

Congressional Ethics Committees Release 2024 Guidance on Convention Activity

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The U.S. Senate Select Committee on Ethics has issued a “Dear Colleague” Letter, and the U.S. House Committee on Ethics has issued a Pink Sheet advisory, reminding Members and staff of the rules applicable to attending events and receiving gifts during the course of the national party conventions. The Senate “Dear Colleague” also reminds Members, officers, and employees of the key rules governing their participation in campaign activity.

While the recently issued guidance is substantively the same as that issued by the ethics committees for past conventions, the advisories provide reminders of an important convention-specific rule. During the dates of the national party conventions, a Member of the House or Senate may not attend an event honoring that Member if the event is paid for directly by a federal lobbyist or lobbyist employer. As in past years, on some key practical points, what “honoring” means still differs significantly between the House and the Senate. For example, under House Ethics guidance, a convention event at which a Member would have an “exclusive speaking role” would be deemed to be “honoring” that Member; however, under Senate Ethics guidance, a convention event at which a Member would be a “featured speaker” would not “honor” that Member. Further, on the Senate side, “events honoring Members” include “events honoring a group composed solely of members,” even if no specific Member is identified; on the House side the rules are different.

During the conventions, House and Senate Members and staff may attend other events hosted by private entities that employ or retain a federal lobbyist, provided an exception to the congressional gift rules applies. In addition to the major gift rule exceptions – including the exceptions for widely attended events, receptions, bona fide charity

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events, fundraising events sponsored by political organizations, or gifts paid for by any unit of federal, state, or local government (including the convention host cities) – there are exceptions related specifically to convention events. For one of several examples, a House or Senate Member or staffer may accept free attendance at an event (or other items) when offered to all convention delegates, if the Member or staffer is a delegate.

But remember: The conventions are not ethics-free zones; congressional (and Executive branch) gift rules apply, even if there are certain convention-specific exceptions. And special attention still must be given to these rules by federal lobbyists and lobbyist employers, who must certify twice per year on the LDA Form LD-203 that they have not provided any gift in violation of the congressional gift rules.

Conventions also present tricky political issues because corporations may not contribute to federal candidates or party committees. There are, however, special campaign finance rules for corporate contributions to the convention host committees and related nonprofits.

Wiley's Election Law and Government Ethics Practice regularly counsels corporations, nonprofits, and trade associations on how to host compliant events during the national party conventions and on other convention-related rules and laws.