



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF
Director

WASHINGTON, D.C. 20544

March 23, 2023

Honorable Sheldon Whitehouse
Chair
Subcommittee on Federal Courts, Oversight,
Agency Action, and Federal Rights
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letter dated February 21, 2023, and to provide an update on the actions taken by the Judicial Conference of the United States Committee on Financial Disclosure to clarify its regulations on “personal hospitality.” The Committee’s revisions to its regulations went into effect on March 14, 2023.

As noted in my April 29, 2022 letter to you, I asked the Committee on Financial Disclosure to provide guidance on “whether ‘personal hospitality’ may encompass hospitality extended at a commercial property such as a resort” and whether hospitality for which a “third party reimburses the host for the costs” would fall outside the scope of the reporting exemption. Over the past several months, the Committee has considered this matter. The Committee addressed these questions most recently at its meeting in January 2023 and revised the guidance, which clarifies that “the reporting exemption does not include . . . gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or gifts extended at a commercial property, *e.g.*, a resort or restaurant”

The following definition of “personal hospitality of any individual” now appears in the Judicial Conference regulations:

Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.

Notes:

- (1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:
 - gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;
 - gifts extended for a business purpose;
 - gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family;
 - gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or
 - gifts extended at a commercial property, e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose.
- (2) A judicial officer or employee is not permitted to solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judge's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference's regulations. **See:** [5 U.S.C. § 7353](#); [Guide, Vol. 2C, Ch.6](#).

Guide to Judiciary Policy, Vol. 2D, Ch. 1, § 170.

In your February 21, 2023, letter, you urged the Committee on Financial Disclosure to clarify that the “‘personal’ nature of ‘personal hospitality’ is not determined by the invitation being delivered personally, but by the personal nature of the judge’s relationship with the host.” The Committee’s guidance makes this clear.

In addition, you asked for copies of “unpublished opinions that may be relevant to these questions about the personal hospitality exemption.” The Committee on Codes of Conduct does not have jurisdiction to issue public or private advisory opinions interpreting the “personal hospitality” exemption in the Ethics in Government Act. Rather, its jurisdiction is limited to issuing advisory opinions regarding the codes of conduct that have been adopted by the Judicial Conference, Titles III (relating to gifts to federal employees) and VI (relating to limitations on outside earned income, honoraria, and outside employment) of the Ethics Reform Act of 1989,

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and the regulations promulgated by the Judicial Conference under those titles of the Ethics Reform Act. All relevant ethics guidance is already incorporated into the Committee's large body of published advisory opinions, *see* [Published Advisory Opinions | United States Courts \(uscourts.gov\)](https://www.uscourts.gov). This is consistent with the Committee's jurisdiction to publish advisory opinions on issues of broad application that reflect the Committee's confidential advice. Furthermore, the Judicial Conference Regulations on Gifts explicitly provide that "Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts." *Guide to Judiciary Policy*, Vol. 2C, Ch. 6, § 620.50.

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through the Office of Legislative Affairs at 202-502-1700.

Sincerely,



Roslynn R. Mauskopf
Director

cc: Honorable John Kennedy
Honorable Henry C. "Hank" Johnson, Jr
Honorable Darrell Issa