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July 22, 2022

VIA EMAIL

Tom Rust
Chief Counsel & Staff Director
Committee on Ethics
U.S. House of Representatives
1015 Longworth House Office Building
Washington, DC 20515-6328

CONFIDENTIAL

Re: OCE Review No. 22-8826

Dear Mr. Rust:

We are writing on behalf of our client, Chairwoman Carolyn Maloney, in response to your letter dated June 23, 2022, concerning the Office of Congressional Ethics (“OCE”) referral regarding OCE Review No. 22-8826.

We submit this letter as a response to the OCE’s Report and Findings (“OCE Report”) regarding Chairwoman Maloney’s attendance at The Metropolitan Museum of Art’s (“The Met”) Costume Institute Gala (“The Met Gala”) in 2016 and subsequent years. As detailed below, Chairwoman Maloney’s attendance at these events was appropriate and complied with all applicable House gift rules, laws, and regulations. In addition, Chairwoman Maloney did not impermissibly solicit an invitation to these events. The Met is an important institution in her community, and she has had a relationship with it for decades. We respectfully request that this Committee find that Chairwoman Maloney did not accept or solicit any impermissible gifts and that the Committee close its review of this matter.

I. Background

House Rule 25, clause 5 contains the provisions of the “Gift Rule” applicable to Members and staff of the U.S. House of Representatives. In general, the Gift Rule prohibits Members from knowingly accepting a gift, unless it falls within an exception specified in the rule.¹ The Gift Rule

¹ House Rule 25, cl. 5(a)(1)(A)(i).

and guidance from the House Committee on Ethics (“Gifts Guidance”) define a “gift” as something of monetary value for which one does not have to pay.²

The Gift Rule contains numerous exceptions to its prohibitions and limitations.³ Among the many exceptions to the Gift Rule is an exception for free attendance at events, including “widely-attended” events and “charity” events.⁴ An exception also exists for artwork and other unusual gifts loaned to the recipient.⁵

Under federal law, Members of Congress are also prohibited from soliciting gifts from any person. Specifically, 5 U.S.C. Section 7353(a) (“the solicitation ban”) provides that Members may not “solicit or accept anything of value from a person – (1) seeking official action from [or] doing business with . . . the individual’s employing entity; or (2) whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties.”⁶ While “solicit” is not defined, this Committee has stated that “to determine whether a solicitation has occurred, the question is simply whether someone asked, explicitly or implicitly. If a Member asks, then the first element of the solicitation ban has been met.”⁷ Accordingly, an impermissible solicitation requires, at a minimum, a request for the item of value.

II. Chairwoman Maloney Did Not Impermissibly Solicit An Invitation To The Met Gala Because She Did Not Request An Invitation To The Event

Chairwoman Maloney did not impermissibly solicit an invitation to The Met Gala because she did not request an invitation to the event. To violate the solicitation ban, a Member must first “ask” for something of value.⁸ Where a Member has not made a request for something of value, the solicitation ban is inapplicable.

This Committee previously found a violation of the solicitation ban *In the Matter of Allegations Relating to Representative Charles Rangel*. In that case, the Committee determined that Rep. Rangel violated the solicitation ban by sending letters to various individuals with an enclosed brochure that “requested a gift of ‘\$30,000,000 or \$6,000,000/year for five years.’”⁹ Additionally, the Committee found that Rep. Rangel “attended other meetings where contributions were requested, and even personally asked for contributions in some instances.”¹⁰

Here, Chairwoman Maloney made no such request for an invitation to The Met Gala. The documentary and testimonial evidence compiled by the OCE merely establishes the following: (1) Chairwoman Maloney has no recollection of the alleged discussions with Met personnel over six

² See House Rule 25, cl. 5(a)(2)(A); see also House Ethics Manual, Gifts Guidance [hereinafter “Gifts Guidance”].

³ See House Rule 25, cl. 5(a)(3).

