

## United States Senate

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

June 22, 2015

William R. Sweeney, Jr.  
International Foundation for Electoral Systems  
1850 K Street NW, Fifth Floor  
Washington, DC 20006

Dear Mr. Sweeney:

This is in response to your recent letter to the Select Committee on Ethics (the Committee) concerning the attendance of Senators and staff at the Sixth Annual Charles T. Manatt Democracy Awards Dinner (the Dinner), sponsored by the International Foundation for Electoral Systems (IFES), in Washington, D.C., on September 29, 2015. You seek the Committee's guidance regarding whether Members and staff of the Senate may accept free attendance at the Dinner from IFES.

According to your letter, the background in this matter is as follows. IFES is a § 501(c)(3) organization that was established in 1987 to provide electoral assistance to emerging democracies. IFES is not a registered lobbyist or foreign agent and does not retain or employ a registered lobbyist or foreign agent. The Dinner will honor members of the international community who have demonstrated unwavering commitment to freedom and democracy and IFES will present non-monetary awards to one Republican, one Democrat, and a member of the international community in recognition of their public service. IFES plans to invite other Members of the Senate and House of Representatives and expects between 250 and 300 persons to attend the event from all branches of government, the diplomatic community, and the general public. The Dinner consists of welcoming remarks by IFES officials, as well as remarks from the award winners, and a seated dinner.

Senate Rule 35 (the Gifts Rule) 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 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. Paragraph 1(d)(1) of Senate Rule 35 provides:

A Member, officer, or employee may accept an 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, if –

(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting

information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, official's, or employee's official position; or

- (B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

Senate Rule 35, paragraph 1(d)(4) states further 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." Paragraph 1(d)(2) of Senate Rule 35 also 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.

Under these provisions, a Senate Member, officer or employee may accept an unsolicited offer of free attendance at a widely-attended event only from the sponsor or sponsors of the event. An offer of free attendance from anyone other than the sponsors would be a gift that could not be accepted by a Senate Member, officer, or employee, unless the face value of the ticket is less than \$50 and provided that the gift is not from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal. For purposes of the Gifts Rule, an individual or company does not become a "sponsor" of an event merely by donating goods or money for, or purchasing tickets to, an event.

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.

Based upon the information you provided, it appears that expected attendance at the event described will include at least 25 persons from outside Congress representing a range of interests. Under these circumstances, it appears that the event will be consistent with Senate Rule 35, paragraph 1(d)(1) relating to widely-attended events. Thus, as a threshold matter, it appears that IFES's unsolicited invitation to attend the event in compliance with paragraph 1(d)(1) of the Gifts Rule.

Because it is impossible for the Committee to know the exact circumstances surrounding a Member, officer, or employee's attendance at this event, the determination that (a) a Member, officer, or employee is performing a ceremonial role, or (b) the event is appropriate to the performance of a Member, officer, or employee's official duties, or representative functions, must be made by the Member, officer, or employee involved. Once this determination is made, then it would be consistent with paragraph 1(d)(1) of the Gifts Rule, for a Member, officer, or employee to attend the event.

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,



Deborah Sue Mayer  
Chief Counsel and Staff Director