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ONE HUNDRED EIGHTEENTH CONGRESS

**U.S. House of Representatives**

COMMITTEE ON ETHICS

Thomas A. Rust  
*Staff Director and Chief Counsel*

Keelie Broom  
*Counsel to the Chairman*

David Arrojo  
*Counsel to the Ranking Member*

1015 Longworth House Office Building  
Washington, D.C. 20515-6328  
Telephone: (202) 225-7103  
Facsimile: (202) 225-7392

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**MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES**

**FROM:** **Committee on Ethics**  
Michael Guest, Chairman  
Susan Wild, Ranking Member

**SUBJECT:** Events Taking Place and Gifts Offered During a National Political Convention

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The purpose of this advisory memorandum is to remind Members<sup>1</sup> about the House rules regarding Member participation at certain events held during a national political convention and gifts offered in relation to a convention. The first portion of the memo discusses a House Rule that specifically prohibits Member attendance at certain events, and the second portion relates to the application of the House Gift Rule to convention-related activity.

As of the dates of this memorandum, the Republican National Convention is scheduled for July 15 to 18, 2024, in Milwaukee, Wisconsin, and the Democratic National Convention is scheduled for August 19 to 22, 2024, in Chicago, Illinois.<sup>2</sup>

**Events Honoring a Member**

Under House Rules, Members are prohibited from attending certain events that honor them. Specifically, House Rule 25, clause 8 provides:

During the dates on which the national political party to which a Member (including a Delegate or Resident Commissioner) belongs holds its convention to nominate a candidate for the office of President or Vice President, the Member may not participate in an event honoring that Member, other than in the capacity as a candidate for such office, if such event is directly paid for by a registered lobbyist

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<sup>1</sup> This memorandum uses the term “Member” to refer to House Members, Delegates, and the Resident Commissioner.

<sup>2</sup> Although these are the currently scheduled dates, these dates are subject to change. The restrictions under House Rule 25, clause 8 apply to the actual dates of the conventions.

under the Lobbying Disclosure Act of 1995 or a private entity that retains or employs such a registered lobbyist.<sup>3</sup>

Under this provision, a Member may not "participate in an event honoring that Member" if the event takes place during a national political convention and is paid for by a registered lobbyist or an entity that employs or retains a registered lobbyist.<sup>4</sup> The statute provides an exception for an event that honors a Member in their capacity as a candidate for President or Vice President.

It is important to note that the provision does not establish a new type of event for which free attendance may be accepted under the House Gift Rule. This rule limits Members' participation in certain events, even if the Members purchase their own tickets. An offer of free attendance for an event in which Members may otherwise participate is only an acceptable gift if it satisfies all the criteria for an exception to the Gift Rule, for example, a reception, a widely-attended event, a charity event, or a fundraising or campaign event sponsored by a political organization, or a business meeting. The rules and standards relating to gifts received in connection with the national political conventions are summarized in the second section of this memo.

*What does "honoring a Member" mean?*

Members may not participate in an event where the Member is named, either officially or personally, as an honoree (including as a "special guest") in any invitations, promotional materials, or publicity for the event. A Member also may not participate in an event if the Member were to receive, through the Member's participation in the event, some special benefit or opportunity that would not be available to other participants, such as if the sponsor offers the Member an exclusive speaking role or a very prominent ceremonial role.

According to the legislative history of this provision, this restriction is intended to prevent registered federal lobbyists from directly paying for a party to honor a specific Member. Thus, an event that is organized to honor a convention delegation, House committee, or caucus, without naming any specific Member or providing any special benefit or opportunity to a specific Member, would be an event that Members may participate in under the rule. There is no specific minimum, or maximum size of the delegation or caucus required to be invited to or participate in such an event. Furthermore, a Member would not be prohibited from participating in an event taking place during a national convention if the Member's name appears, for example, in a listing of the names of the honorary host committee members for the event if that listing includes the names of non-congressional host committee members.

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<sup>3</sup> House Rule 25, cl. 8; *see also* The Honest Leadership and Open Government Act of 2007, Pub. L. No. 110-81, § 305, 121 Stat. 735, 753 (2007).

<sup>4</sup> The term "participate" is not defined in the underlying statute or House Rule. In the Committee's view, the prohibition on participation in these events concerns Member attendance at the event. Members should contact the Committee with any questions regarding whether activities other than attendance may constitute participation in such events.

Example 1: A non-profit that retains a federal lobbyist is having a reception during the dates of and in the same city as the Republican Convention. On the invitation, the non-profit states that the event is “in honor of” a caucus. A Member of the caucus may attend because the event is not in honor of a specific Member, but of a group.

Example 2: A non-profit that retains a federal lobbyist is having a reception during the dates of and in the same city as the Democratic Convention. The invitation does not name any individual, but the non-profit offered one Member the opportunity to give the opening remarks. The Member may not attend the event and give the remarks, because the remarks constitute a special benefit or opportunity.

Example 3: A federal lobbyist is having a reception on the first night of the Democratic Convention. The reception will be in the same city as the convention. The invitation to the reception lists the Member’s name, along with several other non-congressional individuals, as an honorary host committee member. The Member may attend the event because the invitation lists the Member as a part of the honorary host committee.

Example 4: A local charitable organization that retains a federal lobbyist is hosting a fundraising dinner on the second night of the Republican Convention. The invitation to the dinner states that the event is being held “in conjunction with” three named Members. None of the listed Members may attend the dinner because, by naming them specifically on the invitation, the event would be in their honor.

