

STRAIGHT TO THE SOURCE

NATIONAL PARTY CONVENTIONS

The purpose of this quarter's STRAIGHT TO THE SOURCE is to remind Members and staff about the provisions of the House Rules that apply during the National Party Conventions

GENERAL PRINCIPLES:

- For the most part, activity related to the national party conventions is campaign and political activity; it is not official activity.
- House Rules still apply during this time, including the House Gift Rule and the Code of Conduct.
- House employees are free to engage in campaign activity, as volunteers or for pay, provided they do so on their own time, outside of House space, and without using House resources. House employees may not be required to do campaign activity as a condition of House employment. House employees paid at or above the senior staff rate should be mindful of the limits on receiving outside earned income.¹
- The relevant dates of the national party conventions are set by the parties and any rules that apply during those dates will apply during the actual dates of the conventions.
- A special gift rule restriction overlays events that Members may wish to participate in during the national party conventions.

¹ In 2016, the senior staff rate is \$123,175 or the monthly equivalent for 60 or more days in the calendar year. The outside earned income limit for senior staff this year is \$27,495.



TRAVEL, COMMUNICATIONS & OTHER CONSIDERATIONS

Participating in activities relating to the national party conventions is campaign and/or political activity. When planning your participation, review some items to keep in mind.

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HOUSE RULES & CONVENTION ACTIVITY

House Rules concerning events during national party conventions.

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FAQ

A list of commonly asked questions surrounding national party conventions.

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***Straight to the Source** is a joint guidance document regularly produced by the [Committee on House Administration](#) and the [Committee on Ethics](#) designed to address pressing and important questions in congressional offices. The topics we will address have overlapping jurisdiction with House Administration & Ethics, and this document is intended to provide clarity on those items. This guidance does not announce any new standards or interpretations of existing standards, but instead provides an overview of key issues related to travel outside of the district and is a reminder to the House about commonly encountered issues.*

We have attached a copy of the recently released guidance for your convenience.

CONVENTION ACTIVITY IS CAMPAIGN ACTIVITY

For the most part, participating in activities relating to the national party conventions is campaign and/or political activity. Here are some things to keep in mind:

1. The restrictions that apply to campaign activity apply regardless of the level of the election; they apply equally to presidential elections as for local school board elections.
2. You may not use any official resources to conduct campaign and/or political activity.
3. You may not engage in any campaign and/or political activity on federal government property, including personal and district offices and rooms inside the Capitol Complex.

TRAVEL

Official funds may not be used to travel to or from the national party conventions. Additionally, official funds may not be used for lodging or other transportation expenses (taxi, car service, etc.) incurred as a result of participation in convention-related activities.

Members may be able to use their principal campaign committee funds for travel to or from the national party conventions.

For guidance concerning the proper use of principal campaign committee funds for political activity, please call the congressional liaisons at the Federal Election Commission at (202) 694-1006.

Members may not use official funds to host meetings outside of their congressional districts.

COMMUNICATIONS

Official resources, including official social media accounts, may not be used to disseminate communications concerning the national party conventions.

- Activities and events that are entirely official in nature (and not related to the national party conventions) may be discussed using official resources, including official social media accounts. Please contact the Committee on Ethics or the Committee on House Administration for assistance in determining whether an event or activity is political or official in nature.

Please contact the Committee on Ethics for guidance on how to respond to campaign or political communications sent to the official office.

LEAVE REQUIREMENTS

If staff would like to attend the national party conventions, they must use annual leave, comp time (if provided by the office), or go on leave without pay (LWOP) to participate, as the national party conventions will take place during normal working hours.

- Staff may not use sick time or be given “lump sum payments” or “make up pay” for the time they were out of the official office while working or volunteering for a campaign.

Official staff whose official duties are reduced to allow participation in outside activities must have their official pay reduced to reflect their new duties. Staff must be paid at a rate commensurate with their duties. Please consult with the Committees on Ethics and House Administration before entering into these types of arrangements.

Please be mindful, Members may not adjust the work requirements of the congressional office, or add unpaid interns during the campaign, in order to create more free time for staff to do campaign work. To help ensure compliance with the rules, office policies on employee leave and other free time should be in writing and distributed to all staff.

GIFTS

The House Gift Rule, House Rule 25, clause 5, continues to apply during the national party conventions. In general, the gift rule prohibits Members and House staff from accepting any gift—including meals, entertainment, transportation, services, or anything else having monetary value—except as specifically provided for in the rule. Members and staff are also generally prohibited from *soliciting* any gift, whether for themselves or others.

Among other relevant provisions, the gift rule permits acceptance of gifts from a political organization in connection with a campaign or fundraising event; attendance at receptions; attendance at widely attended events; and gifts worth less than \$50, if the donor is not a registered federal lobbyist or organization that employs or retains registered federal lobbyists.

For more detailed guidance concerning the applicability of the House Gift Rule during the national party conventions, please see the pink sheet issued by the Committee on Ethics on June 10, 2016, which is available on the Committee’s website.

SPECIAL RULE CONCERNING EVENTS DURING NATIONAL PARTY CONVENTIONS

During the dates of the national party conventions, Members are limited in their ability to participate in events that honor them. House Rule 25, clause 8 states:

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 under the Lobbying Disclosure Act of 1995 or a private entity that retains or employs such a registered lobbyist.

