



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

September 16, 2021

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U.S. House of Representatives
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Dear Mr. Ashmawy,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We request the Office of Congressional Ethics immediately investigate New York Representative Alexandria Ocasio-Cortez for violating House Ethics rules.

Gift Rule. House Rule 25 prohibits a Member from accepting any gift unless the gift is specifically allowed under one of the listed exceptions.¹ A “gift” is defined in “an extremely broad manner” and includes “a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.”² It also includes “gifts of service, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.”³

“The rule is comprehensive, i.e., a House Member or staff person may not accept anything of value from anyone – whether in one’s personal life or one’s official life – unless acceptance is allowed under one of the rule’s provisions.”⁴ The exceptions, which are each subject to their own rules and definitions, are:

¹ House Rule 25(5)(a)(1)(A)(i); U.S. House of Reps. Comm. on Standards of Ethical Conduct, House Ethics Manual, at 30 (2008 ed.), available at: https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf.

² House Ethics Manual, at 31 (quoting House Rule 25, clause 5(a)(2)(A)).

³ *Id.*

⁴ *Id.*, at 30.

- (1) A Gift Valued at Less Than \$50⁵;
- (2) An Item of Nominal Value
- (3) Gifts from Relatives
- (4) Gifts Based on Personal Friendship⁶
- (5) Gifts from other Members, Officers, or Employees
- (6) Gifts of Personal Hospitality
- (7) Gifts from Federal, State, or Local Governments
- (8) Gifts from Foreign Governments and International Organizations
- (9) Home State Products
- (10) Free Attendance at Specific Types of Events
- (11) Business Meetings
- (12) Informational Materials
- (13) Commemorative Items
- (14) Gifts from Outside Business and Other Activities
- (15) Benefits from Previous Employers
- (16) Legal Expenses
- (17) Honorary Degrees
- (18) Public Service Awards
- (19) Widely Available Opportunities and Benefits
- (20) Loans From Banks or Financial Institutions at Commercial Rates
- (21) Awards, Prizes, and Raffles
- (22) Campaign Contributions
- (23) Bequests and Inheritances
- (24) Artwork and Other Gifts of Unusual Nature on Loan to the House and Displayed in the Member's Office
- (25) General Waiver
- (26) Special Occasion Gift Waiver

Moreover, even though an exception listed above may appear to apply, the gift may still be impermissible under other provisions of the gift rule.⁷

⁵ A gift valued at under \$50 must be from a source that is not a registered lobbyist, foreign agent, or private entity that retains or employs such individuals. House Ethics Manual, at 34. "The cumulative value of gifts that may be accepted from any one source in a calendar year must be less than \$100. Gifts having a value of less than \$10 do not count toward the annual limit." *Id.*

⁶ House Ethics Manual, at 39. The gift must be under \$250, unless approved by the House Standards Committee. *Id.* In determining whether the gift is provided on the basis of a personal friendship, the following factors must be considered: (1) the history of the Member's relationship with the donor, including time and any previous exchange of gifts; (2) whether the gift was paid for by the donor's personal funds or the ultimate source or payment was from a business reimbursement or source; and (3) whether the donor at the same time gave the same or similar gifts to other Members or staff. *Id.*

⁷ For instance, Members are required to abide by the spirit as well as the letter of the rules, and therefore cannot accept a gift that violates the intent of the rules. House Ethics Manual, at 38. Additionally, there are other applicable provisions of the gift rule that may prevent an exception from applying to a specific gift, i.e. the source of the gift.

“Accordingly, when a Member, officer, or employee is offered a tangible item, a service, or anything else, he or she must first determine whether the item has monetary value. If it does, then the individual may accept it only in accordance with provisions of the gift rule. This is so even if the donor obtained the gift without charge.”⁸

Facts. On September 13, 2021, Representative Ocasio-Cortez attended the Met Gala, an event she described as “elite and inaccessible.”⁹ The event is held to raise funds for the Metropolitan Museum of Art’s Costume Institute and is described as the “Oscars of fashion.”¹⁰ Tickets to the event are \$35,000 each, or \$200,000 to \$300,000 per table.¹¹

Ocasio-Cortez reportedly did not buy her ticket to the event and was seated “at the table of Anna Wintour, the editor of Vogue and artistic director of Condé Nast, who is the longtime co-host of the gala.”¹² Additionally, Ocasio-Cortez stated she “borrowed” a formal dress from the company Brother Vellies¹³ and she was given jewelry valued at \$515 from the company Mujuri to wear to the event.¹⁴ Ocasio-Cortez further stated in a social media post that she had a hair and makeup team for the event,¹⁵ reported to be a Vogue hair stylist and a makeup artist from the cosmetics company, Bobbi Brown.¹⁶

⁸ House Ethics Manual, at 31. The ethics rules provide the following example to demonstrate that even if the gift-giver obtained the gift without charge, the gift is prohibited: “A Member has been invited to play golf by an acquaintance who belongs to a country club, and under the rules of the club, the guest of a club member plays without any fee. Nevertheless, the Member’s use of the course would be deemed a gift to the Member from his host, having a value of the amount that the country club generally charges for a round of golf.” *Id.*, at 32.