⁴ See House Rule 25, cl. 5(a)(3)(Q), 5(a)(4)(A)-(D).

⁵ Gifts Guidance, *Artwork and Other Gifts of Unusual Nature on Loan to the House*.

⁶ 5 U.S.C. Section 7353(a).

⁷ Comm. on Ethics, *In the Matter of Allegations Relating to Representative Charles Rangel*, 111th Cong., 2nd Sess. (November 29, 2010) at 115.

⁸ *Id.*

⁹ *Id.* at 21.

¹⁰ *Id.* at 119.

years ago, but, if she expressed confusion about her 2016 Met Gala invitation to Met personnel—whom she considered personal and professional friends—she was doing so merely to understand her invitation status; and (2) her inquiries to her staff regarding the 2020 Met Gala were based on uncertainty about the event going forward during the COVID-19 pandemic. This conduct does not rise to the level of a “solicitation.” These questions are being raised in 2022, six years after the alleged discussions regarding the 2016 event, but the OCE report implies that every subsequent invitation she received was tainted. It would be a terrible precedent for this Committee to treat this alleged conduct as an ongoing violation.

1. Chairwoman Maloney Did Not Request An Invitation To The 2016 Met Gala

The OCE Report concludes that Chairwoman Maloney requested an invitation to the 2016 Met Gala based on her dissatisfaction and confusion concerning her exclusion from the event. However, the OCE’s documentary and testimonial findings provide no direct evidence that Chairwoman Maloney made any request for an invitation to the event.

First, the OCE asserts that “witnesses recalled Rep. Maloney requesting to attend [the 2016 Gala] when learning that she was not invited to the event.”¹¹ However, none of the witnesses interviewed by the OCE make any such assertions. Witness A, Former Metropolitan Museum of Art President, only recalled a single email concerning a conversation with Chairwoman Maloney about her invitation to the 2016 Gala. In that email, Witness A stated that Chairwoman Maloney was “unhappy to say the least that she is not receiving an invitation to the Party of the Year.”¹² Similarly, Witness B stated in a 2018 email that “[w]hen [Chairwoman Maloney] learned she would not be attaining [sic] [the 2016 Met Gala] . . . she actually pushed back.”¹³ Conspicuously absent from these statements, however, is any mention that Chairwoman Maloney requested an invitation to the 2016 Met Gala or threatened to withhold support due to her exclusion from the event. Indeed, when asked whether Representative Maloney ever reached out to request an invitation to the Met Gala, Witness C, former Director of Government Affairs at the Met, stated, “I don’t recollect that she did. I don’t believe so.”¹⁴ When asked the same question, Witness B, Former Metropolitan Museum of Art Chief Government Relations Officer, stated, “I don’t recall.”¹⁵

Second, the OCE relies on two emails to conclude that Chairwoman Maloney solicited an invitation to the 2016 Met Gala. The first is an April 2016 email among current and former Met leadership that includes the characterization that Chairwoman Maloney was “unhappy to say the least” about her exclusion from the Gala.¹⁶ The email describes Chairwoman Maloney’s proactive involvement in the Met and her affection for the institution.¹⁷ The email does not, however,

¹¹ OCE Review No. 22-8826 at 11-34.

¹² Witness A Transcript (Exhibit 4 at 22-8826_0106).

¹³ See Email from Witness B, August 16, 2018 (Exhibit 11 at 22-8826_0176-0177). Note that Witness B incorrectly cited the 2015 event in the 2018 email; the correct event is the 2016 event.

¹⁴ Witness C Transcript (Exhibit 6 at 22-8826_154).

¹⁵ Witness B Transcript (Exhibit 5 at 22-8826_128).

¹⁶ See Email from Witness A, April 2, 2016 (Exhibit 8 at 22-8826_168).

