



Office of Congressional Ethics  
U.S. House of Representatives  
P.O. Box 895  
Washington, DC 20515-0895  
Via email: oce@mail.house.gov

RE: ETHICS VIOLATIONS BY REPRESENTATIVE ALEXANDRIA OCASIO-CORTEZ

The American Accountability Foundation is writing today to request that you immediately open an investigation of Representative Alexandria Ocasio-Cortez (NY-14) for accepting an impermissible gift to attend the Metropolitan Museum of Art's Costume Institute Gala (the Met Gala). If during your investigation you discover any possible violations of campaign finance law, we urge you to share that information with the Federal Elections Commission.

Specifically, we believe Representative Ocasio-Cortez has violated clause 5 of Rule XXV of the Rules of the House of Representatives (commonly known as the Gift Rule) by accepting admission to the Met Gala, an event whose per seat costs is reported to range from \$35,000 to \$50,000, without having a permissible exemption to allow the acceptance of the lavish gift. If Representative Ocasio-Cortez has used campaign funds to pay for this ticket, she has also violated FEC prohibitions on campaign funds being used for entertainment purposes.

Without prompt investigation and enforcement of Congressional Rules, the American people are likely to lose faith in the ability of Congress to police its members.

GIFT RULE BACKGROUND

The House of Representatives has long had a gift rule in place to govern the conduct of Members and prevent the Members from accepting gifts that result only from their position of public trust and are not widely available to the public.

The House Ethics Committee is clear on what constitutes a gift: <sup>1</sup>

*A gift is something with monetary value for which you do not have to pay. Gifts include gratuities, favors, discounts, entertainment, hospitality, loans, forbearances, services, training, travel expenses, in-kind contributions, advanced payments, and reimbursements after the fact.*

---

<sup>1</sup> [Gifts Guidance](#), Committee on Ethics Accessed September 14, 2021

The Rule is also clear that Members cannot accept gifts:<sup>2</sup>

*A Member, officer, or employee may not accept any gift, except as the rule specifically provides. Thus, unless a gift falls into one of the categories of acceptable gifts, it may not be accepted. In addition to the prohibition on lobbyists and foreign agent gifts under the general gift rule provision, the rule also expressly prohibits the acceptance of certain other gifts from registered lobbyists and foreign agents.*

### **Heightened Concerns About Lobbyists Giving Gifts**

In addition to general concerns about the influence of gifts on lawmakers, the drafters of the House Gift Rule were particularly concerned about the pernicious influence lobbyists giving gifts could have on the process. As the House Ethics Committee notes in its history of the rule: <sup>3</sup>

*“[I]t seems appropriate to single out registered lobbyists and foreign agents for special treatment, because this category includes people who are, by definition, in the business of seeking to influence the outcome of public policy decisions. Because registered lobbyists and foreign agents are paid to influence the actions of public officials, including legislative branch officials, their gifts are uniquely susceptible to the appearance that they are intended to purchase access or influence.”*

...

*One proponent described the subtle and problematic ways that gifts from lobbyists buy access and ultimately power through building goodwill. “It can mean the difference between getting your calls returned or your letter taken seriously, and that can translate into millions, even billions of dollars, at the expense of ordinary Americans who have no lobbyists to represent them.” To Limit the Acceptance of Gifts, Meals, and Travel by Members of Congress and Congressional Staff, and for Other Purposes: Hearing on S. 885 Before the Subcomm. on Oversight of the Senate of the S. Comm. on Gov’t Affairs, 103d Cong., 5-6 (1993) (statement of Sen. Lautenberg).*

### **Exceptions**

As noted, the guidance also outlines a variety of exemptions to the rule, the relevant section here being its guidance on “Free Attendance At Events” including:

- i. Receptions*
- ii. Widely-Attended Events*
- iii. Events with Constituent Groups*
- iv. Educational Events*
- v. Training in the Interest of the House*
- vi. Charity Events*

<sup>2</sup> [FAQs About Gifts](#), Committee on Ethics Accessed September 14, 2021

<sup>3</sup> *Ibid* Gift Guidance

- vii. Events Sponsored by Political Organizations
- viii. Events in Honor of Members, Officers, and Employees
- ix. Inaugural and Swearing-In Events
- x. Events During National Political Conventions

