

ALERT

U.S. House Members May Now Officially Co-Sponsor Certain Events with Private Entities

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Under new joint guidance issued by the U.S. House Committee on Ethics, Committee on House Administration, and Communications Standards Commission, Members of the U.S. House of Representatives may officially co-sponsor certain events with nonprofit entities. Specifically, in limited circumstances, individual Members (but not committees or Congressional Member Organizations) may now co-sponsor “constituent service events” with organizations qualified under §170(c) of the Internal Revenue Code (e.g., §501(c)(3) charitable organizations).

“Constituent service events” are events held in the Member’s district that directly provide information or other tangible assistance to individual constituents. Constituent service events can include events like an information fair for small business owners, a town hall meeting about the immigration process, or a seminar for high school students about college financial aid options, among other events.

To “co-sponsor” an event means both the House office and partnering private entity are expending money *and* involved in the logistics, publicity, and staffing of the event. Importantly, rather than merely contributing financial support, both the member and private entity must participate in organizing, publicizing, and paying for the event. “Co-sponsorship” is distinct from a Member “cooperating” with a private entity event by, for example, speaking or appearing at, or lending his or her name to the invitations for, an event funded, organized, and staffed solely by a private entity.

Historically, House rules have prohibited any official Member co-sponsorship of events with private individuals or entities. And, although the new guidance now allows for co-sponsorship

Authors

Robert L. Walker
Of Counsel, Deputy General Counsel
202.719.7585
rlwalker@wiley.law
Hannah Bingham
Associate
202.719.3455
hbingham@wiley.law

Practice Areas

Election Law & Government Ethics

opportunities with qualifying charitable organizations, there are several circumstances where such events are still impermissible, even with a charitable co-sponsor. For example, such events are impermissible within 60 days immediately preceding the date of any election in which the Member's name will appear on the ballot or where any federally registered lobbyists are involved in the planning, organization, or arranging of the event, among other circumstances.

The new House memo also provides detailed guidance on the specifics of hosting co-sponsored constituent service events, including rules surrounding the level of support co-sponsors must provide, how costs should be divided, the content of event promotional materials, the payment of travel expenses, and various limitations on activity. The House memo also clarifies that Members of the House may co-sponsor official events with other federal, state, and local government entities.

Further, while the new House guidance aligns substantially with the Senate's guidance on co-sponsored constituent service events, significant differences remain between the House and Senate approaches to such events.

Finally, note that funds used to co-sponsor constituent service events with House Members may be reportable on an entity's federal lobbying reports. The Lobbying Disclosure Act requires registrants to disclose the amount of funds paid for an event held by, or in the name of, one or more covered Legislative branch officials on the semi-annual LD-203 report. Organizations employing federal lobbyists should be especially aware of the House's restriction on lobbyist participation in constituent service events and on soliciting or accepting funds earmarked specifically to support such events.

Wiley's Election Law & Government Ethics Practice attorneys are available to discuss further details of the new House memo.