This provision does not establish a new type of event for which free attendance may be accepted under the House Gift Rule, nor does it eliminate the necessity to comply with all of the other relevant House Rules and federal statutes.

Although the rule *does not* define “participate,” this rule concerns Members’ attendance at the event.

I. Who may sponsor the event?

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.

II. What does it mean to “honor” a Member?

Members are prohibited from participating in an event where the Member is named, including through the use of any personal title², as an honoree (including as a “special guest”) in any invitations, promotional materials, or publicity for the event.

Members are also prohibited from participating in an event where the Member were to receive, through the Member’s participation in the event, some special benefit or opportunity that would not be available to some or all of the other participants, such as if the sponsor offers the Member an exclusive speaking role or a very prominent ceremonial role. The 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 of the delegation, committee, or caucus, or providing any special benefit or opportunity to a particular Member, would be an event that Members may participate in under the rule – provided that, as

² A Member’s personal titles include Congressman/Congresswoman, Representative, and Member of Congress, as well as any role in House leadership, or service as chair or ranking member of a full committee.

discussed below, attendance at the event otherwise would be in compliance with the House Gift Rule.

There is no numerical minimum, or maximum, on the size of the delegation or caucus invited to or participating in such an event.

Members 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.

III. On which dates does this rule 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. As of the date of this STRAIGHT TO THE SOURCE, the restricted dates are July 18 to 21, 2016, for the Republican convention, and July 25 to 28, 2016, for the Democratic convention. Although these are the currently scheduled dates, these dates are subject to change and the restricted dates will be the actual dates of the conventions.

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.

For more information, please see the pink sheet issued by the Committee on Ethics on May 13, 2016, which is available on the Committee's website.

FREQUENTLY ASKED QUESTIONS

Q: A staffer attending the national party convention while on vacation takes a number of photos of the activities occurring during the convention. May that staffer post those photos on the Member's official Facebook page?

A: No, the staffer may not post those photos to the Member's official Facebook page. Even though the staffer is employed by the House, that staffer is not attending the national party convention in the course of his or her official duties, nor are the activities occurring during the convention official in nature. Therefore, official resources may not be used to disseminate information concerning the national party conventions.

Q: An official staffer would like to work part-time so that he or she can also work for the campaign office. How does the official office calculate the new official salary?

A: Staff may work part-time for the official office, but they must be paid commensurate with the work performed for the office. For example, if the staffer will now be working 50% of the time for the official office, his or her official salary must be reduced by 50% to be commensurate with their duties. Additionally, staffers may not be given a "lump sum payment" or "make up pay" when they return to a full-time official position as a means of making up the time and salary that they lost while away.

Q: An organization that is organized under section 501(c)(3) of the Internal Revenue Code, and that does not employ or retain a registered federal lobbyist, is sponsoring an event. The "platinum level sponsor" is a company that does retain a registered federal lobbyist. The § 501(c)(3) organization wants to honor the Member at their event. May the Member participate in the event?

A: Yes, the Member may still participate in this event. For the purposes of this rule, the organization that "directly pays" for the event and is primarily responsible for organizing the event is the event sponsor. An organization that merely contributes some of the funding to an event is not considered the event sponsor.

Q: An organization that employs or retains a registered federal lobbyist is sponsoring an event honoring a caucus. It lists all of the members of the caucus on the invitation. It also wants to list a specific Member as the keynote speaker. May the Member participate in the event if listed as a keynote speaker?

A: No, the Member may not participate in this event. Even though the Member is a part of the caucus that is being honored, the Member is also honored by being singled out as the keynote speaker in a manner that is not available to some of all of the other participants.

FREQUENTLY ASKED QUESTIONS (*continued*)

Q: An organization that employs or retains a registered federal lobbyist is sponsoring an event and the invitation does not single out any Member. May a Member provide opening remarks at that event?

A: Although the Member could attend the event, the Member may not provide the opening remarks, even if that role was not advertised, because that Member would be receiving a special opportunity not available to the other participants.

Q: An organization that employs or retains a registered federal lobbyist is sponsoring an event that honors a committee. The invitation lists all of the members of the committee. May a Member participate in that event?

A: Yes, the Member may participate in this event. Although the Member's name is listed on the invitation, it is listed as part of a larger class and no Members are being singled out.

Q: A Member represents the city in which a national party convention will be held. May that Member provide routine constituent casework during the dates of that convention?

A: Yes, the Member may still provide regular constituent services and otherwise perform their official duties. This rule simply limits Members' participation in certain events held at certain times. It also does not change the application of any other House Rule or federal statute; therefore, the Member may not advocate for the constituent or help the constituent undertake logistics for an event.

FOR MORE INFORMATION OR QUESTIONS REGARDING THIS
GUIDANCE, PLEASE CONTACT:

COMMITTEE ON HOUSE ADMINISTRATION

Majority - (202) 225-8281 cha.house.gov

Minority - (202) 225-2061 democrats.cha.house.gov

COMMITTEE ON ETHICS

Office of Advice and Education - (202) 225-7103 ethics.house.gov

FEDERAL ELECTION COMMISSION

Office of Congressional, Legislative and Intergovernmental Affairs – (202) 694-1006 fec.gov

Contact the Federal Election Commission for questions regarding appropriate uses of principal campaign committee funds. The Committee on Ethics has overlapping jurisdiction regarding the use of principal campaign committee funds for official purposes; therefore, please contact the Committee on Ethics first if you would like to use principal campaign committee funds to offset certain official expenses.

