By way of example, this rule would not permit the acceptance of a case of champagne, a work of art, evaluative computer software or hardware equipment, or other items of substantial value.

B. Gift Based on a Personal Relationship. You may accept an unsolicited gift where it is clear that the gift is motivated by a family relationship or close personal friendship rather than your official position. In assessing whether a gift meets this exception, the history of your relationship (does it predate your government service?) and the source of payment (did the individual or a company or business pay?) are important factors.

C. Gifts Based on Outside Business or Employment Relationships. You may accept meals, lodging, transportation and other benefits that results from the business or employment relationships of a spouse, provided it is clear that the gift has not been enhanced because of your official status. Thus, you may attend the opera with your spouse (or significant other) even when his or her employer provides him or her with tickets to attend.

You also may accept such gifts that result from your own outside business or employment activities provided it is clear that such gifts also have not been offered or enhanced because of your official position. Note, however, that all full-time White House officials paid above \$27,789 are prohibited from receiving income from any outside employment activities. Moreover, outside business activities, even if otherwise permissible, should be cleared through Counsel's Office to ensure that no conflicts of interest are created by the activity.

D. Employment-Related Speaking Engagements. When you are speaking or presenting information on behalf of the White House in your official capacity, you may accept meals and the offer of free attendance at a conference, meeting or event on the day of your speech or presentation when provided by the sponsor of the event.

When travel expenses will be covered by a nongovernmental organization, you must receive approval by completing and submitting a non-federal source travel form to the Counsel's Office. These forms are available in the Administrative Office (OEOB, Room 1).

E. Widely Attended Gatherings. You may accept free attendance and meals offered by the sponsor of a widely attended gathering of mutual interest to a number of parties, provided your department head has determined it is in the interest of the White House that you attend. However, you may not attend an

event or dinner as the guest of an organization other than the sponsor of the entire event; that is, the ticket must be offered and paid for by the host of the event. You should consult Counsel's Office to ensure that an event properly meets the "widely attended gathering" exception.

F. Gifts from a Political Organization. Those White House officials who are exempt from the Hatch Act (which includes staff members paid from appropriated funds for the White House Office) may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided by a political organization defined under 26 U.S.C. 527(e) (e.g., the Democratic National Committee or campaign committees for state, local and federal candidates).

G. Social Invitations from Non-Prohibited Sources. You may accept food and entertainment at a social event attended by several persons when the host is not a prohibited source and no fee is charged to anyone in attendance.

H. Awards and Honorary Degrees. You may accept a gift, other than cash or an investment interest, with an aggregate market value of \$200 or less if it is a bona fide award or is offered incident to a bona fide award that is given for meritorious public service or achievement by a person (or organization) who does not have interests that may be substantially affected by the performance or nonperformance of your official duties.

A few other exceptions also apply for certain discounts and for meals and entertainment in foreign areas. You should consult the Standards of Ethical Conduct for specific guidance.

Assuming that the gift you would like to accept does meet one of the above exceptions, you always should consider whether your acceptance of the gift nevertheless would lead a reasonable person to question your impartiality in official matters affecting the donor. Where such an appearance question could be raised, you should decline to accept the gift.

General Foreign Gift Principles

I. Gifts From Foreign Governments

The United States Constitution and the Foreign Gifts Act, 5 U.S.C. 7342, generally prohibit U.S. Government officials, their spouses and dependents from accepting foreign gifts or decorations. The following general guidelines apply to gifts from foreign governments and officials:

A. A U.S. official may not request or encourage an offer of a gift or decoration.

B. Gifts from foreign governments valued at \$200 or more automatically become the property of the U.S. Government. Such gifts may be accepted on behalf of the United States only when "it appears that to refuse . . . would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States" Because such gifts are "deemed to have been accepted on behalf of the United States," however, they must be turned over to the White House Gift Unit as soon as possible for recording, necessary reporting and disposition.

C. Gifts from foreign governments valued under \$200 (termed gifts "of minimal value", which are "tendered and received as a souvenir or mark of courtesy" may be accepted and retained. Such gifts retained by you are subject to the annual public financial disclosure, discussed below, under the same conditions as domestic gifts.

D. Valuation of a gift is based on the retail value in the United States at the time of acceptance. 41 C.F.R. §101.49.001-5. A valuation of any gift should be sought immediately upon receipt (or upon your return from a foreign country). The gift should be submitted to the White House Gift Unit for valuation.

E. Under the General Services Administration's Interim Rule 4 (57 Fed. Reg. 53,283, November 9, 1992), federal employees may accept gifts of travel, meals and lodging from foreign governments and multinational organizations. Pursuant to 31 U.S.C. 1353 (travel by government officials paid for by non-federal sources), acceptance of any such gifts must be consistent with the conflict of interest rules outlined in Interim Rule 4. Such travel also must be approved by Counsel's Office and a thorough record of any such expenses accepted should be kept as they may be required to be reported to the State Department and on the annual financial disclosure form (discussed below).

F. In the case of travel taking place entirely outside of the United States -- e.g., travel by a U.S. official between two foreign countries -- the Foreign Gifts Act specifically requires that the value of travel or expenses paid by foreign governments for transportation, food or lodging must be reasonable and acceptance must be consistent with the interests of the United States.

II. Gifts from Foreign Non-Official Individuals

The Foreign Gifts Act applies only to official gifts from foreign governments and officials. We must caution you to be wary of gifts offered to you from foreign non-official individuals, especially when you do not know the donor. Any such gift is treated the same as a domestic gift in regard to propriety of acceptance, conflicts of interests, reporting, etc.

Reporting Requirements and the Gift Unit

I. White House Gift Unit and Report Forms

Members of the White House Office should complete a White House Staff Gift Report Form for all gifts, foreign and domestic. These forms may be obtained in reasonable quantities from the Supply Room or the White House Gift Unit, OEOP Room 457 (ext. 7133). The gift itself should be submitted to the Gift Unit for appraisal, together with the completed form.