¹⁷ *Id.*

describe any request made by Chairwoman Maloney for an invitation to the 2016 Gala. Indeed, Chairwoman Maloney is not even included on the thread.¹⁸

In his response to the April 2016 email, Harold Holzer states his disagreement with the decision to exclude Chairwoman Maloney from the 2016 Gala.¹⁹ Notably, Mr. Holzer states that he spoke with Chairwoman Maloney *before* she knew about her exclusion from the 2016 Gala.²⁰ As such, the initial April 2016 email, together with Mr. Holzer's response, reflects an internal decision-making process rather than a consideration of Chairwoman Maloney's request for an invitation. Indeed, much of this decision-making appears to derive from confusion regarding Chairwoman Maloney's invitation. In witness interviews, Witness A stated that government officials such as Members of Congress never would have been excluded from the guest list.²¹ Witness C expressed surprise after learning that Chairwoman Maloney was not invited, because "she was someone who normally would be included."²² Witness B recounts a conversation with Witness C in which Witness C assumed that a decision to only invite individuals on the board in 2016 would not exclude Chairwoman Maloney.²³

The second email cited by the OCE is an August 2018 email among Met leadership and personnel that includes the characterization that Chairwoman Maloney "pushed back" against her exclusion from the Gala.²⁴ This email also does not reference any request by Chairwoman Maloney for an invitation to the 2016 Gala. The email describes how, after learning that she was not invited to the 2016 Gala, Chairwoman Maloney "made calls personally to Tom Campbell, Emily Rafferty, and even Dan Brodsky."²⁵ However, there is no description in this email of those alleged phone calls and what was allegedly said or not said, and Chairwoman Maloney has no recollection of making such calls. When asked whether Chairwoman Maloney ever communicated with him regarding her invitation to the Met Gala, Dan Brodsky stated, "No."²⁶ However—for the sake of argument—having a conversation about attendance at the Met Gala cannot be equated to, and does not necessarily constitute, a "solicitation."

In sum, Chairwoman Maloney's alleged communications about the 2016 Gala merely reflected her confusion concerning her invitation to the event. However, Chairwoman Maloney's alleged conduct does not rise to the level of an impermissible "solicitation." The OCE has provided no concrete evidence that Chairwoman Maloney actually requested an invitation to the 2016 Gala. Accordingly, we respectfully request that this Committee find that Chairwoman Maloney did not solicit an invitation with respect to the 2016 Gala.

¹⁸ *Id.*

¹⁹ See Email from Harold Holzer, April 2, 2016 (Exhibit 8 at 22-8826_168) ("Big mistake to leave [Chairwoman Maloney] out.").

²⁰ *Id.*

²¹ Witness A Transcript (Exhibit 4 at 22-8826_0106).

²² Witness C Transcript (Exhibit 6 at 22-8826_153).

²³ Witness B Transcript (Exhibit 5 at 22-8826_131).

²⁴ See Email from Witness B, August 16, 2018 (Exhibit 11 at 22-8826_0176-0177).

²⁵ *Id.*

²⁶ OCE Rev. 22-8826_Rule 4F Letter.

2. *Chairwoman Maloney's Inquiries Into The 2020 Met Gala Were Based On Uncertainty Due To The COVID-19 Pandemic*

With respect to Chairwoman Maloney's invitation to the 2020 Met Gala, the record makes clear that Chairwoman Maloney merely sought clarification about that year's Met Gala due to the COVID-19 pandemic.

The OCE relies on a February 22, 2020 email to conclude that Chairwoman Maloney solicited an invitation to the 2020 Gala. In that email, Chairwoman Maloney asked a congressional staffer whether she was "invited to the met ball this year."²⁷ When the staffer responded with, "[n]ot yet going to invite Witness B to the St. Patrick's Day breakfast and maybe we can speak with him," Chairwoman Maloney asked for a way to contact Witness B.²⁸

When asked why she inquired about the "met ball" in her February 22, 2020, email, Chairwoman Maloney stated that "[she] asked a lot of things in 2020 if they were canceled or not because you didn't know . . . it was Covid. People were asking if things were happening or not."²⁹ Chairwoman Maloney's alleged efforts to confirm whether the 2020 Gala was canceled do not amount to a "solicitation." The OCE has provided no additional evidence that Chairwoman Maloney contacted Witness B or even what that conversation was about. As such, there is insufficient evidence to find that Chairwoman Maloney asked Witness B for an invitation to the 2020 Gala.

