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ONE HUNDRED FIFTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

December 20, 2018

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Staff Director and Chief Counsel

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Director of Administration

Megan Savage
*Chief of Staff and Counsel to
the Chairwoman*

Daniel J. Taylor
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

MEMORANDUM FOR ALL MEMBERS, MEMBERS-ELECT, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan W. Brooks, Chairwoman
Theodore E. Deutch, Ranking Member

SUBJECT: Member Swearing-in Receptions

This memorandum summarizes the ethics rules relating to the receptions that Members may wish to hold or attend in connection with their swearing-in. The major rules that apply in these areas are briefly summarized below, and guidance addressed to specific circumstances is available by calling or writing to the Committee at (202) 225-7103 or ethicscommittee@mail.house.gov.

Member Swearing-in Receptions. Members, especially Members elected to the House for the first time, may wish to host a reception or similar event for their constituents in connection with their swearing-in. The Committee has long advised that Members may use their campaign funds to pay the costs of such a reception, and this is so even if the reception is held in the Member's office or another House room.¹ However, such events should not be campaign or political in nature, such as limiting the invitee list to include only campaign contributors. It is the Committee's understanding that the Members' Representational Allowance may not be used for receptions that are purely social activities or social events, including swearing-in receptions.²

It is generally *not* permissible for a lobbying firm or other private entity to pay the costs of a reception or other event hosted by a Member in connection with the Member's swearing-in. Such arrangements are *not* permissible, as the payment of the costs of the Member's event would constitute an impermissible gift to the Member under the House gift rule.³ However, as discussed further below, a private entity may host its own event in honor of a Member or group of Members, subject to certain limitations.

¹ See *2008 House Ethics Manual* at 127, 160.

² Please contact the Committee on House Administration for any additional questions about the use of official House funds.

³ House Rule 25, cl. 5.

Attendance at Privately-Sponsored Events. Offers of free attendance at swearing-in related events sponsored by private entities are fully subject to the House gift rule. Thus, a Member or staff person may accept such an offer only if acceptance is allowed under one of the provisions of the rule. For example, a state society or other private organization may sponsor events to honor a congressional delegation. Free attendance at those events is generally permissible under the “widely attended” event provision of the gift rule, provided that the offer was made by the event organizer (not a person or entity that simply bought tickets or donated to the event), the offer is limited to the Member or staff person and one accompanying individual only, the requirements on event size are satisfied,⁴ and attendance is connected to the individual’s official duties. In deciding whether attendance at an event would be appropriate to the individual’s official duties, one must also bear in mind the legislative history of the gift rule, which states that an event may not be merely for the personal pleasure or entertainment of the Member or staff person. For example, a Member who represents State A (or a House employee who works for such a Member) may determine that attendance at an event hosted by a state society associated with State A is connected to his or her official duties, but not an event hosted by a similar state society associated with State B.

In addition, Members and staff are generally free to attend any reception, *i.e.*, an event at which the food and refreshments served are of “nominal value,” such as moderate hors d’oeuvres, beverages, and similar items, and does not constitute a meal.⁵ Another provision of the gift rule allows a Member, officer, or employee to accept a gift, including free attendance at an event, having a value of less than \$50, provided that the source of the gift is not a registered federal lobbyist, foreign agent, or private entity that retains or employs such individuals.⁶ The cumulative value of gifts that may be accepted from any one source in a calendar year under this exception must be less than \$100, and no gifts of cash or cash equivalent are permitted.

A third-party may wish to sponsor a swearing-in reception in honor of a Member. As long as the identity of the sponsor is made clear to all participants (*e.g.*, on the invitations), an event nominally “in honor of” a Member or group of Members is not generally considered a gift in itself to the honoree(s).⁷ However, the Members being recognized should not identify themselves as hosts or receive any particular benefit from the event. Furthermore, it would *not* be permissible for a Member, officer, or employee to solicit another individual or group to hold a reception or event in his or her honor, or to solicit support for such an event. Members and staff may have no involvement in the organizing, planning, or conducting the event, including providing the sponsor with a guest list. As stated above, whether Members and staff may attend such a reception will depend on if their attendance is permissible under the House gift rule.

⁴ The Committee on Ethics has determined that an event is “widely attended” 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 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. Individuals who are officials of other branches or levels of government count toward the required minimum of 25, but spouses and others who accompany the congressional Members and staff do not count toward the required minimum. *See 2008 House Ethics Manual at 41-42.*

⁵ House Rule 25, cl. 5(a)(3)(U).

⁶ House Rule 25, cl. 5(a)(1)(B)(i).

⁷ *See 2008 House Ethics Manual at 76-77.*

Detailed information on the provisions of the gift rule regarding attendance at events is available in chapter 2 of the Committee's *House Ethics Manual*, copies of which are available from the Committee's office, and the text of which is on the Committee's website, <https://ethics.house.gov>.

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Please note that the Committee's guidance is subject to change if the 116th Congress adopts changes to the ethics rules. Members and staff with questions on the matters addressed above should contact the Committee after the 116th Congress has convened to seek further guidance about any such rule changes. Any questions on these subjects should be directed to the Committee's Office of Advice and Education at (202) 225-7103.