Staff who are required to file annual financial disclosure reports should maintain a log of gifts valued in excess of \$100. Gifts in excess of \$250 from a single source must be disclosed on the annual SF-278 Public Financial Disclosure Report, aggregating gifts of \$100 or more from one source.

II. Disposal of Prohibited Gifts

If you receive a gift that may not be accepted consistent with the Standards of Ethical Conduct, whether abroad, at the office, or at home, you must return it to the donor with the explanation that it cannot be accepted. A copy of the letter returning the gift should be retained for your files, with a copy attached to the White House Staff Gift Report Form that you send to the Gift Unit.

When it is not practical to return a tangible item because it is perishable, you may give the item to a charity, share it with your office or have it destroyed by the Gift Unit. A staff member still must report the gift (and the disposition) to the Gift Unit. Perishable items include flowers and food items.

If for some reason you feel you cannot return the gift (donor unknown, the address of donor unknown, embarrassment to the donor, or other), you should so indicate on the Gift Report Form, making sure to explain the rationale for not returning the item. If after analysis, the Gift Unit confirms that returning the gift is not possible or advisable, it will be turned over to GSA for disposal.

III. Reporting Requirements

In the event that a gift is retained, those staff members required to file financial disclosure reports on Form SF-278 are reminded that they have an obligation to report any gift over \$250 in value received from persons other than relatives -- including any foreign gifts. In addition, foreign and domestic gifts over \$100 in value must be reported if the aggregate of such gifts received from the same source in one year exceeds \$250.

We recommend that you log all gifts received with the Gift Unit so that you can determine at reporting time whether there is a reporting requirement. The Gift Unit will assist you by determining the value of gifts. By routinely submitting the White House Staff Gift Report Forms to the Gift Unit throughout the year, you will enable the Gift Unit to supply you with an accurate and complete list of reportable gifts at the end of the year for inclusion on your SF-278 the following year.

Gifts for the President, First Lady, the Vice President and Mrs. Gore

Anyone who receives a gift intended for the President, the First Lady, the Vice President or Mrs. Gore, must ensure that it is turned over to security personnel for inspection as soon as possible. Please be particularly wary of gifts which are suddenly or unexpectedly thrust upon you. Upon return from security, the gift should be deposited with the White House (or Vice President) Gift Unit, along with information concerning the identity of the donor, time and place of acceptance, etc., so that the gift properly can be recorded and a decision made as to its disposition.

No staff member should accept a foreign gift for the President, the First Lady, the Vice President or Mrs. Gore except by prior arrangement with the host government or entity.

Conclusion

Your observance of these rules is essential and appreciated. This memorandum is necessarily summary and does not deal with all questions that may arise. In all instances, the Standards of Ethical Conduct for Executive Branch Employees should guide your behavior. If you are in doubt about the propriety of accepting any gift or about any other topic covered above, please consult with the Counsel's Office, by calling 456-6229.

Press

18/14

Lower Press - Jimmy Gaines - chief logistics
Dore Seldin -
Chad Griffin -
Kathy McKean -

OEOD - Nancy Ward - offa mgr
Scoop - ass't to AJ + LV
Victor Rivas-Vasquez - shows
Dawn Alexander - print rest; TONG mgmt

Rabbi - Mame Pool

Anne Edwards - Press Advance Director

Louaine
Arthur Jones

Office
Orgzn
-
f6

Media Affairs

12

Ernie Grubble - NE
Lara Barnes - South
Josh Gill - NW
Kim Hopper - West

Dave Anderson - TV; not network; local TV logistics
- videotape casts
- surrogate satellite feeds

Strauss - radio

Mario Tio - specialty press
ethnic; trade

Josh Silverman } specialty
press Samiando }

Patty Cogdell - Rep/Ext

Lisa Martman - ~~Rep~~ Asst

Speedwriting

8

- TP's - David Dreyer writes
externally to DNC
- Sat Radio Address: topic selected Wed PM
- given to P for PM
- Edit + writing for photo opps
- No substantive contact c Policy Councils for Planning

Jonathan Prince - don't have polling stuff
Julia Moffatt - event planning

- David Kusnet - chry) speedwriters
Alan Stone
Carolyn Curriel (nightline)

Liz Boyer: staff asst / research

Carter Wilkie - was in research; may float to SpC

- Alison Muscatine? HRC Speedwriter

Research

5

- Anne Walker - B'fug BK
- Kim Tilly - ARC B'fug BK
- Megan Prouty - healthcare
- Eric Berman - economics; at sea
- Carter Wilkie

• no systems in place for our own database

News Analysts

3

Keith Boykin
Ken Christen
John Oppenheimer

MG (5)
RS
Coll
Am
KUN

Health Care

2

Boorstin
Megan
Jason

Waldman

1

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Press Dinners "
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THE WHITE HOUSE

WASHINGTON

March 1, 1993

MEMORANDUM FOR MACK MCLARTY
CHIEF OF STAFF

MARK GEARAN
DEPUTY CHIEF OF STAFF

FROM: BERNARD NUSSBAUM
COUNSEL TO THE PRESIDENT

CHERYL MILLS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Press Dinners

Pursuant to Mark Gearan's request, we are providing this decision memorandum to outline the issue regarding organized press dinners as well as options to address the matter.

Each year, the press has several large dinners to honor their members and to socialize with executive branch employees and other prominent officials. These dinners typically are hosted by a news association (e.g., Gridiron Club, White House Correspondent's Association, Radio/Television Association) but are funded by individual employees of the various news organizations who offer invitations to executive branch officials and pay for the cost of their attendance at the event (which ensures these officials' presence at their table). As an example, Dan Rather might invite Dee Dee Myers to be his guest at the White House Correspondent's Dinner and CBS would pay the \$100 attendance fee for both Dee Dee and himself.

