

Client Alert

Political Law Practice Group

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Forewarned is Forearmed—Hosting Events at the Political Conventions

Organizations that plan to provide entertainment to Members and staff of the United States House of Representatives and Senate at the political party conventions should remind themselves of the unique rules that apply to providing gifts, such as entertainment, dinners, and receptions to Members and staff who are in attendance at those events.

More so than in the past, these events will be scrutinized. Recently, watchdog groups have announced their intention to “make the rounds to monitor convention goers’ compliance with new ethics rules and call attention to events where corporate sponsors wine and dine Members of Congress and their aides.”

The Ethics Committees of both the House and Senate have issued advisories detailing the rules that are applicable to the national political party conventions. In large part, these rules include the existing House and Senate ethics rules that control the ability of Members of Congress and staff to accept gifts from entities that employ or retain registered lobbyists under the Lobbying Disclosure Act of 1995 (LDA). Those rules include the so-called reception exception, the widely attend event exception, and the charitable event exception.

But relative to the conventions, there is a specific rule that prohibits Members from participating in an event that is held in honor of a Member during the dates of the two conventions. A Member may not participate in an event that was billed as an event to honor him or her if it was paid for by an entity that employs or retains lobbyists under the LDA.

The application of this rule is more permissive for House Members: The prohibition applies only to events that honor a specific Member. As the House Ethics Committee describes, “...an event that is organized to honor a convention delegation, House committee, or caucus, without naming any specific Member of the delegation or caucus or providing any specific benefit or opportunity to a particular Member, would be an event that Members may participate in under the rule”. That assumes that the event otherwise complies with some exception to the House gift rule.

The Senate, however, takes a stricter approach and prohibits a Senator from participating in an event “...where a specific Member or other Members are

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identified by name or title or events that honor a group composed solely of Members.” For example, this rule prohibits attendance at an event that honors a congressional delegation of a particular state. It would permit attendance at an event that honored an entire state delegation.

The House and Senate rules allow Members and staff to attend events in honor of a Member sponsored by entities that do not employ or retain registered lobbyists but who accept funds from entities that do.

Remember—you are being watched. Prepare accordingly.

The following is a brief reminder of the types of events that are permissible under House and Senate gift rules which are paid for by entities that employ or retain lobbyists:

- **Receptions:** An event where food or other refreshments of a nominal value are offered other than as part of a meal. This permits hors d’oeuvres and beverages typically found at a reception. It does not include sandwiches, pizza, hot dogs, and other types of food considered substantial.
- **Widely Attended Event:** Under this exception, more substantial fare can be served, such as a sit-down dinner. An event qualifies as a widely attended event if (1) there is a reasonable expectation that more than 25 persons (not including Members of Congress or staff) will be in attendance; (2) the event is open to individuals from throughout a given industry or profession, or a range of persons interested in a given matter; and, (3) the Member or staff will speak or perform a ceremonial function, or attendance is connected to official duties. If all of the expected attendees come from one company, the event would not qualify.
- **Charitable Event:** An event whose primary purpose is to benefit a Section 170(c) organization and half of the cost of a ticket is deductible as a charitable contribution.

In all three instances, the invitation to the event must come from the sponsor and registered lobbyists may be in attendance.

Entertainment

Remember that entertainment associated with an event should be viewed separately. Thus, while a Member could attend a reception if it complied with the relevant exception, he or she could not attend that reception if it were held during a concert performance by a renowned performer or group paid for by an entity that employs or retains registered lobbyists.ⁱ

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ⁱ Attendance could be permissible if the event qualified under the Charitable Event exception.