*What is an event that is “directly paid for by a registered lobbyist”?*

The provision is very specific in prohibiting Member participation in an event that is "directly paid for" by a registered federal lobbyist or a private entity that retains or employs registered federal lobbyists. The fact that a private organization received some of its funding to hold or sponsor an event taking place during a national convention from a registered federal lobbyist or a private entity that retains or employs registered federal lobbyists, by itself, would not disqualify a Member from participating in the organization's event.

*To what dates does this restriction apply?*

The provision also states that Member participation is prohibited only at certain events taking place "[d]uring the dates" on which a national convention is held. Accordingly, the rule does not prohibit Member participation in an event that takes place on a date other than the dates during which the national convention is held.

## Gift Rules Applicable to National Political Conventions

The following is a summary of the key provisions of the House Gift Rule (House Rule 25, clause 5) that apply in the context of the upcoming political conventions. Any questions on how these provisions apply to a specific proposed event or other gift should be directed to the Committee. Note that this section of the memorandum summarizes the general rules that are always applicable but places them in the context of the national political conventions.

The Gift Rule prohibits Members and House staff from accepting any gift - including any meal, entertainment, transportation, services, or anything else having monetary value - except as specifically provided in the rule. Members and staff are also generally prohibited from soliciting any gift, whether for themselves or for others. Finally, even if an event is permissible to attend under the Gift Rule, attendance may be prohibited by the provisions regarding events that honor Members as discussed above. Below are common examples of events held during the national conventions.

1. **Any gift paid for by the host cities of Milwaukee or Chicago, or any unit of federal, state, or local government**, may be accepted. However, this provision does not apply when a governmental entity is being used merely as a conduit for a gift from another person or entity. Thus, for example, if a city were given event tickets that were designated by the donor, either formally or informally, for distribution to Members or staff, those tickets would be deemed a gift from the original donor and would be subject to the restrictions of the rule that apply to gifts from that source.
2. For **gifts from a political organization in connection with a campaign or fundraising event that the organization is sponsoring**, the rule allows you to accept a range of gifts - including meals, lodging, entertainment, and transportation. Under this provision, Members and staff may accept such gifts provided in connection with the convention from the Democratic National Committee or Republican National Committee or the Democratic or Republican Convention Committee, as well as from the convention host committees for Milwaukee and Chicago. In addition, travel expenses to the convention may be accepted from a state or local party organization, or a Member may use the Member's principal campaign funds to pay travel expenses to the convention.<sup>5</sup>
3. At times, **state or local party organizations, campaign committees, and other political organizations sponsor their own campaign or fundraising events at the conventions**. Under the same Gift Rule provision that is referred to in item 2, Members and staff may accept an offer of free attendance, and related benefits, at such events from the sponsoring political organization (but not from anyone other than the sponsoring political organization). However,

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<sup>5</sup> The Federal Election Commission (FEC) has issued advisory opinions that address circumstances in which a Member may use campaign funds to pay for the convention-related travel expenses of the Member's spouse or child, or those of a congressional staff member. Please consult the FEC's Congressional Affairs office at (202) 694-1006 for more information regarding the use of campaign funds for convention-related travel expenses of those other individuals. Note that congressional employees may attend a convention only in their own time, not on official time.

Members and staff should consult with the FEC regarding their attendance at non-federal political fundraising events.

4. Attendance at **receptions**, at which the food served is limited to food and beverages of nominal value and does not include a meal, is permissible under the Gift Rule.
5. Staff and Members who are convention delegates may accept invitations to events and other gifts that are **offered to all the convention delegates or to, for example, all the convention delegates from their state as “widely-available benefits.”**
6. A Member or staff person, as well as one accompanying individual, may accept an offer of free attendance at a "**widely-attended**" event, if all of the following are true:
  - a. the invitation is extended by the event organizer;
  - b. the event will have at least 25 non-congressional attendees;
  - c. the event is open to the general public, or the non-congressional attendees represent a wide range of individuals interested in a given matter; and
  - d. the Member's or staff person's attendance is connected to the performance of their official duties.

This provision generally does not allow free attendance at events such as shows or sporting events. In addition, events that are political in nature or are fundraising events for any entity generally are deemed not to be connected to official duties for purposes of the Gift Rule.

7. A House Member or employee may accept free attendance at a **charity event** provided that
  - a. the invitation is extended by the event organizer; and
  - b. the primary purpose of the event is to raise funds for an organization qualified under § 170(c) of the Internal Revenue Code (including § 501(c)(3) charitable organizations).

This latter criterion is generally satisfied when more than half of the cost of the admission fee is deductible as a charitable donation.

8. A Member or staff person may also accept any **gift (other than cash or cash equivalent) having a value of less than \$50**, provided the donor is not a registered federal lobbyist, registered foreign agent, or an entity that employs or retains such individuals. Each Member or staff person has a cap of less than \$100 in gifts from any one source during the calendar year under this exception. Members and staff must be especially cautious about accepting invitations to sporting events, shows, recreational activities, or small group or one-on-one meals. Unless acceptable under one of the Gift Rule provisions noted above, attendance likely will be permissible only if the market value of the gift is worth less than \$50. For the purposes of valuing tickets to an event, the Gift Rule provides that a ticket to a sporting or entertainment event is "valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event." If individually priced tickets for a particular event are not made available for sale to the public, please contact the Committee for advice on the value of tickets.

9. At times **Members wish to hold an event of their own**, such as a reception, at the convention. As a general matter, Members may pay for such events with their campaign funds. Members should consult with the FEC regarding the use of campaign funds for campaign or political purposes.
10. This guidance is limited to the acceptance of gifts. Members and senior staff may need to **disclose the acceptance of gifts on their financial disclosure statements**. However, tickets to widely-attended events and political events are not required to be disclosed.

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If you have any questions regarding this guidance, please contact the Committee's Office of Advice and Education at (202) 225-7103.