Under the Standards of Ethical Conduct for Executive Branch Employees, which became effective February 3, 1993, this type of dinner arrangement is prohibited for executive branch employees. See 5 C.F.R. § 2635.204(g). Under the guidelines, an executive branch employee may accept a gift of free attendance only when it is provided by the sponsor of the event, not by a guest attending the event. Id. at Example 1. Because the news organizations did not take this factor into account this year when planning their dinners, the dinners currently are funded in the same (now prohibited) fashion as they have been in prior years.

On two occasions the sponsors of press dinners have reconfigured the funding arrangements of their dinners to comply with the rules so that executive branch employees could attend consistent with the Standards of Conduct (e.g., Gridiron Dinner -- the association now is paying for the tickets of executive branch

employees). However, the White House Correspondents' Association has stated that it is simply impossible for them to reconfigure the funding for their dinner to bring it into compliance with the Standards of Conduct for the purposes of executive branch employees. Accordingly, they have asked the White House to make an exception to the Standards of Conduct for their dinner, or alternatively, for press dinners generally.

The following options are available to address this matter:

1. Adhere to the Standards of Conduct (since next year the dinners can be designed with the rules in mind) and should executive branch employees wish to attend such an event they must pay for the cost of their ticket (which can range from \$100 to \$250 for these types of dinners);
2. Provided funds are available, the White House Office could pay for its employees to attend the dinner, or subsidize the cost for those who cannot afford the entire cost of attendance;¹
3. The President could direct the Director of the Office of Government Ethics ("OGE") to reinterpret the regulations so as to exclude the press from the definition of a prohibited source;²
4. The President could announce a policy for this year only that for all organized press dinners, he will not enforce the Standards of Conduct for violations of the rules;³ or
5. The President could modify or repeal the Executive Order implementing the Standards of Conduct.

¹ This option, of course, does not resolve the situation for executive branch employees who work in the agencies (e.g., Cabinet members) who also cannot attend the dinners consistent with the Standards of Conduct.

² This action would reverse a 1987 opinion by OGE specifically holding that the press is a prohibited source. In addition, in some instances it might eliminate another prohibition with regard to the press -- the current prohibition on accepting meals paid for by the press valued in excess of \$20 per occasion (for an aggregate amount of no more than \$50 per calendar year).

³ From a public relations standpoint, this option, and the one immediately above, raise the specter of favoritism toward the White House Correspondent's Association since in other instances Counsel's Office has refused to ignore (or modify) the rules. In two such instances, the organizations reconfigured the funding for their dinners so as to invite executive branch employees as guests of the sponsor.

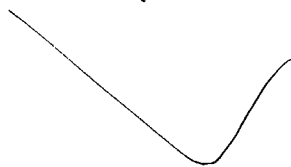
Please advise the Counsel's Office as to the manner in which you would like proceed. Since the first dinner is March 18, 1993, we need to resolve our policy as quickly as possible. If you have any questions please contact us.

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THE WHITE HOUSE

WASHINGTON

March 9, 1993

MEMORANDUM FOR DESIGNATED AGENCY ETHICS OFFICIALS

FROM: BERNARD NUSSBAUM
COUNSEL TO THE PRESIDENT 

SUBJECT: Press Dinners

My office has received numerous inquiries regarding the applicability of the Standards of Ethical Conduct, which became effective February 3, 1993, to the yearly press dinners (e.g., Gridiron Dinner, White House Correspondents' Association Dinner, Radio/Television Dinner, National Association of Black Owned Broadcasters Dinners). In particular, it appears that the press was unaware of the new rules and how they would impact their dinners to which a large number of executive branch employees are invited.

Under the new rules, executive branch employees cannot attend widely-attended-gatherings where the cost of their attendance is paid for by someone (or organization) other than the host of the event. Executive branch employees can accept the gift of free attendance from the host or sponsoring organization of a widely-attended-gathering when the agency determines that it is in the interests of the agency for the employee to attend.

The press plays an integral role in communicating with the public. We believe it is important to foster a positive relationship between executive branch officials and the press with these particular occasions providing a unique opportunity for all to interact in a congenial atmosphere. Therefore, in light of the newness of the rule and the fact that planning for these events occurred prior to the implementation of the rule, the White House will hold the application of this rule in abeyance for six months from February 3, 1993 for press dinners that otherwise would meet the widely-attended-gathering exception. Accordingly, during this six-month period, executive branch officials may attend such press dinners as guests of individuals or organizations other than the sponsor.

If you have any questions regarding this policy, please direct them to me.

THE WHITE HOUSE

WASHINGTON

March 1, 1993

MEMORANDUM FOR MACK MCLARTY
CHIEF OF STAFF

MARK GEARAN
DEPUTY CHIEF OF STAFF

FROM: BERNARD NUSSBAUM
COUNSEL TO THE PRESIDENT

CHERYL MILLS 
ASSOCIATE COUNSEL TO THE PRESIDENT

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Under the Standards of Ethical Conduct for Executive Branch Employees, which became effective February 3, 1993, this type of dinner arrangement is prohibited for executive branch employees. See 5 C.F.R. § 2635.204(g). Under the guidelines, an executive branch employee may accept a gift of free attendance only when it is provided by the sponsor of the event, not by a guest attending the event. Id. at Example 1. Because the news organizations did not take this factor into account this year when planning their dinners, the dinners currently are funded in the same (now prohibited) fashion as they have been in prior years.

On two occasions the sponsors of press dinners have reconfigured the funding arrangements of their dinners to comply with the rules so that executive branch employees could attend consistent with the Standards of Conduct (e.g., Gridiron Dinner -- the association now is paying for the tickets of executive branch

employees). However, the White House Correspondents' Association has stated that it is simply impossible for them to reconfigure the funding for their dinner to bring it into compliance with the Standards of Conduct for the purposes of executive branch employees. Accordingly, they have asked the White House to make an exception to the Standards of Conduct for their dinner, or alternatively, for press dinners generally.

