



MEMO

To: Interested Parties
From: Federal Affairs Team, Americans for the Arts
Re: Doing Local Events w/ Members of Congress – What You Need to (Legally) Know

Purpose

The intent of this document is to help local arts organization hosts understand and navigate the permissible activities that elected officials and candidates can participate in as you try to coordinate a local event in a Member of Congress's district or home state. These rules, restrictions, allowable and prohibited activities are a baseline set of requirements. Many Members have internal standards of conduct that may preclude you from pursuing even allowable activities based on their individual office's policies.

This memorandum is a summary of several guidelines that outline the allowable conduct of elected officials and outside nonprofit groups and is specifically tailored to address the types of activities that we hope that your organization will be able to coordinate during a congressional recess.

Inviting a member of Congress to an Event

If the Nonprofit Organization Hosts

- Members **may** speak, serve as honorary chairs or a coordinating host, and even sign letters of invitation on behalf of private groups/unofficial events, provided the identity of the actual host is made clear who is sponsoring the event and if it is appropriate to the performance of his or her official duty.
- Members may accept nominal travel to an event.
- Members **may** attend “widely attended events” and accept “gifts of nominal value,” always including T-shirts and baseball caps regardless of cost (T-shirts and baseball caps have a special exemption.) Widely attended events can apply to a broad range of events: a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, and similar events. An unsolicited offer of free attendance at such an event can be accepted when **three requirements** are satisfied:
 - a. the event is “widely attended,” as defined below,
 - b. the invitation came from the sponsor of the event, and
 - c. the attendance of the Member or staff person is related to his or her official duties.
- “Widely attended event” definition: if
 - a. there is a reasonable expectation that at least 25 persons, other than Members, officers, or employees of Congress, will attend the event, and;

- b. attendance at the event is open to individuals from throughout a given industry or profession, or those in attendance represent a range of persons interested in a given matter.
- Members and staff **may accept invitations** to events (including meals offered as part of these events) that, while they do not meet the numeric requirement for widely attended events, are:
 - a. Educational (for example, lectures, seminars and discussions); and sponsored by universities, foundations, “think tanks,” or similar nonprofit, non-advocacy organizations.
 - b. Constituent sponsored -- the gift rule was not intended to interfere with Members meeting with constituents at events.
[further details in Gift Rules section below]
- Private events **cannot** involve the use of “official” staff and resources. Staff and congressional resources cannot be used in organization or using any official expressions or symbols of sponsorship.
- ✓ **Special Example: Tickets to your show!**
In these cases, the gift rule applies. When the value equals or exceeds \$50, the Member must either decline the ticket, or pay for the ticket. Note, in no case can a Member accept a ticket if it is from a lobbyist or a private entity that retains or employs lobbyists, even if the ticket is valued under \$50.

Giving anything of value to members of Congress = Gifts

What is a Gift? Broader than you might think.

Anything having monetary value, including a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, services, training, transportation, lodging, and meals.

Generally, when hosting and inviting an elected official to an event, meeting or forum, the gift ban rules apply in providing accommodations to ticketed events such as performances or admission, materials provided by the sponsoring organization, for example. You must take into account the gift rules in whatever format you wish to coordinate.

You must take into account the value of particular items when extending them. A Member, officer, or employee may accept a gift, other than cash or cash equivalent, having a value of less than \$50, provided that the source of the gift is not a registered lobbyist, foreign agent, or private entity that retains or employs such individuals.

The cumulative value of gifts that may be accepted from any one source in a calendar year must be less than \$100. Gifts having a value of less than \$10 do not count toward the annual limit.

Note, federal criminal code prohibits the receipt of anything of value -- including “thank you” gifts -- in return for or because of official actions.

The figures of \$50, \$100, and \$10 are actually dollar limits of, respectively, \$49.99, \$99.99, and \$9.99. Gifts of “cash or cash equivalent” are not acceptable under this provision. Some exceptions to this rule are intended to establish allowable activities for events that might be under 25 attendees and thereby *not* covered by the “widely attended event” exception:

a) Educational event exception

- There are certain events that are worthwhile for Members or staff to attend, but that do not meet the numeric requirement for widely attended events (i.e., at least 25 non-congressional attendees). Among such events are those designed for a small group in order to facilitate discussion.
- Members and staff to accept invitations to events (including meals offered as part of these events) that, while they do not meet the numeric requirement for widely attended events, are:
- Educational (for example, lectures, seminars and discussions); and Sponsored by universities, foundations, “think tanks,” or similar nonprofit, non-advocacy organizations.
- As under the gift rule provisions summarized above regarding events, Members and staff may accept such an invitation from the event sponsor only.

b) Constituent organizations exception

- The gift rule was not intended to interfere with Members carrying out their conventional representational duties, and that meetings or events with constituent organizations may sometimes be attended by only a few constituents, particularly when the organization is from a state with a small or diffuse population. Such events may not satisfy the numeric requirement for widely attended events.
- Examples of constituent organizations covered by this waiver include, but are not limited to, civic associations, senior citizens organizations, veterans groups, and business, trade or professional associations (*e.g.*, associations of lawyers, nurses, bankers, teachers, or farmers).

c) Other allowable gifts

- Home state products (produced or grown in the Member’s home state.) You can give candy bars, apples, and peanuts, etc. that are produced or grown in a Member’s state, which are then available to office visitors and displayed in the reception area of the office.
- Commemorative Items. These are permissible, regardless of the actual value (to an extent) if given in a presentation and is substantially commemorative in nature, for example inscribed or engraved with the Member’s name, the name of the presenting organization, and the date of the presentation and it must not have significant utilitarian or artistic value, but can include a framed photo or print, a figurine, or a clock.
- Books and other informational materials. These are permissible, but gift subscriptions from a third party, however, are not permissible.
- Artwork on loan to hang in the Member’s office. A Member may accept a **loan** of a painting or other work of art from his or her home state for the purpose of displaying the item in the Member’s House office. It should be clearly established in correspondence between the Member and the item’s owner that the Member is holding the item on a loan basis only, and that the item will be returned to the owner upon the soonest of the item

being removed from display, the Member leaving office, or the owner requesting its return.

Questions? Contact:

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RESOURCES

[U.S. House of Representatives Committee on Standards of Official Conduct](#)

[Internal Revenue Service \(501 \(c\)\(3\) guidelines](#)

[Federal Election Commission](#)

[Center For Lobbying in the Public Interest](#)