



Prepared by Sandler, Reiff & Young, P.C.

## **Attendance at Latino Leaders Network Luncheon Series by Executive Branch Officials and Members of Congress and Staff**

Following is information relating to the ethics rules applicable to attendance of Latino Leaders Network Luncheons by Executive Branch Officials and Members of Congress and Staff

**General background:** All of the Luncheons events are exclusively sponsored by and paid for by Latino Leaders Network, Inc. (“LLN”). LLN is a District of Columbia non-profit corporation exempt from federal taxation as a charitable/educational organization under section 501(c)(3) of the Internal Revenue Code.

LLN does not lobby the Executive Branch or the Congress and is not and has never been registered under the Lobbying Disclosure Act of 1995 as amended. None of LLN’s activities or programs involves seeking any action of any kind from any agency or entity of the Executive Branch of the federal government or in or from the Congress.

LLN determines whom to invite to its events. Although LLN accepts contributions from corporations, including corporations that retain lobbyists, no such corporation has any role in determining who is invited to LLN events (other than some of the corporation’s own employees) and no corporation is permitted to earmark any contribution for any particular event or to bear the costs of attendance by any particular individual.

### **I. Executive Branch**

#### **A. Political Appointees**

LLN is not a “prohibited source” under the federal gift statute and regulations, 5 C.F.R. §2635.203(d), because LLN does not seek any action or do any business with any federal government agency or entity and does not conduct any activities regulated by any federal government agency.

The Obama Administration Ethics Pledge, Executive Order 13490, 74 *Fed. Reg.* 4673 (Jan. 26, 2009), does not restrict the ability of political appointees to attend the LLN Luncheon series because LLN is not, and never has been, and has never been required to be, registered under the Lobbying Disclosure Act of 1995 as amended.

#### **B. Career Employees**



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Accordingly, the federal gift statute and regulations do not restrict the ability of Executive Branch appointees and employees to attend the LLN Luncheons.

## **II. Members of Congress and Staff**

### **A. U.S. House**

Members of the House and House employees may accept free attendance at LLN luncheons, including a meal, from LLN because the LLN Luncheons qualify as a “widely attended event” under the House Ethics Rules. (House Rule 25, clause 5(a)(4)(A); House Ethics Manual pp. 41-49 (2008 ed.)).

Under this exception to the gift rule, Members and staff may accept free attendance and a meal from the sponsor of an event if (1) the event is “widely attended;” (2) the invitation to the event is extended directly by, and the costs are paid by, the sponsor of the event; and (3) the attendance of the Member or employee is related to his or her official duties. (House Ethics Manual, p. 41). An event is “widely attended” if it is (a) attended by at least 25 persons exclusive of members and staff and (b) those at the event represent a range of persons interested in a given subject. (*Id.* p. 42). Attendance is considered related to official duties if such attendance affords the opportunity to present or receive information pertinent to legislative issues or an opportunity to represent one’s constituency at an event where other elected or appointed officials will be present. (*Id.*).

LLN Luncheons are attended by hundreds of individuals, including a broad range of Latino individuals holding leadership positions in government, business, industry, the professions and the arts. Those present represent a wide range of persons interested in the advancement, and the promotion of the interests of, the Latino community in the U.S. Attendance at the event allows Members and staff to receive information and insights from prominent speakers, relevant to policy issues affecting the community, and to engage and interact with other elected and appointed officials.



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An invitation to an LLN Luncheon can be extended only by LLN itself. No other person or entity ever has the ability to buy a “ticket” or to obtain, for a Member or employee, the right to attend an LLN Luncheon.

For these reasons, each LLN Luncheon qualifies as a “widely attended event” under the Rules and, accordingly, Members of the House and House staff may attend the Luncheons.

### **B. U.S. Senate**

U.S. Senators and Senate employees may accept free attendance at LLN luncheons, including a full meal, from LLN because the LLN Luncheons qualify as a “widely attended event” under the Senate Ethics Rules. Senate XXXV, section 1(d). This provision of the Senate Gift Rule was not amended by HLOGA.

Under section 1(d) of Rule XXXV, a Member or staffer may accept an offer of free attendance, including a meal, at an event, provided by the sponsor of the event, if attendance is appropriate to the performance of official duties or representative function. The Senate Ethics Committee has determined that an event is “widely attended” when it is expected to include at least 25 persons from outside Congress and attendance is open to a range of person interested in an issue. (Senate Ethics Manual p. 38 (2003 ed.)).

For the reasons set out above with respect to application of the House Ethics Rules, each LLN Luncheon qualifies as a “widely attended event” under the Senate Gift Rule and, accordingly, Senators and Senate staff may attend the Luncheons.

If you have any questions concerning this information, please contact Michelle Miguez Moore, Executive Director of LLN, at 202.904.2004.