The following options are available to address this matter:

1. Adhere to the Standards of Conduct (since next year the dinners can be designed with the rules in mind) and should executive branch employees wish to attend such an event they must pay for the cost of their ticket (which can range from \$100 to \$250 for these types of dinners);
2. Provided funds are available, the White House Office could pay for its employees to attend the dinner, or subsidize the cost for those who cannot afford the entire cost of attendance;¹
3. The President could direct the Director of the Office of Government Ethics ("OGE") to reinterpret the regulations so as to exclude the press from the definition of a prohibited source;²
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¹ This option, of course, does not resolve the situation for executive branch employees who work in the agencies (e.g., Cabinet members) who also cannot attend the dinners consistent with the Standards of Conduct.

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Please advise the Counsel's Office as to the manner in which you would like proceed. Since the first dinner is March 18, 1993, we need to resolve our policy as quickly as possible. If you have any questions please contact us.

THE WHITE HOUSE
WASHINGTON

Ethics file

June 8, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: BERNARD W. NUSSBAUM *BN*
COUNSEL TO THE PRESIDENT

CHERYL MILLS
ASSOCIATE COUNSEL TO THE PRESIDENT

BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Reminder on Ethics Obligations and Gifts

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should be accepted for official use without first checking with the Counsel's Office. Normally, acceptance of such gifts will not be permissible. Although it is often frustrating to deal with outmoded or inadequate equipment, the solution is NOT for White House staff individually to solicit or accept gifts or loans of such equipment from private sources. Moreover, it also is improper to solicit or accept such equipment personally and then use it for official business. It is very important that you understand and comply with this restriction on soliciting and accepting gifts for official purposes.

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Moreover, White House employees may not solicit or accept a gift:

1. from a prohibited source; or
2. given because of the employee's official position.

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II. What Constitutes a "Prohibited Source"

A prohibited source includes anyone who:

1. is seeking official action by the White House;
2. does business or seeks to do business with the White House;
3. conducts activities regulated by the White House;
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Thus, under the Standards of Ethical Conduct, White House staff members generally are prohibited from accepting gifts (including meals, evaluative computer hardware and software, tickets to events) from most sources -- including, among others, contractors, the press, corporations, regulated business groups, and litigating parties.

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In addition to the exceptions, you always may choose to pay the regular price for an item -- the face value of a ticket, the market price of a book, etc., -- if you wish to keep an item that you are not permitted to accept as a gift. Moreover, under certain circumstances, travel on official business may be paid for by outside sources. However, you must seek approval for such travel expenses prior to traveling.

In all instances, however, employees may not solicit or coerce the offering of a gift -- even if the gift could be accepted under one of the excepted categories in the Standards of Ethical Conduct.

The following categories of gifts may be accepted consistent with the Standards of Ethical Conduct:

A. Gifts of \$20 or Less. You may accept an unsolicited gift (other than cash or its equivalent) that is valued at \$20 or less per occasion. This category applies to all goods as well as dinners and receptions. See Memorandum for White House Staff, "Meals, Receptions, Dinners, and Events" (March 1, 1993). Although, you may accept a meal, book, or other item valued at \$20 or less, you may not keep a gift valued over \$20 by paying the difference between the gift's market value and the \$20 limitation. Moreover, you may not accept more than an aggregate amount of \$50 in gifts under this exception from any single source in a calendar year.

Unsolicited advertising and promotional materials of nominal value may be accepted even if they come from individuals or businesses having business with your office or regulated by your office or some other agency of the government. This extends only to such customary items as desk calendars, pens, pocket diaries,

and the like. By way of example, this rule would not permit the acceptance of a case of champagne, a work of art, evaluative computer software or hardware equipment, or other items of substantial value.

B. Gift Based on a Personal Relationship. You may accept an unsolicited gift where it is clear that the gift is motivated by a family relationship or close personal friendship rather than your official position. In assessing whether a gift meets this exception, the history of your relationship (does it predate your government service?) and the source of payment (did the individual or a company or business pay?) are important factors.

C. Gifts Based on Outside Business or Employment Relationships. You may accept meals, lodging, transportation and other benefits that results from the business or employment relationships of a spouse, provided it is clear that the gift has not been enhanced because of your official status. Thus, you may attend the opera with your spouse (or significant other) even when his or her employer provides him or her with tickets to attend.

You also may accept such gifts that result from your own outside business or employment activities provided it is clear that such gifts also have not been offered or enhanced because of your official position. Note, however, that all full-time White House officials paid above \$27,789 are prohibited from receiving income from any outside employment activities. Moreover, outside business activities, even if otherwise permissible, should be cleared through Counsel's Office to ensure that no conflicts of interest are created by the activity.

D. Employment-Related Speaking Engagements. When you are speaking or presenting information on behalf of the White House in your official capacity, you may accept meals and the offer of free attendance at a conference, meeting or event on the day of your speech or presentation when provided by the sponsor of the event.

When travel expenses will be covered by a nongovernmental organization, you must receive approval by completing and submitting a non-federal source travel form to the Counsel's Office. These forms are available in the Administrative Office (OEOB, Room 1).

E. Widely Attended Gatherings. You may accept free attendance and meals offered by the sponsor of a widely attended gathering of mutual interest to a number of parties, provided your department head has determined it is in the interest of the White House that you attend. However, you may not attend an

event or dinner as the guest of an organization other than the sponsor of the entire event; that is, the ticket must be offered and paid for by the host of the event. You should consult Counsel's Office to ensure that an event properly meets the "widely attended gathering" exception.

F. Gifts from a Political Organization. Those White House officials who are exempt from the Hatch Act (which includes staff members paid from appropriated funds for the White House Office) may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided by a political organization defined under 26 U.S.C. 527(e) (e.g., the Democratic National Committee or campaign committees for state, local and federal candidates).

