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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

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

FROM: Committee on Ethics

SUBJECT: Member Swearing-in and Inauguration Events

This memorandum summarizes the ethics rules relating to 1) the receptions that Members may wish to hold or attend in connection with their swearing-in or Inauguration Day, and 2) Member and staff attendance at events held in connection with the Presidential Inauguration.¹ The major rules that apply in these areas are briefly summarized below, and guidance on specific circumstances is available by calling the Committee at (202) 225-7103 or writing to the Committee at ethicscommittee@mail.house.gov.

Member Swearing-in and Inauguration Day Receptions. You may wish to host a reception or similar event for your constituents in connection with your swearing-in or to welcome constituents on Inauguration Day. You may use your principal campaign committee funds to pay the costs of such a reception, even if the reception is held in your office or another House room.² However, swearing-in or Inauguration Day events held in House rooms or district offices may not be campaign or political in nature. A swearing-in or Inauguration Day event would likely be campaign or political if, for example, the list of invitees were limited to only campaign contributors. The Committee understands the Members' Representational Allowance may not be used for receptions that are purely social activities or social events, including swearing-in and Inauguration Day receptions.³ As a reminder, current Members may not use campaign funds or resources for official communications, including invitations to official events.⁴

¹ Members are subject to House Rules upon swearing-in.

² See Comm. on Ethics, *House Ethics Manual*, Campaign Activity Chapter, II and V, <https://ethics.house.gov/manual/general-prohibition-against-using-official-resources-for-campaign-or-political-purposes/> and <https://ethics.house.gov/manual/proper-use-of-campaign-funds-and-resources/>. Even though these events are paid for with campaign funds, they are still official in nature. Therefore, no campaign activity, including soliciting for campaign donations, may occur during these events or on House grounds.

³ Please contact the Committee on House Administration for any additional questions about the use of official House funds.

⁴ House Rule 24 prohibits the use of campaign funds for certain official expenses, including official mail and other communications. House Rule 24, cl. 1(b)(2).

You may not allow a lobbying firm or other private entity to pay the costs of a reception or other event hosted by you. Accepting private subsidy of your official events is an impermissible gift under the House Gift Rule.⁵ However, as discussed further below, a private entity may host its own event in your honor, subject to certain limitations.

Attendance at Privately-Sponsored Events. Acceptance of free attendance at swearing-in or inauguration-related events sponsored by private entities are 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 gift rule. Some examples of applicable gift rule exceptions include receptions, widely-attended events, and gifts worth less than \$50. A private entity may also wish to host an event in your honor.

You may accept offers of free attendance from federal, state, or local government entities that are directly paid for by the government entity.

Reception

What It Is: A reception is often a collegial gathering. A reception may be organized for the purposes of networking or socializing and does not have to include programming related to your official duties. Your attendance may be personal or official.

Requirements of the Exception: The food offered is limited to appetizers, hors d'oeuvres, and drinks. The food offered does not include even low-cost items that could be considered a meal, such as a pizza or hot dog. The setting is other than one-on-one. The invitation may come from anyone.⁶

What You May Accept if Offered: Free attendance for yourself and one other person, appetizers, drinks, and informational materials.

Widely-Attended Event

What It Is: A widely-attended event is an event related to your official work where you speak on a topic related to your work for the House, you learn something related to your work, or where the event is otherwise related to your representational role. Large events, such as conferences, forums, and large fly-in dinners are often widely-attended events. Events hosted by state societies may also be widely-attended events if the following requirements are met.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event organizer(s), and not from a financial sponsor. You must determine that attendance at the event is related to your official duties. The event organizer must expect at least 25 other

⁵ House Rule 25, cl. 5.

⁶ House Rule 25, cl. 5(a)(3)(U).

attendees from a broad group of people other than Congressional attendees or the event organizer's own employees.⁷

What You May Accept from Event Organizer if Offered: Free attendance at the event for yourself and one other person; appetizers, drinks, and/or meals; local transportation;⁸ and informational materials.

Charitable Fundraising Event

What It Is: A charitable fundraising event is one where the event organizer raises funds or in-kind donations for an Internal Revenue Code (IRC) §170(c) organization. Most commonly, these are 501(c)(3) charitable organizations. Some charitable fundraising events are referred to as galas. Events hosted by state societies may be charitable fundraising events if the following requirements are met. Your attendance is personal.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event organizer(s), and not from a financial sponsor. At least half of the proceeds must benefit an IRC §170(c) organization.