III. Chairwoman Maloney's Attendance At The Met Gala Was Permissible Under House Rules And Guidance

Chairwoman Maloney's attendance at any Met Gala event since 2015 was permissible under applicable House rules and guidance. Chairwoman Maloney's attendance clearly falls within specified exceptions to the Gift Rule's prohibitions.

1. *The Met Gala Is A Widely Attended Event*

Chairwoman Maloney's attendance at any Met Gala event since 2015 did not violate the Gift Rule because her attendance falls within the "widely attended" events exception to the rule. House Rule 25, clause 5(4)(A) and the Gifts Guidance provide the criteria for what constitutes a "widely attended" event for purposes of the exception to the Gift Rule. The Gift Rule provides the examples of "attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event."³⁰ The Gifts Guidance further explains that the event must meet three main criteria: (1) the attendee is invited by the event organizer directly and the event organizer is doing the work to put on the event; (2) the event organizer has a reasonable expectation that at least 100 people will attend who are not members or staff of Congress and who come from a variety of backgrounds; and (3) attendance is related to the attendee's official or representational duties, such as meeting with constituents or

²⁷ See Email from Rep. Maloney, Feb. 22, 2020 (Exhibit 12 at 22-8826_0179).

²⁸ *Id.*

²⁹ Rep. Maloney Transcript (Exhibit 1 at 22-8826_0046).

³⁰ House Rule 25, cl. 5(a)(4)(A).

learning about an issue that will assist with work in Congress.³¹ According to the Gift Rule, “free attendance” includes all or part of the cost of admission, local transportation, food, refreshments, and instructional materials provided to all event attendees.³²

(a) The Event Organizer Invited Representative Maloney to the Event.

Officially named the Metropolitan Museum of Art Costume Institute Benefit, The Met Gala is a primary source of annual fundraising for the Costume Institute’s exhibitions, acquisitions, and capital improvements.³³ The event also celebrates the opening of the spring exhibition each year.³⁴ The event takes place at The Metropolitan Museum of Art (“The Met”) itself and is put on by the museum and its leadership.

The “widely attended” event exception to the Gift Rule requires that the attendee be invited directly by the event organizer, that is the organization doing the work to put on the event, as opposed to an event or table sponsor.³⁵ Chairwoman Maloney recalls being contacted personally by staff from The Met to invite her to the event each year. She also recalls receiving written invitations from The Met. Chairwoman Maloney generally does not save event invitations for past events, as she has received thousands of event invitations during her tenure as a Member of Congress.

Additionally, this invitation is consistent with The Met’s routine practice of inviting elected officials (of both parties) to the Met Gala, including the Mayor and Comptroller of the City of New York, the Speaker of the New York City Council, local New York City Council members, and other elected and appointed officials of the City. Thus, Chairwoman Maloney’s attendance at The Met Gala satisfies this element of the criteria for the “widely attended” exception to the Gift Rule.

(b) The Met had a reasonable expectation that more than 100 people from a variety of backgrounds would attend The Met Gala, and thus, was “widely attended.”

The House Gifts Guidance explains that the organizer of the “widely attended” event must have a reasonable expectation that at least 100 people who are not Members, Senators, officers, or employees of Congress or their spouses will be in attendance.³⁶ The “attendees must come from a variety of backgrounds, including the Executive Branch, but may not solely be the employees of a single organization.”³⁷ Committee guidance further provides that “[a]ttendance can be open to individuals from throughout a given industry or profession, or to a range of people interested in the issue.”³⁸

³¹ Gifts Guidance, *Widely Attended Events*.

³² House Rule 25, cl. 5(a)(4)(D); Gifts Guidance, *Widely Attended Events*.

