

GUIDANCE ON MEETING REQUESTS AND INVITATIONS

Presidential appointees (PAs) routinely receive meeting requests and invitations to participate in a variety of activities (from speaking at large events to attending political events to attending sporting events) initiated by individuals or groups outside of the federal government. This document is designed to provide you with some guidance as to which meeting requests and invitations can be accepted and which cannot. You should, however, always feel free to check with GC if you have any questions or concerns, and for some requests and invitations you *must* check with GC in advance. Finally, keep in mind, you should also use your judgment in deciding what invitations or meetings to accept – you surely should not accept every invitation you would be permitted to accept.

The ultimate test of whether a meeting request or invitation can be accepted is whether acceptance creates an actual conflict of interest, creates an appearance of a lack of impartiality, or is not in the best interest of the Department. Every Presidential Appointee, Senate Confirmed (PAS) employee has a formal written “recusal statement” and every other Presidential Appointee should have received written ethics advice identifying when the PA must recuse him or herself from matters affecting certain entities. You and your staffs should have a list readily available of all of your recusals. These recusals are one of the most important – if not the most important – limitation on the meeting requests and invitations a PA may accept.

- **General Prohibitions.** No request for a business meeting with non-federal individuals or groups should be accepted if: (1) the subject of the meeting will affect an entity identified in the PA’s recusal statement (or ethics advice) or a former employer or client (within the two year period prior to when the PA started government service) without getting legal advice from the Office of the Assistant General Counsel for General Law; (2) the attendees have applied for a contract, grant or cooperative agreement under the Recovery Act *and* the subject of the meeting relates to the Recovery Act; or (3) the subject of the meeting is an open competitive procurement or any other competitive funding announcement without getting legal advice from the Deputy General Counsel for Technology Transfer and Procurement.
- **Registered Lobbyists.** Meetings with registered lobbyists are permissible. BUT if the subjects of the meeting are policies or particular projects (pre-application) under the Recovery Act, the occurrence and substance of the meeting must be posted on the DOE Recovery website.
- **Contractors.** Meetings with current contractors are permissible. BUT no pending procurement or competitive funding opportunity may be discussed. If you have concerns about the subject matter of a requested meeting with contractors, potential contractors or awardees, you may vet the request through Deputy General Counsel for Technology Transfer and Procurement for legal issues and through the responsible program office for programmatic issues.
- **Widely Attended Gatherings.** Organizations aligned with the Department’s mission may offer the PA the gift of free attendance to a large event (dinner, reception, holiday party, charitable event, or similar event) to which a group of individuals of diverse interests have been invited. The PA may be able to accept and to attend the event if a determination is made that the PA’s attendance is in the interest of the Department because it will further agency programs and operations; provided the gift is not given by a registered lobbyist or a registered lobbyist

organization unless the registered lobbyist organization is a 501(c)(3) non profit organization. All such invitations must be vetted with the Office of the Assistant General Counsel for General Law.

- **Private Gathering.** An employee may be able to accept an invitation to small gathering from persons other than “prohibited sources” where several individuals will be present, no fee is charged to anyone to attend, and it occurs in the home of the host. Generally, prohibited sources are any person within the Department’s mission, those seeking to do business with the Department (including financial assistance) or who are currently doing business with the Department. All such requests must be vetted through the Office of the Assistant General Counsel for General Law
- **Political Events.** PAs may engage in partisan political activity, including appearing at a fundraising event (although the PA may not engage in fundraising) or other campaign event. Acceptance of such an invitation must be vetted through the Office of the Assistant General Counsel for General Law. If travel is involved, political committees must pay some or all of the travel expenses depending on the factual situation prior to the PA’s departure. The PA may only engage in partisan political activity in his or her personal capacity.
- **Invitations to Spouses.** Generally speaking, the government will not pay for the spouse of a DOE employee to accompany the employee on official travel. Also, with limited exceptions, a gift to the spouse or close family members is considered to be a gift to the employee.
- **Awards.** Awards and honors may be accepted from non-Federal sources under certain circumstances. Acceptance of an award must be vetted through the Office of the Assistant General Counsel for General Law.
- **Gifts.** Generally, gifts may not be accepted if the value of the gift exceeds \$20. Gifts from registered lobbyists may not be accepted in any amount. Gifts include anything of value including meals, transportation, free attendance at events, tickets to sporting events, etc.