

THE ADVISORY COMMITTEE ON INTERNATIONAL ECONOMIC POLICY

The Advisory Committee on International Economic Policy is not subject to the Emoluments Clause .

April 17, 1996

**LETTER OPINION FOR THE DEPUTY LEGAL ADVISER
DEPARTMENT OF STATE**

As you requested, we have reviewed the question whether members of the Advisory Committee on International Economic Policy ("IEP Advisory Committee") would occupy an "Office of Profit or Trust" within the meaning of the Emoluments Clause, U.S. Const. art. I, § 9, cl. 8. As we have advised you before, we reject the sweeping and unqualified view, expressed on one occasion by our Office, that federal advisory committee members, as such, are subject to the Emoluments Clause. See Applicability of 18 U.S.C. § 219 to Members of Federal Advisory Committees, 15 Op. O.L.C. 65, 68 (1991).

The members of the IEP Advisory Committee meet only occasionally, serve without compensation, take no oath, and do not have access to classified information; furthermore, the Committee is purely advisory, is not a creature of statute, and discharges no substantive statutory responsibilities. We therefore believe that the members of the IEP Advisory Committee do not occupy "Office[s] of Profit or Trust" under the Emoluments Clause. We do not address the argument that the Office of Government Ethics' longstanding test for determining who are Special Government Employees ("SGEs") should be substantially narrowed, so that members of State Department advisory committees would generally not qualify as SGEs, nor be subject, by reason of SGE status, to the Emoluments Clause, see Letter to Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, from Conrad K. Harper, Legal Adviser, Department of State (Feb. 13, 1995).

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