³³ The Costume Institute, <https://www.metmuseum.org/about-the-met/collection-areas/the-costume-institute>.

³⁴ *Id.*

³⁵ Gifts Guidance, *Widely Attended Events*.

³⁶ *Id.* Note that the Gifts Guidance currently posted on the Committee’s website states that the attendance threshold is 25 people. The Office of Government Ethics guidance, to which the Committee’s guidance is tied, reflects an attendance threshold of 100 persons. Whichever threshold applies, The Met Gala meets these criteria.

³⁷ *Id.*

³⁸ *Id.* at n. 83.

The Met Gala satisfies this prong of the exception’s criteria as well. Several hundred guests interested in the arts routinely attend The Met Gala.³⁹ For example, the co-chairs of the 2021 Met Gala included a musician, an actor, an athlete, and a poet.⁴⁰ Thus, The Met Gala also satisfies this prong of the “widely attended” event exception to the Gift Rule.

(c) Attendance at The Met Gala is related to Chairwoman Maloney’s duties as a member of Congress.

The Gift Rule and the Ethics Committee’s Gifts Guidance also require that attendance is related to the attendee’s official or representational duties.⁴¹ The Gifts Guidance provides the examples of speaking, learning about a topic that will assist with work in the House, or meeting with constituents.⁴² It further explains that, “[w]hether your participation is related to your official or representational duties is a decision for you and your superiors, if any, to make.”⁴³

Attendance at The Met Gala is relevant to Chairwoman Maloney’s role as a member of Congress for several reasons. As mentioned above, Chairwoman Maloney is one of many elected officials who has been invited to and attended The Met Gala. Chairwoman Maloney’s congressional district—New York’s 12th District—is directly adjacent to The Met with 5th Avenue, on which the museum sits, serving as the western border of the district.⁴⁴ In fact, The Met has been in her district at times during her tenure in Congress. Accordingly, the success of The Met, including its fundraising, directly impacts the businesses and communities surrounding it, many of which are located within the Chairwoman’s district.⁴⁵ Moreover, institutions need not be located within the borders of a member’s congressional district to be of concern to them.

Congresswoman Maloney has also served on the Congressional Arts Caucus for years. Supporting the arts and a prominent institution dedicated to furthering the arts in her hometown is entirely related to her duties as a Member of Congress. The Met is an iconic, New York City institution, and as a Member of Congress from New York City, Chairwoman Maloney supports The Met and is regularly invited by The Met to legislative briefings and capital improvement groundbreakings. Additionally, learning about The Met and the funding of such institutions aids the Chairwoman in her work on legislation related to the arts and other cultural institutions. Finally, given the location

³⁹ See Vogue, *Met Gala 2022: Everything You Need To Know*, <https://www.vogue.co.uk/article/met-gala#:~:text=How%20many%20people%20attend%20the,attended%20the%202021%20Met%20Gala> (explaining that “the event usually hosts around 600 attendees”); see also The Costume Institute (explaining that The Met Gala draws “attendees from the worlds of fashion, film, society, sports, business, and music”).

⁴⁰ See Vogue, *Met Gala 2021 Red Carpet: See Every Celebrity Look, Outfit and Dress Here*, <https://www.vogue.com/slideshow/met-gala-2021-red-carpet-live-celebrity-fashion>.

⁴¹ Rule 25, cl. 5(a)(4)(A)(ii); Gifts Guidance, *Widely Attended Events*.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Rep. Carolyn B. Maloney, *New York’s 12th Congressional District*, <https://maloney.house.gov/about/new-yorks-12th-congressional-district>

⁴⁵ See Gifts Guidance, *Widely Attended Events*. (“Example (Permissible). Your district is home to a large annual rodeo that is very important to the district’s financial health. The organization that puts on the rodeo offered you two tickets and seats in a prominent location so the event organizer can recognize you. You may reasonably determine your attendance is related to your official or representational duties and accept both tickets.”).

of The Met Gala, which is nine blocks from her home, the Chairwoman can expect to, and does, interact with her constituents attending the event.