G. Social Invitations from Non-Prohibited Sources. You may accept food and entertainment at a social event attended by several persons when the host is not a prohibited source and no fee is charged to anyone in attendance.

H. Awards and Honorary Degrees. You may accept a gift, other than cash or an investment interest, with an aggregate market value of \$200 or less if it is a bona fide award or is offered incident to a bona fide award that is given for meritorious public service or achievement by a person (or organization) who does not have interests that may be substantially affected by the performance or nonperformance of your official duties.

A few other exceptions also apply for certain discounts and for meals and entertainment in foreign areas. You should consult the Standards of Ethical Conduct for specific guidance.

Assuming that the gift you would like to accept does meet one of the above exceptions, you always should consider whether your acceptance of the gift nevertheless would lead a reasonable person to question your impartiality in official matters affecting the donor. Where such an appearance question could be raised, you should decline to accept the gift.

General Foreign Gift Principles

I. Gifts From Foreign Governments

The United States Constitution and the Foreign Gifts Act, 5 U.S.C. 7342, generally prohibit U.S. Government officials, their spouses and dependents from accepting foreign gifts or decorations. The following general guidelines apply to gifts from foreign governments and officials:

A. A U.S. official may not request or encourage an offer of a gift or decoration.

B. Gifts from foreign governments valued at \$200 or more automatically become the property of the U.S. Government. Such gifts may be accepted on behalf of the United States only when "it appears that to refuse . . . would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States" Because such gifts are "deemed to have been accepted on behalf of the United States," however, they must be turned over to the White House Gift Unit as soon as possible for recording, necessary reporting and disposition.

C. Gifts from foreign governments valued under \$200 (termed gifts "of minimal value", which are "tendered and received as a souvenir or mark of courtesy" may be accepted and retained. Such gifts retained by you are subject to the annual public financial disclosure, discussed below, under the same conditions as domestic gifts.

D. Valuation of a gift is based on the retail value in the United States at the time of acceptance. 41 C.F.R. §101.49.001-5. A valuation of any gift should be sought immediately upon receipt (or upon your return from a foreign country). The gift should be submitted to the White House Gift Unit for valuation.

E. Under the General Services Administration's Interim Rule 4 (57 Fed. Reg. 53,283, November 9, 1992), federal employees may accept gifts of travel, meals and lodging from foreign governments and multinational organizations. Pursuant to 31 U.S.C. 1353 (travel by government officials paid for by non-federal sources), acceptance of any such gifts must be consistent with the conflict of interest rules outlined in Interim Rule 4. Such travel also must be approved by Counsel's Office and a thorough record of any such expenses accepted should be kept as they may be required to be reported to the State Department and on the annual financial disclosure form (discussed below).

F. In the case of travel taking place entirely outside of the United States -- e.g., travel by a U.S. official between two foreign countries -- the Foreign Gifts Act specifically requires that the value of travel or expenses paid by foreign governments for transportation, food or lodging must be reasonable and acceptance must be consistent with the interests of the United States.

II. Gifts from Foreign Non-Official Individuals

The Foreign Gifts Act applies only to official gifts from foreign governments and officials. We must caution you to be wary of gifts offered to you from foreign non-official individuals, especially when you do not know the donor. Any such gift is treated the same as a domestic gift in regard to propriety of acceptance, conflicts of interests, reporting, etc.

Reporting Requirements and the Gift Unit

I. White House Gift Unit and Report Forms

Members of the White House Office should complete a White House Staff Gift Report Form for all gifts, foreign and domestic. These forms may be obtained in reasonable quantities from the Supply Room or the White House Gift Unit, OEOP Room 457 (ext. 7133). The gift itself should be submitted to the Gift Unit for appraisal, together with the completed form.

Staff who are required to file annual financial disclosure reports should maintain a log of gifts valued in excess of \$100. Gifts in excess of \$250 from a single source must be disclosed on the annual SF-278 Public Financial Disclosure Report, aggregating gifts of \$100 or more from one source.

II. Disposal of Prohibited Gifts

If you receive a gift that may not be accepted consistent with the Standards of Ethical Conduct, whether abroad, at the office, or at home, you must return it to the donor with the explanation that it cannot be accepted. A copy of the letter returning the gift should be retained for your files, with a copy attached to the White House Staff Gift Report Form that you send to the Gift Unit.

When it is not practical to return a tangible item because it is perishable, you may give the item to a charity, share it with your office or have it destroyed by the Gift Unit. A staff member still must report the gift (and the disposition) to the Gift Unit. Perishable items include flowers and food items.

If for some reason you feel you cannot return the gift (donor unknown, the address of donor unknown, embarrassment to the donor, or other), you should so indicate on the Gift Report Form, making sure to explain the rationale for not returning the item. If after analysis, the Gift Unit confirms that returning the gift is not possible or advisable, it will be turned over to GSA for disposal.

III. Reporting Requirements

In the event that a gift is retained, those staff members required to file financial disclosure reports on Form SF-278 are reminded that they have an obligation to report any gift over \$250 in value received from persons other than relatives -- including any foreign gifts. In addition, foreign and domestic gifts over \$100 in value must be reported if the aggregate of such gifts received from the same source in one year exceeds \$250.

We recommend that you log all gifts received with the Gift Unit so that you can determine at reporting time whether there is a reporting requirement. The Gift Unit will assist you by determining the value of gifts. By routinely submitting the White House Staff Gift Report Forms to the Gift Unit throughout the year, you will enable the Gift Unit to supply you with an accurate and complete list of reportable gifts at the end of the year for inclusion on your SF-278 the following year.