⁹ Sandra Salute and Jennifer Smith, *Vogue Didn’t Pay for AOC to Attend Met Gala Despite Claim*, Daily Mail, Sept. 14, 2021, available at <https://www.dailymail.co.uk/news/article-9990919/Vogue-didnt-pay-AOC-attend-Met-Gala-despite-claim-invited-official.html>.

¹⁰ *Id.*; Annie Karni, *A.O.C.’s Met Gala Dress Triggered Strong Reactions*, New York Times, Sept. 15, 2021, available at <https://www.nytimes.com/2021/09/15/style/aoc-met-gala-dress.html>.

¹¹ *Id.*

¹² Annie Karni, *A.O.C.’s Met Gala Dress Triggered Strong Reactions*, New York Times, Sept. 15, 2021, available at <https://www.nytimes.com/2021/09/15/style/aoc-met-gala-dress.html>.

¹³ Alexandria Ocasio-Cortez, Instagram, Sept. 14, 2021, available at: <https://www.instagram.com/p/CTybzXHAHYh/>; Emily Smith, *AOC Bagged Free Bling to Complement Her ‘Tax the Rich’ Dress at the Met Gala*, New York Post, Sept. 14, 2021, available at: <https://nypost.com/2021/09/14/aoc-bagged-free-bling-to-complement-her-tax-the-rich-dress-at-the-met-gala/>.

¹⁴ Sandra Salute and Jennifer Smith, *Vogue Didn’t Pay for AOC to Attend Met Gala Despite Claim*, Daily Mail, Sept. 14, 2021, available at <https://www.dailymail.co.uk/news/article-9990919/Vogue-didnt-pay-AOC-attend-Met-Gala-despite-claim-invited-official.html>; Emily Smith, *AOC Bagged Free Bling to Complement her ‘Tax the Rich’ Dress at the Met Gala*, New York Post, Sept. 14, 2021, available at: <https://nypost.com/2021/09/14/aoc-bagged-free-bling-to-complement-her-tax-the-rich-dress-at-the-met-gala/>.

¹⁵ Emily Smith, *AOC Bagged Free Bling to Complement Her ‘Tax the Rich’ Dress at the Met Gala*, New York Post, Sept. 14, 2021, available at: <https://nypost.com/2021/09/14/aoc-bagged-free-bling-to-complement-her-tax-the-rich-dress-at-the-met-gala/>; Alexandria Ocasio-Cortez, Instagram, Sept. 14, 2021, available at: <https://www.instagram.com/p/CTybzXHAHYh/>.

¹⁶ Christina Coulter, *Socialist AOC’s Free Bling: Lawmaker Wore \$450 Earrings and \$614 Shoes to Met Gala*, Daily Mail, Sept. 14, 2021, available at: <https://www.dailymail.co.uk/news/article-9991549/Self-proclaimed-socialist-AOC-bagged-free-Mejuri-jewelry-wearing-Tax-Rich-dress.html>.

Analysis. As set forth in the House Ethics Manual, the following analysis is applied any time a Member is offered anything: (1) does it have monetary value? If so (2) does it fall within one of the exceptions to the gift rule?¹⁷ In this case, both the items and services Ocasio-Cortez used for the event, as well as the ticket to the event, had monetary value. While it is conceivable the ticket to the event may have fallen under one of the exceptions,¹⁸ there does not appear to be any applicable exception for any of the services or tangible items she accepted for free.

1. Services and Items. The dress and jewelry Ocasio-Cortez wore to the event were tangible items with monetary value. The jewelry company issued a press release stating the value of the jewelry was \$515 and reportedly the dress was “custom-made” for Ocasio-Cortez and worth “hundreds of thousands of dollars.”¹⁹ Additionally, Ocasio-Cortez used shoes valued at \$614 and a bag from the same company that made her dress.²⁰ She also noted that she used separate hair and make-up services for the event.²¹

The use of these tangible items and services has value and it does not appear that any of the exceptions to the gift rule would apply. It does not matter whether the items were “borrowed”—the use of an item confers a benefit upon the Member that is a gift under the ethics rules. Specifically the ethics rules provide that any tangible item is a gift if it is used.²² Moreover, using these types of items for a short period of time certainly has value, which is clearly demonstrated by the common practice of renting formalwear. In this case, if she would not have “borrowed” the items then she presumably would have either rented or purchased the items herself.

Finally, even if the gift-givers had obtained the clothing items and jewelry without cost, loaning the items to Ocasio-Cortez would still qualify as a gift. The value of the gift is not determined by the cost paid by the gift-giver, but rather whether the gift has value.²³ For

¹⁷ House Ethics Manual, at 31.

¹⁸ Even if a gift could fall under one of the exceptions, does not mean that it is a permissible gift. For instance, the Ethics Manual directs Members to “[n]ever accept a gift that is linked to any official action you have taken, or that you are being asked to take.” House Ethics Manual, at 25. In this case Ocasio-Cortez stated she was invited as an elected official of New York and “NYC elected officials are regularly invited to and attend the Met due to our responsibilities in overseeing our city’s cultural institutions that serve the public. I was one of several in attendance.” Alexandria Ocasio-Cortez, Instagram, Sept. 14, 2021, available at: <https://www.instagram.com/p/CTybzXHAHYh/>.

