

New *House Ethics Manual*: Can I Buy You a Cup of Coffee? On Second Thought....

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On March 25, the Committee on Standards of Official Conduct, commonly referred to as the House Ethics Committee, released a new and updated version of its *House Ethics Manual*. As expected, the manual incorporated changes to the House ethics rules that were adopted last year. What were more dramatic, however, were changes in interpretations of pre-existing rules.

For example, the House ethics rules have long provided an exception for "[f]ood or refreshments of a nominal value other than as a part of a meal" from the general prohibition on gifts to Members of Congress and staff. But the manual now explains: "It is now impermissible, for example, for a Member or staff person to accept food or refreshments under this provision in a one-on-one setting with a registered lobbyist." The Manual notes in a footnote that this is a new interpretation that the ethics committee intends to apply prospectively.

In addition, the Senate Select Committee on Ethics appears to have taken a similar approach in a letter dated February 4. The letter explains the full extent of its "no cup of coffee rule" by contrasting it with a newly, more narrowly, crafted exception: "This exception also includes food and drink of nominal value at an organized event, media interview, or other appearance where such items are customarily provided to speakers, panelists, and participants. This would, for example, allow a Member to accept a cup of coffee while appearing on a Sunday television news program—otherwise forbidden since the television networks employ lobbyists."

In short, not only have the rules changed, but interpretations of the

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rules also appear to be changing. If you are planning any activity that could implicate the congressional ethics rules, be sure to consult this and other guidance that continues to emerge from the House and Senate ethics committees.

The new *House Ethics Manual* can be found [here](#). The Senate February 4 letter was discussed in the March 2008 issue of *Election Law News*. For a new memo from the House Ethics Committee on campaign activity, [click here](#).