Gifts for the President, First Lady, the Vice President and Mrs. Gore

Anyone who receives a gift intended for the President, the First Lady, the Vice President or Mrs. Gore, must ensure that it is turned over to security personnel for inspection as soon as possible. Please be particularly wary of gifts which are suddenly or unexpectedly thrust upon you. Upon return from security, the gift should be deposited with the White House (or Vice President) Gift Unit, along with information concerning the identity of the donor, time and place of acceptance, etc., so that the gift properly can be recorded and a decision made as to its disposition.

No staff member should accept a foreign gift for the President, the First Lady, the Vice President or Mrs. Gore except by prior arrangement with the host government or entity.

Conclusion

Your observance of these rules is essential and appreciated. This memorandum is necessarily summary and does not deal with all questions that may arise. In all instances, the Standards of Ethical Conduct for Executive Branch Employees should guide your behavior. If you are in doubt about the propriety of accepting any gift or about any other topic covered above, please consult with the Counsel's Office, by calling 456-6229.

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THE WHITE HOUSE

WASHINGTON

July 12, 1993

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: BERNARD W. NUSSBAUM
COUNSEL TO THE PRESIDENT 

CHERYL MILLS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: POLITICAL ACTIVITY

This memorandum is to advise you of certain legal and policy limitations on your political activity as a member of the White House staff.

Generally, only those Executive Office of the President ("EOP") employees who are in the White House Office ("WHO") itself or the Office of the Vice President ("OVP") may engage in political activity. All others¹, except those appointed by the President by and with the advice and consent of the Senate, are subject to the provisions of the Hatch Act and may not engage in any partisan political activity. A discussion of the permissible and impermissible activities of "hatched" and non-"hatched" employees is set forth below.

It is important that you adhere strictly to these guidelines. Please check with your supervising officer and with Counsel's Office to ascertain whether you are paid from White House Office or the Office of the Vice President appropriations and are exempt from certain of the Hatch Act restraints; do not assume that because you have a White House pass you are not "hatched."²

¹ Employees of the following Executive Office of the President agencies, unless they are appointed with the advice and consent of the Senate, are subject to the Hatch Act: Office of Policy Development, Office of Management and Budget, Office of the United States Trade Representative, Office of Administration, Office of National Drug Control Policy, National Security Council, Council of Economic Advisers, National Space Council, and the Office of Science and Technology Policy.

² Detailees from other agencies maintain the status they enjoy at their home agency. Thus, if an employee is subject to the Hatch Act at their home agency -- which virtually all detailees are -- they remain subject to the Hatch Act

I. HATCH ACT

All Hatch Act prohibitions, discussed below and found at 5 U.S.C. §§ 7321-7327, cover all EOP employees, with exceptions principally for employees:

- (a) paid from the appropriations for the WHO, from the EOP appropriation item for Special Assistance to the President in Connection with Specially Assigned Functions (OVP appropriation), or from the Senate appropriation for the Office of the Vice President; or
- (b) appointed to their current positions by the President by and with the advice and consent of the Senate (provided that such officials have nationwide or foreign relations responsibilities, as all such officials within the EOP do); or
- (c) serving as head or assistant head of an executive or military department.

These exceptions have not been interpreted to extend to other EOP employees; such other employees including Office of Management and Budget (OMB) staff, Office of Policy Development (OPD) staff, and all Schedule Cs and detailees should abide by all Hatch Act prohibitions. The restrictions of the Hatch Act are applicable to full-time employees 24 hours a day, regardless of whether such employees are on annual or sick leave or leave without pay; as long as a covered individual is on the employment rolls of the Government, he or she is subject to the restrictions of the Hatch Act.

Employees fully covered by the Hatch Act may not:

- (1) take an active part in the management of a political campaign;
- (2) be a partisan candidate in an election for State or national office;
- (3) serve as an officer of a political party, a member of a national, State or local committee of a political party, or an officer or member of a committee of a partisan political club;
- (4) organize a political organization or club;
- (5) solicit, receive, handle, otherwise account for, or disburse political contributions;

restrictions while serving at the White House.

- (6) sell tickets to, organize, or actively participate in any political fundraising activity;
- (7) voluntary campaign work, such as addressing and stuffing envelopes;
- (8) solicit votes for or against a candidate;
- (9) serve as a party or candidate challenger or pollwatcher;
- (10) drive voters to the polls for a candidate or party;
- (11) endorse or oppose a candidate in a political advertisement, broadcast or campaign literature;
- (12) serve as a delegate or alternate to a political convention;
- (13) organize or actively participate in the activities of a political convention;
- (14) serve on a standing committee of a political convention;
- (15) circulate a candidate-nominating petition;
- (16) address a convention, rally, caucus or similar gathering of a political party in support of or in opposition to a partisan candidate for public office.

Employees covered by the Hatch Act may:

- (1) register and vote;
- (2) make financial contributions to a party or candidate, except that 18 U.S.C. § 603 precludes Federal employees from contributing to their employer or "employing authority" (5 U.S.C. § 7323 also imposes other restrictions on employees in Executive agencies, namely, that such employees cannot give a thing of value for political purposes to another employee, a member of Congress, or an officer in the uniformed service);
- (3) express their opinion on political subjects;
- (4) wear campaign buttons or display bumper stickers;
- (5) be a member (but not an officer or committee member) of a political party or organization, so long as they do not actively engage in campaign activities;

- (6) attend (but not as a delegate) a political convention, fundraising function or other political gathering, so long as they do not organize or participate in the program of such an activity; and
- (7) sign a nominating petition.

Because the limitations of the Hatch Act apply 24 hours a day, a "hatched" employee may not participate in political activity, either on or off the job. That means, for example, that a "hatched" employee may not draft a political speech. Although it is possible for a "hatched" employee to draft a speech concerning Administration issues that may be presented in a political setting, the "hatched" employee may not prepare any material containing statements of political advocacy, nor any materials that will be used exclusively for a political purpose.