¹⁹ Emily Smith, *AOC Bagged Free Bling to Complement Her ‘Tax the Rich’ Dress at the Met Gala*, New York Post, Sept. 14, 2021, available at: <https://nypost.com/2021/09/14/aoc-bagged-free-bling-to-complement-her-tax-the-rich-dress-at-the-met-gala/>; Christina Coulter, *Socialist AOC’s Free Bling: Lawmaker Wore \$450 Earrings and \$614 Shoes to Met Gala*, Daily Mail, Sept. 14, 2021, available at: <https://www.dailymail.co.uk/news/article-9991549/Self-proclaimed-socialist-AOC-bagged-free-Mejuri-jewelry-wearing-Tax-Rich-dress.html>.

²⁰ *Id.*

²¹ Alexandria Ocasio-Cortez, Instagram, Sept. 14, 2021, available at: <https://www.instagram.com/p/CTybzXHAHYh/>.

²² Any tangible item that a Member receives is a gift unless the Member “**does not use [it]** and promptly returns it to the donor.” House Ethics Manual, at 74 (emphasis added).

²³ House Ethics Manual, at 31.

instance, the ethics rules provide the following example to demonstrate that even if the gift-giver obtained the gift without charge, the gift is prohibited:

“A Member has been invited to play golf by an acquaintance who belongs to a country club, and under the rules of the club, the guest of a club member plays without any fee. Nevertheless, the Member’s use of the course would be deemed a gift to the Member from his host, having a value of the amount that the country club generally charges for a round of golf.”²⁴

In this case, Ocasio-Cortez stated that she “borrowed” tangible items, clearly indicating she did not pay for their use. The Office of Congressional Ethics should investigate all of the services and items Ocasio-Cortez received in conjunction with this event to determine whether they were impermissible gifts.

2. Event Attendance. The value of an individual ticket to the Met Gala is estimated at \$35,000, and a table sponsorship is over \$200,000. A Member may attend a charity event “to lend their names to legitimate charitable enterprises and otherwise promote charitable goals.”²⁵ In order for the “charity event” exception to apply, (1) the event organizer must have issued the invitation; and (2) the event’s primary purpose is to raise funds for a tax-exempt charitable organization. In the present case, it is not entirely clear how the invitations process worked. While the event is held to benefit the Metropolitan Museum of Art, it is organized by a for-profit company, Conde-Nast, and all invitations must be approved by a single individual, Anna Wintour. Therefore, the Office of Congressional Ethics should investigate to determine whether both of the qualifications for a charitable event exception were met.

Even if both the qualifications for the charitable event exception were met, it is only a permitted gift if it does not violate any other provisions of the gift rule. For instance, Members are not allowed to accept a gift if the gift-giver has business before Congress.²⁶ In this case, Ocasio-Cortez herself stated that she was invited to the lavish event because she was an “elected official” with “responsibilities in overseeing” the Metropolitan Museum of Art.²⁷ The Office of Congressional Ethics should investigate whether, even if this was a charitable event, the gift was prohibited under other provisions of the gift rule.

²⁴ *Id.*, at 32.

²⁵ *Id.*, at 44.

²⁶ Members are to “[n]ever accept a gift that is linked to any official action you have taken, or that you are being asked to take.” House Ethics Manual, at 25. Accepting gifts does not only create an appearance problem, but it impacts policy even if only in a subtle and indirect way. *Id.* at 28. Through gifts, the gift-giver buys access and power. *Id.* Even if the gift only results in good will, it can mean the difference between having a phone call returned or a letter taken seriously, which “can translate to millions, even billions of dollars, at the expense of ordinary Americans who have no lobbyists to represent them.” *Id.*

²⁷ Ocasio-Cortez stated she was invited as an elected official of New York and “NYC elected officials are regularly invited to and attend the Met due to our responsibilities in overseeing our city’s cultural institutions that serve the public. I was one of several in attendance.” Alexandria Ocasio-Cortez, Instagram, Sept. 14, 2021, available at: <https://www.instagram.com/p/CTybzXHAHYh/>.

Conclusion. The House Ethics rules serve to guard the public trust in elected officials.²⁸ It is especially damaging to the public trust if it appears that our political leaders are cashing in on their elected position, are obtaining gifts, or are being granted access to “elite and inaccessible” events. Violations of these rules are serious and cannot be overlooked. In the present case, the public is well aware that Ocasio-Cortez attended a prestigious event because of her position as a Member and that she stated she did not pay for the items she used for the event. We request the Office of Congressional Ethics immediately investigate whether Representative Ocasio-Cortez violated the gift rule and act accordingly.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,

/s/ Kendra Arnold

Kendra Arnold

Executive Director

Foundation for Accountability & Civic Trust

²⁸ House Ethics Manual, at 23.