What You May Accept from Event Organizer if Offered: Free attendance at the event for yourself and one other person; appetizers, drinks, and/or meals; local transportation; long-distance transportation and one night of lodging from the event organizer; informational materials; and entertainment at the event.

Less than \$50

What It Is: The less than \$50 exception can be used as a catch-all exception to the gift rule, if another, more specific exception does not apply.

Requirements of the Exception: You may accept anything that is \$49.99 or less in a single instance from a single donor. The entity offering the gift may not be a registered federal lobbyist, a foreign agent, or an organization that employs or retains lobbyists or foreign agents. This exception has a \$99.99 cap per year, per donor, per recipient.⁹

What You May Accept if Offered: Gifts including free attendance that total no more than \$49.99 in a single instance. Cash and cash equivalents are prohibited.

⁷ 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 House Rule 25, cl. 5(a)(4)(A); *House Ethics Manual*, Gifts Chapter, XI.J, <https://ethics.house.gov/manual/exceptions-to-the-gift-rule-for-permissible-gifts/free-attendance-at-events/>.

⁸ Local transportation is defined as less than 35 miles.

⁹ House Rule 25, cl. 5(a)(1)(B)(i).

Events in Your Honor

What It Is: An event nominally in your honor is an event “in honor of” you, but where you are not the host, nor do you receive any particular benefit. An event in your honor is not considered a gift to you. The event could be a widely-attended event, a reception, or any other type of event. The event could be in honor of a single Member or employee or a group of Members or employees.

Requirements of the Exception: For an event to be nominally in your honor, the identity of the event organizer must be made clear to all participants. You may not be listed as the host or sponsor of the event, nor may you be involved in the planning and organizing of the event. You may not receive any particular benefit from the event. You may not ask the event sponsor to host the event, nor may you ask others for support for the event, both monetary and in-kind.¹⁰

What You May Accept from Event Organizer if Offered: The full cost of the event will not be a gift to you. However, the event must meet a gift exception to accept free attendance.

Gifts from Government Entities

What It Is: A gift provided by a domestic federal, state, or local government entity, or secured under a contract with the federal government.

Requirements of the Exception: You may accept anything offered by a domestic federal, state, or local government entity, or secured under a contract with the federal government, if the government entity is paying for the gift directly. The government entity may not merely be a conduit for someone else.

What You May Accept if Offered: Anything that is offered, including free attendance to events, travel expenses, meals, and lodging expenses.

Detailed information on the provisions of the gift rule regarding attendance at events is available in the House Ethics Manual, which is on the Committee’s website, <https://ethics.house.gov/manual/>. A quick reference chart is on the following page.

* * *

Please note that the Committee’s guidance is subject to change if the 119th Congress adopts changes to the ethics rules. Members and staff with questions on the matters addressed above should contact the Committee after the 119th 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.

¹⁰ See *House Ethics Manual*, Gifts Chapter, XI.J, <https://ethics.house.gov/manual/exceptions-to-the-gift-rule-for-permissible-gifts/free-attendance-at-events/>.

Common Swearing-In and Inauguration Events

Gift Rule Exception	Requirements	What You May Accept IF OFFERED					
		Your Free Attendance	Free Attendance for Any Kind of Guest	Info. Materials	Appetizers and Drinks	Meal	Local Travel
Reception	<ul style="list-style-type: none"> • Invitation from anyone • Food limited to appetizers, drinks • Other than one-on-one setting 	✓	✓	✓	✓	✗	✗
Widely-Attended Event	<ul style="list-style-type: none"> • Invitation from the event organizer • Related to your official duties • Organizer expects ≥ 25 attendees from broad group 	✓	✓	✓	✓	✓	✓
Charitable Fundraising Event	<ul style="list-style-type: none"> • Invitation from the event organizer • At least half of the proceeds benefit an IRC §170(c) organization • Attendance is personal 	✓	✓	✓	✓	✓	✓
Less than \$50	<ul style="list-style-type: none"> • Total value is \$49.99 or less • Not offered by lobbyist, foreign agent, or lobbying firm • Less than \$100 annual limit 	✓*	✓*	✓*	✓*	✓*	✓*
Events in Your Honor	<ul style="list-style-type: none"> • No involvement in planning or organizing • No soliciting for support • Event organizer is clear 	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception
Gifts from Government Entities	<ul style="list-style-type: none"> • Provided by domestic federal, state, or local government entity, or secured under a federal contract • Government entity is not merely a pass through 	✓	✓	✓	✓	✓	✓

* If the total value of what you receive is \$49.99 or less.