

House Ethics Committee Interprets New Rules

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As previously reported in the March 2003 edition of *Election Law News*, the House of Representatives recently amended its gift rules by allowing perishable food provided to a Member's office to be counted against the \$50 gift limit of each recipient of the food, and not just against the Member's own \$50 limit. The House gift rules were further loosened in the area of charitable events, allowing Members and staff to accept free travel and lodging in order to attend a charitable fundraising event.

On April 11, 2003, the House Committee on Standards of Official Conduct issued an Advisory Memorandum known as a "Pink Sheet" (available at http://www.house.gov/ethics/m_gift_rule_amendments.htm) clarifying the application of these amendments to the gift rule. The Committee placed the following conditions upon acceptance of perishable food:

- Staff members who are offered a gift of perishable food must learn both the identity of the donor and the dollar value of the food provided in order to properly count it against their \$50 gift limits.
- A staff member may not accept gifts of perishable food—even if valued at less than \$10 and therefore not counted against the \$50 limit—from any one source on a repetitive basis.
- A gift of food sent to a House office for staff, even if within the dollar limits of the gift rule, must be refused entirely if the person offering the food has a direct interest in the particular legislation or other official business on which staff is working at the time.
- A Member or a staff person may never request or suggest that anyone send a gift of food to a House office.

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The Committee also provided the following advice with regard to charitable events:

- An event is a "charity event" for purposes of the rule only if the primary purpose of the event is to raise funds for charity (e.g., attendees pay an admission fee, and more than half of the fee paid is tax deductible as a charitable donation); the mere fact that a donation to charity will result from an event does not necessarily mean that the exception will apply.
- Expenses may be accepted only from the beneficiary charity and may not be accepted if those expenses would be paid using charitable donations that were earmarked, either formally or informally, for payment of expenses of congressional participants.
- An invitation to the event may be accepted only from the beneficiary charity.
- A Member or staff person may only accept travel and lodging expenses that are reasonably necessary for the individual to attend the event (e.g., only one night of lodging, or at most two, will be necessary to attend any charity event).
- Any meals—beyond those at the charity event that are taken in a group setting with the other attendees—as well as any other things of value may only be accepted if otherwise permitted under the House gift rules (e.g., the \$50 gift limit).