



U.S. OFFICE OF SPECIAL COUNSEL
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August 12, 2020

The Honorable Carolyn Maloney
Chairwoman
House Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Re: Hatch Act Advisory on Convention Acceptance Speech at the White House

Dear Chairwoman Maloney:

This letter is in response to a request by your committee staff for an advisory opinion concerning Hatch Act¹ compliance related to a possible political event to be held on White House grounds.² Recent media stories have reported that President Donald J. Trump is considering holding his Republican National Convention (RNC) acceptance speech at the White House. Please find our guidance concerning this event below.

The Hatch Act governs the political activity of federal civilian executive branch employees and prohibits them from: using their official authority or influence for the purpose of affecting the result of an election; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and knowingly soliciting or discouraging the political activity of any individual with business before their employing office.³ The Hatch Act also prohibits most employees from engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle.⁴ Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.⁵

The President and Vice President are not covered by any of the provisions of the Hatch Act.⁶ Accordingly, the Hatch Act does not prohibit President Trump from delivering his RNC acceptance speech on White House grounds. However, White House employees are covered by the Hatch Act, so there may be Hatch Act implications for those employees, depending on their level of involvement with the event and their position in the White House.

¹ The U.S. Office of Special Counsel (OSC) is authorized pursuant to 5 U.S.C. § 1212(f) to issue opinions interpreting the Hatch Act.

² Your staff also inquired into Hatch Act compliance related to political events held on federal property other than the White House. Because there are different types of federal property, under the custody and control of different federal agencies, we are unable to provide guidance without more specific information about the property at issue.

³ 5 U.S.C. § 7323(a)(1)-(4).

⁴ 5 U.S.C. § 7324.

⁵ 5 C.F.R. § 734.101.

⁶ 5 U.S.C. § 7322 (1).

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While it is not possible to provide an exhaustive list of permitted or prohibited activities, the following are relevant examples. For one, most White House employees are subject to the Hatch Act's prohibition against engaging in political activity while on duty or in a federal room or building. Therefore, these employees would not be able to assist with an RNC event while they are on duty or in a federal room or building. They also would not be able to attend the event while on duty. But, if the employees take leave, and the event is held on the White House lawn or in the residence,⁷ the Hatch Act would not prohibit the employees from attending the event. If, however, the event is held in the West Wing or in another area of the White House that is regarded as a federal room or building for purposes of the Hatch Act, the law would prohibit the employees from attending the event at any time, even while off-duty. These same restrictions do not apply to White House Commissioned Officers because they are not subject to the Hatch Act's prohibition against engaging in political activity while on duty or in a federal room or building.⁸

In addition, all White House employees, including White House Commissioned Officers, are subject to the prohibition against using their official authority or influence to affect an election. Accordingly, Hatch Act concerns could arise if White House employees who are supervisors were to task subordinate staff with work in support of the political event.

Please note that this opinion provides only general advice and does not purport to address every situation that could result from holding a political event at the White House. Should you or your staff have any questions, please contact me at (202) 804-7054.

Sincerely,



Erica S. Hamrick
Deputy Chief
Hatch Act Unit

cc: The Honorable James Comer
Ranking Member

⁷ For purposes of the Hatch Act, a federal room or building does not include all rooms in the White House or in the residence of the Vice President, *e.g.*, rooms which are part of the residence area or which are not regularly used solely in the discharge of official duties are not considered a federal room or building. *See* 5 C.F.R. § 734.101.

⁸ *See* 5 U.S.C. § 7324(b).