Similarly, "hatched" employees may not type or transcribe political speeches; rather, the resources of a political organization should support political undertakings. Very limited ministerial activities, such as the typing of a brief political endorsement in a speech that otherwise deals with official matters or collating the brief political portion with the remainder of the speech are not objectionable under the Hatch Act.

Additionally, "hatched" employees may write briefing materials on official Administration activities for use by Administration officials, even when such materials will be included in partisan political statements. However, "hatched" employees may not write or prepare any materials that will be used solely for political purposes (e.g., materials for the platform of the Democratic Party), nor may they prepare any materials that contain statements of political advocacy.

Administration officials should be particularly sensitive to the limitations on "hatched" employees in instances of mixed political and official travel. Where a "hatched" employee accompanies an exempted official on a trip, it remains essential that no inappropriate political activities be performed by the employee.³ The "hatched" support staff of an exempted Administration official may perform their normal clerical and ministerial functions in connection with the political travel and appearances or activities of their principal, provided that the functions they perform are related to their official responsibilities. Such employees, however, may not perform tasks

³ Because the discharge of official duties is the only basis for a "hatched" employee to be accompanying his or her principal on a political trip, the travel expenses of such an employee must be paid from appropriated funds.

that are purely political in nature and which relate solely to their principal's political activities.

Logistical arrangements for an exempted official's purely political travel or appearances should be made where possible by the appropriate political organization, but a "hatched" employee customarily involved in such ministerial activities may make limited scheduling arrangements for his or her principal's political travel or appearances. Under no circumstances may a "hatched" employee engage in any of the "management" activities of a political event or convention (e.g., plan or sell tickets to a political event or work on the activities of a committee, such as the Platform or Rules Committees, of a political convention).

Again, if you have any questions with respect to the matters, please call the White House Counsel's Office before you act.

II. LIMITS ON POLITICAL ACTIVITIES OF EXEMPT PERSONNEL⁴

Even staff members who are exempted from the Hatch Act's prohibitions on partisan political activities are subject to certain restrictions. For example, the Hatch Act prohibits all Federal employees from using their official authority or influence for the purpose of interfering with, or affecting, the results of an election.

We have set forth below guidelines to help ensure that political activities undertaken by exempt personnel are within the limits prescribed by law and White House policy.

USE OF LEAVE

(1) Certain White House staff members are entitled to specific amounts of annual leave. As discussed below, such leave may be used for political purposes; however, one cannot take an "advance" on annual leave to engage in political activities. Those White House staff members not entitled to annual leave (e.g., commissioned officers) may use a ceiling of 15 days of compensatory leave (i.e., the equivalent of vacation time) for political purposes.

⁴ It is important to understand that for purposes of this section, the official responsibilities that customarily have been performed by the Political Affairs Office constitute "official" and not "political" activities, and the restraints cited here therefore do not in general affect activities and office maintenance or other costs undertaken or incurred in the discharge of such responsibilities.

(2) Non-"hatched" White House staff members must perform their official duties for a minimum of 40 hours per week or 80 hours per two-week pay period in order to receive their full Federal salary. If a staff member does not complete 40 hours of official duty in any week, the difference between the number of hours completed and 40 hours must be covered by annual leave, leave without pay, official holidays or made up in the second week of that pay period. The difference cannot be made up in a subsequent pay period.

(3) Those non-"hatched" White House staff members who complete a minimum of 40 hours of official duty during any full week (Monday-Sunday) may be absent from their official duty station for no more than one weekday (Monday-Friday) for the purpose of engaging in political activity without taking annual leave or leave without pay. If a staff member desires to be absent for political purposes for more than one weekday in any week, each additional weekday must be covered by annual leave or leave without pay, regardless of the number of official hours worked during that week. In other words, it is not permissible for a staff member to put in 40 hours of official duty in the first three days of the week and then take the remaining two weekdays off for campaigning without using annual leave or leave without pay.

(4) Sick leave cannot be used to cover an absence from official duty for the purpose of engaging in political activity.

(5) Any White House staff member not subject to the Hatch Act is permitted to take leave without pay to cover absences from official duties for the purposes of engaging in political activity.

(6) When annual leave, compensatory leave or leave without pay is used for political purposes:

(a) Staff members must submit a request for leave, in advance of the leave period, to their White House department supervisor. Following approval by the supervisor, the request should be forwarded to Counsel's Office.

(b) Supervisors must forward to the Counsel's Office, in advance of a leave period, a report of their intended use of leave for political purposes.

(7) Staff members may use only eight hours of compensatory leave for political activity during any 7-day period unless additional leave is approved by Counsel's Office.

USE OF VEHICLES AND MESSENGERS

White House vehicles may not be used for political purposes. This means that White House cars may not be used to transport staff members or materials to or from any political committee office or event. Nor may White House vehicles be used to transport staff members or political materials to airports or any other location if the purpose of the trip is primarily political.

Because of the special requirements surrounding departures and arrivals from Andrews Air Force Base, White House vehicles may be used to transport White House staff members to that facility when they are accompanying the President, Vice President, First Lady or Mrs. Gore on a political trip. Additionally, where the President is participating in a political event in the Washington, D.C. area or other location where White House cars are available for official purposes, White House cars may be used for the Presidential motorcade to the extent essential to the security and support of the President.

White House messenger should not be used to deliver or pick up materials from the DNC or any other political committee.

USE OF COMMUNICATIONS SYSTEMS AND COPYING MACHINES

(1) In those limited circumstances in which government communication systems -- telephone, e-mail (which automatically is backed up as a potential presidential record), telegraph, teletype, telecopy or radio -- are used for campaign-related purposes, appropriate reimbursement or payment at the "usual or normal charge," 15 C.F.R. § 100.7(a)(1)(B), must be made by a proper political campaign committee.

(2) Because of the need for liaison between limited numbers of White House staff members and a political committee, telephones may be used for local calls. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fundraising.

