

Office of Government Ethics

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Letter to a Designated Agency Ethics Official dated June 28, 1993

This is in response to your letter of April 27, 1993, in which you request clarification as to whether the "widely attended gathering" exception at 5 C.F.R. § 2635.204(g)(2) applies to events that are primarily social in nature. This exception provides that an employee may accept a gift of free attendance at a widely attended gathering of mutual interest to a number of parties, upon a determination by the agency designee that attendance at the event is in the interest of the agency because it will further agency programs and operations.

An event is widely attended if it is open to members from throughout a given industry or profession or if those in attendance represent a range of persons interested in a given matter. The focus of section 2635.204(g)(2) is not on the nature of the activity that takes place at the widely attended gathering but on whether the gathering is of mutual interest to those in attendance. Where a gathering that is social meets the definition of a widely attended gathering and is of mutual interest to the attendees, the employee may attend provided that the agency designee finds [the employee's] attendance to be in the interest of the agency. We share your view that it is likely to be more difficult to make a finding that an employee's attendance is in the interest of the agency when the event is primarily social as opposed to when the event is in the nature of a conference or seminar.

The preamble to the final rule is consistent with this position. What was recommended to the Office of Government Ethics (OGE) in the comments to the proposed rule was that the condition that the gathering be of "mutual interest to a number of parties" be deleted. This recommendation was rejected based on OGE's view that it would be particularly difficult to find an agency interest served by employees' attendance at gatherings that were not of mutual interest to the attendees. Neither the preamble nor the final rule suggests that a social event cannot constitute a widely attended gathering of mutual interest to a number of parties.

You also request guidance with respect to the press dinner memorandum issued by the Counsel to the President on March 9, 1993.

The widely attended gathering rule restricts acceptance of the gift of free attendance at certain widely attended gatherings to those offered by sponsors of the gathering. The March 9 memorandum postpones this limitation on the widely attended gathering exception for six months from February 3, 1993, with respect to press dinners, so that gifts of free attendance at widely attended press dinners from persons other than the sponsor may be accepted until August 3, 1993. The memorandum states that for those six months, "executive branch officials may attend such press dinners as guests of individuals or organizations other than the sponsor." The memorandum speaks for itself; employees invited by a press organization to a widely attended press dinner occurring before August 3, 1993, may attend the press dinner.

Sincerely,

Stephen D. Potts
Director