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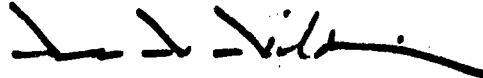
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April 22, 2008

OFFICE OF THE SECRETARY
COMMUNICATIONS
CENTER

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM FRED F. FIELDING
COUNSEL TO THE PRESIDENT



SUBJECT FEDERAL AGENCY EMPLOYEE CONTACTS WITH PRESIDENTIAL
CAMPAIGNS

To ensure that the Administration meets the high ethical standards that the President demands, the President has asked me to communicate to you this policy to govern contacts between employees of executive departments and agencies ("Federal agencies") in their official capacities and the authorized campaign committees of Senator John McCain or one of the Democratic candidates for President (individually, "campaign organization"). Federal agencies must comply with applicable law, agency-specific policies, and this policy.

Prior Approval Required For Certain Campaign Organization Contacts

A contact that falls within any of the following categories may not take place without the prior written approval of the Counsel to the President, even if the contact is otherwise permissible by law and agency policy:

- (1) contacts between a campaign organization and any of the following: Office of the Director of National Intelligence and all elements of the Intelligence Community, including the Central Intelligence Agency; Office of Investigations, Bureau of Immigration and Customs Enforcement; Merit Systems Protection Board; Administrative Law Judges, or Contract Appeals Board Members;
- (2) contacts between a campaign organization and any of the following: the Internal Revenue Service (except as necessary for the campaign organization's compliance with tax laws); Federal Election Commission (except with respect to a campaign organization's compliance with Federal election laws); Office of Special Counsel (except with respect to legal compliance matters); U.S. Secret Service (except with respect to scheduling, advance, logistics, security and legal compliance matters); or the Departments of Justice (including the FBI), State, Homeland Security or Defense (except as necessary in connection with scheduling, advance, logistics, security and legal compliance matters); or
- (3) contacts between a campaign organization and any Federal agency regarding a particular investigative, intelligence, adjudicative, tax, rulemaking, enforcement or procurement matter (including, for example, such matters at the Securities and Exchange Commission, Federal Communications Commission, Federal Trade Commission, Federal bank regulatory agencies and other regulatory agencies).

Other Contacts

Contacts between a campaign organization and Federal agency employees that are not covered by the above policy may occur as permitted by law and agency policy if:

- (1) the contact is necessary for security or legal compliance;
- (2) the contact is necessary to properly coordinate official and campaign conduct on matters of scheduling, advance, or logistics;
- (3) a campaign organization seeks from a Federal agency, or a Federal agency provides to a campaign organization, information that the Federal agency makes available to members of the public on request; or
- (4) one of the following officials approves the contact: the Chief of Staff to the President, the Deputy Chief of Staff to the President for Policy, the Deputy Chief of Staff to the President for Operations, the Counselor to the President or the Assistant to the President for Strategic Initiatives and External Affairs.

An official will not approve a contact under paragraph (4) above unless the person requesting the approval demonstrates that the contact is consistent with applicable laws, agency policies and the public interest. Such officials will consult the Counsel to the President and appropriate Federal agency officials, as needed.

In some cases, a campaign organization may request information that is not publicly available, or assistance not available to the other campaign. If you receive a request for nonpublic information from a campaign (other than as described above), you should pass that request along to the Counselor to the President or Assistant to the President for Strategic Initiatives and External Affairs, who will determine how that request should be handled, in consultation with White House Counsel where appropriate.

Special care should also be taken to ensure that any Federal agency employees who are interacting with the campaign organization are permitted by law to do so while on duty or in a federal office.

If a Federal agency employee is contacted by the campaign organization in a manner that is inconsistent with the above policy, the employee should refer the campaign organization to the Office of the Counsel to the President.

Notwithstanding the foregoing guidance, a contact from a candidate's Senate office that relates to official business should be handled in the same manner as any request from a Senate office.

The above policy is not intended to prevent incidental, social or personal contacts between Federal employees in their private capacities and any of their acquaintances who happen to be campaign organization personnel. The above policy also does not prevent the political activities in a private capacity of a person who happens to be a Federal employee, to the extent that Federal law permits such activities. Finally, the above policy does not apply to the Executive Office of the President, which will be governed by the policy guidance issued by the Counsel to the President on April 22, 2008.

As a reminder, even when a contact between the campaign organization and a Federal agency employee is permitted by law and policy, a Federal employee cannot disclose to the campaign organization any official information protected by law, executive order, or regulation from disclosure to members of the public. Federal employees must also take special care to ensure that there is no use of their official authority or influence for the purpose of interfering with or affecting the result of an election. Finally, we remind you that any political fundraising activity in a federal office building is strictly prohibited.

Please feel free to contact me if you have any additional questions, and ensure that this memorandum is disseminated appropriately within your Federal agency.

cc: Agency General Counsel