(d) The food, refreshments, and entertainment at The Met Gala are part of the “free attendance.”

The Gift Rule defines “free attendance,” for the purposes of this exception to include all or part of the cost of admission, local transportation, food, refreshments, entertainment, and instructional materials provided to all attendees.⁴⁶ The Gifts Guidance explains that this “does not include entertainment collateral to the event or food and refreshments outside the group setting of the event, such as giveaways.”⁴⁷

In 2018 and 2019, Chairwoman Maloney attended the Met Gala reception and the dinner, while she attended only the reception in 2021. The food, drinks, and entertainment Chairwoman Maloney received at these events are included in the “free attendance” she was permitted to accept under the “widely attended” event exception to the Gift Rule.

Thus, for the foregoing reasons, Chairwoman Maloney respectfully requests that this Committee find that her acceptance of free attendance at any Met Gala event since 2015 complied with the “widely attended” event exception to the Gift Rule, and therefore, was permissible.

2. *The Met Gala Is A Charity Event*

Further, Chairwoman Maloney’s attendance at The Met Gala does not violate the Gift Rule because it also falls within the “charity event” exception to the rule. House Rule 25, clause 5(4)(C) and the Gifts Guidance outline the criteria for what constitutes a “charity event” under the exception to the Gift Rule. An event qualifies as a “charity event” if: (1) the attendee is invited by the event organizer directly and the event organizer is doing the work to put on the event; and (2) the event’s primary purpose is to raise funds to benefit an organization qualified under § 170(c) of the Internal Revenue Code, including 501(c)(3) organizations.⁴⁸ The Gift Rule’s definition of “free attendance” discussed above also applies to the “charity event” exception.⁴⁹

(a) Chairwoman Maloney was invited to The Met Gala by the event organizer.

As explained above, Chairwoman Maloney was invited to any Met Gala event since 2015 directly by the event organizer doing the work to put on the event, The Met.

(b) The primary purpose of The Met Gala—501(c)(3) organization—is to raise funds for The Met’s Costume Institute.

⁴⁶ House Rule 25, cl. 5(a)(4)(D).

⁴⁷ Gifts Guidance, *Widely Attended Events*.

⁴⁸ Gifts Guidance, *Charity Events*.

⁴⁹ House Rule 25, cl. 5(a)(4)(D).

The Ethics Committee’s Gifts Guidance explains that organizations qualified under § 170(c) of the Internal Revenue Code include 501(c)(3) organizations.⁵⁰ “The primary purpose is usually met if at least half of the proceeds are tax-deductible charitable contributions.”⁵¹

The Met is a 501(c)(3) non-profit organization, and the beneficiary of the Met Gala, The Costume Institute, is a department of The Met.⁵² All proceeds from the event’s ticket sales benefit The Costume Institute.⁵³

Accordingly, Chairwoman Maloney respectfully requests that this Committee find that The Met Gala qualifies as a “charity event” within the applicable exception to the Gift Rule and that her acceptance of free attendance at the event was permitted.

3. Chairwoman Maloney’s Met Gala Attire, Hair, And Makeup Were Not Gifts

As acknowledged in the OCE Report, Chairwoman Maloney’s Met Gala attire, hair, and makeup were not gifts. Specifically, the OCE found that “Rep. Maloney provided proof of payment for all services rendered in relation to the 2018, 2019, and 2021 Met Gala, such as hair styling, makeup and transportation.”⁵⁴ Additionally, the OCE concluded that Chairwoman Maloney provided documents showing she paid for her 2018 and 2019 dresses, and provided proof of payment of a rental fee for her 2021 dress.⁵⁵