## THE MET GALA

As has been widely publicized, Representative Ocasio-Cortez on September 13, 2021 attended the Met Gala. She proactively stated that she attended the as part of her official duties conducting oversight:<sup>4</sup>



Since Representative Ocasio-Cortez is defining her attendance at the Met Gala to be part of her official activities, the receipt of the gift must fall under the widely-attended event or charity event exemptions as defined in House Rule 25.5(a)(4):

- (4)(A) A Member, Delegate, Resident Commissioner, officer, or employee of the House 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—*
- (i) the Member, Delegate, Resident Commissioner, officer, or employee of the House 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 official position of such individual; or*
  - (ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, Delegate, Resident Commissioner, officer, or employee of the House.*
- (B) A Member, Delegate, Resident Commissioner, officer, or employee of the House who attends an event described in subdivision (A) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.*

<sup>4</sup> <https://twitter.com/AOC/status/1437638740009160705>

*(C) A Member, Delegate, Resident Commissioner, officer, or employee of the House, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event unless —*

- (i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;*
- (ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and*
- (iii) the offer of free attendance at the event is made by such organization.*

*(D) In this paragraph the term "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. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.*

AOC's invite fails on both the widely-attended event exemption and the charitable entity exemption. On the widely-attended event exemption, House Ethics Guidance states, the event, "be open to the public or to a wide range of individuals."<sup>5</sup> The New York Times quickly puts to rest any misunderstanding that the public or a wide range of individuals are invited to this event stating:<sup>6</sup>

*Who does get to go?*

*This year, about 400 Chosen Ones, on a guest list guarded with the obsessive secrecy of the Illuminati members roll. But keep an eye out for Tracee Ellis Ross, ASAP Rocky, Lourdes Leon, Taraji P. Henson and Simone Biles.*

The secrecy and vetting associated with the dispensing of invitations also alludes to the failing of the second exemption that could be employed, the charity event exemption. As subsection iii of the rules states, "*the offer of free attendance at the event is made by such organization.*" Further guidance by the Ethics Committee on the rule states:<sup>7</sup>

*A charity fundraising event must meet the following criteria.*

*You are invited by the event organizer directly, and*

*The event organizer is the organization(s) doing the work to put the event on, not a monetary event sponsor or table sponsor.*

---

<sup>5</sup> [Highlights of the House Ethics Rules](#), Accessed September 14, 2021

<sup>6</sup> Friedman, V. (2021, September 10). Everything you need to know about the Met GALA 2021. The New York Times. Retrieved September 14, 2021, from <https://www.nytimes.com/2021/09/10/style/met-gala-vogue-american-fashion.html>.

<sup>7</sup> House Ethics Manual, [Charity Events](#), Accessed September 14, 2021

Importantly here, while the individual's invitations may bear the name of the Metropolitan Museum of Art, the Museum has ceded control over the invitations to a for-profit company, specifically Conde Nast, and to its Chief Content Officer, Anna Wintour.<sup>8</sup> Again the New York Times outlines that the Met does not have control over who is invited to the event, but rather the for-profit company, is in control of who gets invited:<sup>9</sup>

*OK, what if I want to go?*

*Good luck. Unlike other cultural fund-raisers, like the Metropolitan Opera gala or the Frick Collection Young Fellows ball, the Met gala is invitation only.*

*Qualifications for inclusion have to do with buzz and achievement (and beauty) — a.k.a., the gospel according to Anna — more than money. **Ms. Wintour has final say over every invitation and attendee, which means that even if a company buys a table, it cannot choose everyone who sits at its table. It must clear the quest with her and Vogue and pray for approval.***

This makes it clear that the functional control over the invitation that was extended to Representative Ocasio-Cortez was exercised not by the sponsor of the event, but rather by the agent of a for-profit company, in this case Anna Wintour and Conde Nast, likely in collaboration with the purchaser of the tickets for the table.