(3) Government credit cards must not be used for campaign-related or other political calls, whether made from within or outside the White House.

(4) Government operators should not be used to place campaign-related or other political long distance calls.

(5) Campaign-related or political long distance telephone calls made from the White House may be made only if charged to a credit card issued by the proper campaign or political committee (or on telephones installed and maintained by such committee for exclusive use in dealing with campaign or political matters should such phones be installed).

(6) The incoming WATS System (800 #) should not be used to call into the White House on campaign or political matters.

(7) White House Communications Agency (WHCA) facilities provided outside the White House in connection with travel may continue to be used during mixed and wholly political trips. These facilities must be used exclusively for communications relating to trip planning and arrangements and not for direct political purposes such as campaign fundraising and crowd-building. The Government will be reimbursed for the use of these facilities.

(8) Except in limited instances approved by the White House Counsel's Office, Government copying machines may not be used to reproduce materials for transmittal to a campaign or political committee.

TRAVEL

Government funds must not be used for the political travel of staff members. Principles governing the allocation of travel expenses will be set forth elsewhere.

Any political or "mixed" official and political travel by White House staff must be approved in advance by the Counsel's Office. No reimbursements will be made for non-approved travel expenses.

MEETINGS IN GOVERNMENT BUILDINGS

(1) Government buildings, including White House offices and meeting rooms, should not be used for meetings or events organized by a campaign or political committee. Informal meetings involving small numbers of campaign or political officials and White House staff members may occasionally be held in a White House staff member's office or, if it is a luncheon or breakfast meeting, in the White House Mess, provided that such meetings do not interfere with the conduct of Government business.

(2) Campaign fundraising activities of any kind are prohibited in or from Government buildings.

(3) Campaign-sponsored or other political activities (receptions, dinners, meetings, but not fundraisers) may be held in the Executive Residence at the White House provided that either the President, Mrs. Clinton, or some other family member attends the event. Campaign or other political events (other than fundraisers) also may be held at the Vice President's Residence so long as the Vice President, Mrs. Gore, or some other family member attends the event. The cost of campaign or political events at either residence must be paid by the proper

campaign or political committee in accordance with the guidelines which have been established for the use of these residences for nonofficial purposes.

USE OF PHOTOGRAPHS

(1) White House photographers may continue to photograph all Presidential, First Lady, and Vice Presidential activities for the purpose of creating an archival record of this Administration. However, as a general rule, photographs taken by White House photographers at political events may not be used for distribution to individuals attending such events or for any other political or campaign purpose.

(2) Photographs taken at events in the Executive Residence (other than political-sponsored events), at West Wing and East Wing meetings, and at non-political events outside the White House may be distributed consistent with regular practices.

(3) A campaign or political committee will be expected to provide a photographer at all campaign and political events for which it desires to distribute photographs to the participants. White House photographers will not photograph receiving lines or greetings at campaign or political events, except to the extent necessary for archival purposes.

(4) A campaign or political committee may purchase, for its use, photographs taken by White House photographers in those limited circumstances where those photographs provide the only source for a particular picture. All photograph purchase requests from the campaign or political committee must be directed to the Director of White House Photo Office. A record of all campaign photo requests will be maintained by the Director of the White House Photo Office, who will be responsible for billing the campaign or political committee for all photo orders on a monthly basis at the normal rate and according to the procedures established by the Government for the purchase of such pictures.

CORRESPONDENCE

(1) Campaign and political correspondence must not be produced at the White House, nor can White House stationery, stamps or related supplies be used in the preparation of such correspondence at another location.

(2) Federal law prohibits the receipt of contributions in Federal buildings. Occasionally, contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be handled by returning the contributions to the sender with an explanation of the applicable Federal law and a statement of the appropriate

recipient's address. (Appropriate language may be obtained from the White House Counsel's Office.) There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If the contribution is accompanied by a letter that deals primarily with governmental issues, a response dealing with those issues may be prepared and sent from the White House; however, there must be no reference to the contribution.

CRIMINAL STATUTES

A number of criminal statutes prohibit the use of Federal programs, property, or employment for political purposes. Violation of these criminal statutes is punishable by imprisonment and/or the payment of a substantial fine. Certain staff members may also be subject to investigation and possible prosecution by an Independent Counsel in connection with alleged violations of these statutes.

Solicitation of Campaign Contributions: Solicitation of campaign contributions from Federal employees (except those appointed by and with the advice of the Senate) is prohibited, as is the solicitation or receipt of contributions in Federal buildings or on Federal property. Moreover, solicitation of campaign contributions from a Member of Congress or an officer of a uniformed service also is prohibited. Unless specifically approved by the Counsel's Office and the Political Affairs Office, no White House staff member shall sign a fundraising letter on behalf of any Federal candidate.

Use of Official Authority: Criminal statutes prohibit any Federal employee, whether or not "hatched," from using his or her "official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate." While there is no definitive statement by a court or other body of what activities constitute such improper interference with election results, the following types of activities are clearly prohibited:

-- One Federal employee directly or indirectly soliciting money from another Federal employee for a campaign contribution, or making a contribution to the official responsible for his or her employment.

-- Soliciting or receiving campaign contributions on Federal property or in Federal buildings. This means that fundraising events may not be held in the White House; that no fundraising phone calls or mail may emanate from the White House or any other Federal buildings; and that no campaign contributions may be accepted at the White House or any other Federal building.

-- Soliciting or accepting a campaign contribution or campaign support in exchange for a promise to appoint someone to a Federal job.

-- Promising or withholding Federal benefits (jobs, grants, contracts, etc.) based on political support or nonsupport.

-- Favoring or penalizing employees or withholding employment in order to induce someone to make a political contribution or otherwise participate in political activity.

Violations of these statutes can, of course, have serious consequences and I urge you, if you have any questions about the legality or propriety of a proposed action, to consult the White House Counsel's Office.