4. Disclosure Of Free Attendance At Widely Attended Events Is Not Required

Although certain gifts are acceptable under the Gift Rule, some still must be reported on the Ethics in Government Act Financial Disclosure Statement (“Disclosure Statement”) if they exceed the current “minimal value” reporting threshold of \$415.⁵⁶ However, in addition to falling within an exception to the Gift Rule, free attendance at widely attended events is also exempt from the reporting requirements of Schedule G of the Disclosure Statement.⁵⁷

The House Committee on Ethics’ Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports (“Instruction Guide”) lists certain gifts that do not need to be reported on Schedule G, regardless of their dollar value.⁵⁸ Among these “exclusions” are “Tickets to widely attended or political events.”⁵⁹ The exclusion further explains that “the tickets must be acceptable

⁵⁰ Gifts Guidance, *Charity Events*, at n. 93.

⁵¹ See Charity Navigator, *Metropolitan Museum of Art*, [⁵² *Id.*](https://www.charitynavigator.org/ein/131624086#:~:text=Metropolitan%20Museum%20of%20Art%20is,and%20donations%20are%20tax%2Deductible; see also The Costume Institute.</p></div><div data-bbox=)

⁵³ *Id.*

⁵⁴ OCE Review No. 22-8826 Referral at 14, n. 65.

⁵⁵ *Id.*

⁵⁶ See House Committee on Ethics’ Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports [hereinafter “Instruction Guide”] at 35.

⁵⁷ See *id.* at 35-36; see also Ethics in Government Act Financial Disclosure Statement, Schedule G.

⁵⁸ Instruction Guide at 36.

⁵⁹ *Id.*

under a provision of the gift rule.”⁶⁰ While the Instruction Guide only specifically references the “tickets,” it also references applicable exceptions to the Gift Rule, one of which is the exception for “widely attended” events. As explained above, the “widely attended” events exception to the Gift Rule covers far more than the tickets to the event, but also the other benefits of “free attendance” specified in the rule and the Gifts Guidance. This includes all or part of the cost of admission, local transportation, food, refreshments, entertainment, and instructional materials provided to all attendees.⁶¹

As the applicable guidance on completing Schedule G incorporates the Gift Rule’s “widely attended” event exception, the exception should be interpreted and applied in the same way for the purposes of disclosure as it is for accepting gifts. That is, just as the other benefits of “free attendance” may be accepted under the exception to the Gift Rule, such benefits are similarly exempt from the reporting requirements of Schedule G.

Thus, Chairwoman Maloney respectfully requests that this Committee find that her acceptance of tickets to The Met Gala, and the other benefits of “free attendance,” were not required to be reported on Schedule G of the Disclosure Statement.

5. *Chairwoman Maloney Reasonably Did Not Communicate With The House Ethics Committee Because She Understood The Events To Be Covered By Exceptions To The Gift Rule*

As Chairwoman Maloney’s attendance at The Met Gala meets the “widely attended” event and “charity event” exceptions to the Gift Rule, she did not communicate with the Ethics Committee regarding her attendance.

IV. Conclusion

For the foregoing reasons, Chairwoman Maloney respectfully requests that this Committee find that she did not impermissibly solicit an invitation to the 2016 or 2020 Met Galas. In addition, Chairwoman Maloney requests that this Committee find that she did not violate any House rules, standards of conduct, or federal law in connection with her attendance at any Met Gala event since 2015. Chairwoman Maloney appreciates the opportunity to provide this information and the Committee’s consideration of this information. Should you have any additional questions, we will respond to them.

Sincerely,



Sam C. Neel

Counsel for Representative Carolyn Maloney



Stephen M. Ryan

cc: Christine Gwinn
Brittney Pescatore

⁶⁰ *Id.*

⁶¹ House Rule 25, cl. 5(a)(4)(D); Gifts Guidance, *Widely Attended Events*.

Declaration

I, Representative Carolyn B. Maloney, declare (certify, verify, or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated July 22, 2022, relating to my response to the June 23, 2022, Committee on Ethics letter, are true and correct.

Signature: Carolyn B. Maloney

Name: Representative Carolyn B. Maloney

Date: July 21, 2022, 2022