### **Table Sponsorship**

Sponsorship of tables are a common practice at the Met Gala. As the New York Times notes,<sup>10</sup>

*Holy museum shows, Batman! That's a lot of money. How much does the gala cost? Tickets are \$35,000 apiece, **and tables range from \$200,000 to \$300,000.***

This year one of the most noteworthy sponsors of the Gala was Instagram, who sponsored a celebrity filled table.<sup>11</sup> Instagram is subject to heavy regulation and legislation in Congress and by sponsoring the secretive invite only Gala, Instagram was able to purchase access to Representative Ocasio-Cortez that is unavailable to average citizens. Further Representative Ocasio-Cortez has yet to disclose who sponsored the table she sat at, a party that would have had extended uninterrupted access to lobbying the Representative on any number of policy issues. This is in addition to the lobbying that the Metropolitan Museum of Art, which retains

<sup>8</sup> Alpert, L. I. (2020, December 15). *Vogue's Anna Wintour promoted to chief content officer for Condé Nast*. The Wall Street Journal. Retrieved September 14, 2021, from <https://www.wsj.com/articles/vogues-anna-wintour-promoted-to-chief-content-officer-for-conde-nast-11608045300>

<sup>9</sup> *Ibid* Friedman

<sup>10</sup> *Ibid* Friedman

<sup>11</sup> Yahoo! (n.d.). *Instagram's met GALA 2021 Table took the best class photo With Meg THEE Stallion, SAWEETIE & more*. Yahoo! Retrieved September 14, 2021, from <https://www.yahoo.com/lifestyle/instagram-met-gala-2021-table-120611343.html>

federal lobbyists, could have done last night.<sup>12</sup> To assure the public that there was no improper benefit received, Representative Ocasio-Cortez must disclose all correspondence and interactions she had with companies and individuals in securing an invitation to the Met Gala as part of your investigation.

#### CAMPAIGN FUNDS PROVIDE NO RELIEF

There has been speculation that Representative Ocasio-Cortez may have paid for the tickets to the Gala with campaign funds, if this is true, then she has violated FEC guidelines and the matter should be referred to the Federal Election Commission for an enforcement action.

The Met Gala was clearly an entertainment event, evidenced by the fact that its participants are nearly entirely in the entertainment industry. As Vogue points out this is an event that centers around entertainment, “The event welcomes stars, young creatives, and industry paragons.”<sup>13</sup> Were there any doubt that last night’s event was an entertainment function:<sup>14</sup>

*[Justin Bieber] took the stage at the Metropolitan Museum of Art’s Temple of Dendur to perform four of his biggest hits, including “Lonely,” “Hold On,” “Anyone,” and—a real throwback treat—“Baby.”*

As the FEC notes, Entertainment expenses are not a permissible use of campaign funds:<sup>15</sup>

#### *Entertainment*

*The campaign may not pay for admission to sporting events, concerts, theater and other forms of entertainment. Campaign funds may be used, however, if the entertainment is part of a specific officeholder or campaign activity. They may not be used for a leisure outing at which the discussion occasionally focuses on the campaign or official functions.*

Unless the organizers of the Met want to convert the Met Gala to an event centered on Representative Ocasio-Cortez campaigning (which would be impermissible under their Section 501(c)(3) status) or an official Congressional function, it is impermissible for campaign funds to be used to pay for the Representative’s attendance at a Gala and Justin Bieber concert in Manhattan.

<sup>12</sup> <https://lda.senate.gov/filings/public/filing/b39621fc-dbf3-4505-a427-78b0a8741e72/print/>

<sup>13</sup> Valenti, L., Okwodu, J., Taylor, E., Specter, E., Spellings, S., Andrews, A. F., Allaire, C., Hess, L., Paris, C. V., Newbold, A., Photography by Hunter Abrams and Tyrell Hampton, Satenstein, L., Runway, V., Fequiere, R., Stephanie, P. by D., Ruiz, M., Bennett, A., Borrelli-Persson, L., & Ramzi, L. (n.d.). *Met gala 2021: CELEBRITIES, red Carpet, theme & more*. Vogue. Retrieved September 14, 2021, from <https://www.vogue.com/tag/event/met-gala>

<sup>14</sup> Nast, C. (2021, September 14). *Justin Bieber closed out the Met Gala with a surprise performance*. Vogue. Retrieved September 14, 2021, from <https://www.vogue.com/article/justin-bieber-the-met-gala-surprise-performance>

<sup>15</sup> <https://www.fec.gov/help-candidates-and-committees/making-disbursements/personal-use/>

For all the reasons outlined above, the American Accountability Foundation urges the Office of Congressional Ethics to open an investigation into violations of House Rules and/or Federal Election Commission statutes and regulations associated with Representative Ocasio-Cortez's attendance at the \$35,000 a person Met Gala last night.

Sincerely,  
Thomas H. Jones  
Founder  
American Accountability Foundation