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ANNETTE ORLIS, DEPUTY STAFF DIRECTOR

Telephone: (202) 524-2000  
Facsimile: (202) 524-7416  
TDD: (202) 524-3752

## United States Senate

SELECT COMMITTEE ON ETHICS  
HART SENATE OFFICE BUILDING, ROOM 220  
SECOND AND CONSTITUTION AVENUE, NE  
WASHINGTON, DC 20510-6425

August 15, 2008

Ms. Michele S. Ballanyne  
Recording Industry Association of America  
1025 F Street, NW  
Washington, DC 20004

Dear Ms. Ballanyne:

This responds to your recent correspondence to the Committee regarding the application of Senate rules to an invitation the Recording Industry Association of America ("RIAA") and the ONE Campaign (hereinafter "the Sponsors") would like to extend to Senate Members and staff to attend two events to be held in connection with attendance at the Democratic National Convention (DNC) in Denver, Colorado, on Wednesday, August 25, 2008 and the Republican National Convention (RNC) on Wednesday, September 3, 2008.<sup>1</sup>

You inform the Committee that the events will feature refreshments and snacks. During a portion of the evening, Kanye West is scheduled to perform one "set" at the DNC event, and the band Daughtry is scheduled to perform one "set" at the RNC event. You further inform the Committee that you anticipate approximately 2,000 attendees in Denver and 2,500 in Minneapolis, and that invitations "will be issued only by ONE, RIAA and the sponsors."<sup>2</sup> The Committee understands that "ONE is a two-million member grassroots movement that is committed to fighting extreme poverty and preventable disease around the world." The Committee also understands that RIAA is the "trade group that represents the U.S. recording industry." You seek confirmation that Members and staff may accept free attendance under these circumstances as part of a widely-attended event.

Provided that the requirements of Senate Rule 35 (the Gifts Rule) are observed, it appears that attendance by Senate Members and staff at the event described in your letter would be permissible. As a general matter, Senate Rule 35 prohibits a Member, officer, or employee of the Senate from receiving any gift (including food or meals) of a value of \$50 or more, or gifts from one source (of \$10 or more) that aggregate \$100 or more during a calendar year. Further, Senate Rule 35 prohibits the knowing acceptance of *any* gift from a registered lobbyist, a foreign

<sup>1</sup> You make the Committee aware that the DNC reception will take place from 10 p.m. to 2 a.m. at the EXDO Event Center in Denver, Colorado. The RNC reception will take place from 10 p.m. to 2 a.m. at the Epic Event Center in Minneapolis, Minnesota.

<sup>2</sup> The Committee understands that the other sponsors include AT&T, Consumer Electronics Association, Comcast, DLA Piper, Fidelity Investments, Hewlett-Packard, Microsoft, Motion Picture Association of America, Oracle, Symantec, Time Warner, Tom Steyer, Verizon, Viacom, and Walt Disney.

agent, or a private entity that retains or employs a registered lobbyist or a foreign agent, except as permitted by one of the specific exceptions to the Rule.

For example, paragraph 1(d)(1) of Senate Rule 35 allows a Member, officer, or employee to accept a sponsor's offer of free attendance at a widely-attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event.

Paragraph 1(d)(4) states that "free attendance may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event." Furthermore, paragraph 1(d)(2) provides that a Member or employee may accept a sponsor's unsolicited offer of free attendance at a widely-attended event for an accompanying individual, if others in attendance will generally be similarly accompanied, or if such attendance is appropriate to assist in the representation of the Senate.

The Committee has determined that an event is "widely attended" when attendance at the event is expected to include at least 25 persons from outside Congress, and attendance at the event is open to members from throughout a given industry or profession, or to a range of persons interested in an issue.

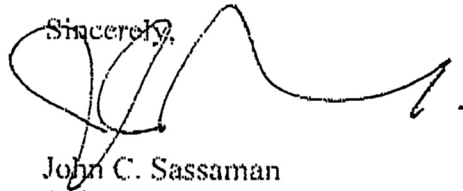
The Committee has also determined that the widely-attended event exception applies to activities associated with attendance at the conventions. According to the *Senate Ethics Manual*, at p. 44 (2003 ed.), this large-group exception applies to events associated with attendance at the conventions where at least 25 non-congressional attendees are invited to the event. Thus, if at least 25 non-congressional attendees are invited to attend an event, Senate invitees may also attend and accept local transportation, food, refreshments, and entertainment that are part of the event. The sponsor's invitation for an accompanying individual may also be accepted if others will be similarly accompanied.

Based upon the information you provided, it appears that expected attendance at the above-described events will include at least 25 people from outside Congress and that the events are associated with attendance at the national political conventions. Under these circumstances, it appears that the events will be consistent with the Committee's prior guidance with respect to widely-attended events that are associated with attendance at a national political convention.<sup>4</sup>

<sup>4</sup> Please note that Senate Rule 35.1(d)(5) provides that, "[d]uring the dates of the national party convention to which a Member belongs, a Member may not participate in an event honoring that Member, . . . if such event is paid for by a registered lobbyist or a private entity that retains or employs a registered lobbyist." The Committee has issued guidance stating that events honoring a Member would include events where a specific Member or Members are identified by name or title, or events honoring a group composed solely of Members of Congress. This does not include an event where a Member is a featured speaker.

I hope this information is helpful. Please provide a copy of this letter to all invited Senate personnel and feel free to contact the Committee if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Sassaman". The signature is fluid and cursive, with a prominent loop at the beginning and a long, sweeping tail that ends in a small dash.

John C. Sassaman  
Chief Counsel and Staff Director