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Joan Claybrook, President

August 19, 2008

U.S. House of Representatives  
Washington, D.C. 20515

**RE: Lobbyist-sponsored parties at the nominating convention**

Dear Representative:

Last year, Congress ratified sweeping new ethics rules to help make the interaction between lobbyists and lawmakers and their staff more accountable and professional.

Wining and dining represents the “old school” of lobbyists but, since the Jack Abramoff scandal, it has been sharply curtailed by the new congressional ethics rules. Many of these new rules also apply to the national nominating conventions – though the public would not know this by looking at the roster of parties being planned by lobbyists and lobbying organizations.

It is not the objective of the ethics rules to end parties at the national conventions, nor even on Capitol Hill, for that matter. But it is the explicit objective of these rules to rein in the level of one-on-one dinners paid for by lobbyists and other non-professional lobbying events that exclude nearly all sectors of the public.

Unfortunately, conflicting interpretations of the new rules – with the House ethics committee offering guidance that runs directly counter the spirit, intent and letter of the rules – has created confusion among lobbyists, lawmakers and staff as to what is permissible. This confusion is likely to result in a number of violations of the rules.

Public Citizen strongly encourages you to follow the spirit, intent and letter of the rules when enjoying the convention festivities.

Two key points of confusion might result in violations of the ethics rule by Members, lobbyists, or lobbying organizations:

- **Members are prohibited from attending events honoring them at the conventions if the events are hosted by lobbyists or lobbying organizations.**

This rule expressly prohibits Members of Congress from attending any convention party thrown by a lobbyist or lobbying organization where a specific Member or Members are identified by name and title as the honoree (including as a “special guest”) as well as events honoring a group composed solely of members, such as a congressional committee or congressional caucus. Member participation also is prohibited if the member receives some special benefit or opportunity that is not

available to some or all of the other participants, such as if the sponsor were to offer the Member an exclusive speaking role or a very prominent ceremonial role. The prohibition does not apply to an event where a Member is a featured speaker, as long as the speaking engagement is not exclusive to the member or billed as an event designed primarily to recognize the work of the Member.

The preliminary host committee master lists at both conventions suggest some parties sponsored by lobbying organizations, such as ATT's parties to honor the Blue Dog Coalition and the Republican Main Street Partnership, cross this line.

- **A Member may attend a “widely attended” event, but only if the Member speaks at the event or it is related to the Member’s official duties. Members are not permitted to attend entertainment collateral to widely attended events, such as concerts or movies.**

An event is considered widely attended when at least 25 persons from outside Congress are expected to attend and several other conditions are met. The event must be open to members from a given industry or profession, or to a range of persons interested in an issue. The Member’s attendance and participation should be related to official duties. Free attendance does not include entertainment collateral to the event, such as tickets to a sporting event or some other purely recreational event, such as a concert. The exemption also does not cover food or refreshments that are not taken in a group setting with substantially all of the other attendees.

The preliminary master lists of parties at the conventions indicates that some lobbying organizations, such as the Minnesota Agri-Growth Council, plan to host elaborate recreational concerts and other activities unrelated to Members’ official duties.

It is imperative that Members of Congress and their staffs are clear on the ethics rules and approach the parties around the conventions appropriately. The 110<sup>th</sup> Congress passed landmark ethics legislation of which it should be proud. The party conventions are not an excuse to disregard that accomplishment.

Sincerely,



David Arkush, Director  
Public Citizen’s Congress Watch



Craig Holman, Governmental Affairs Lobbyist  
Public Citizen