



GIFTS

Quick Reference

General Rule

General Rule: Other than from a lobbyist or a foreign agent or an entity that employs or retains such individuals, Members and staff may accept any gift, other than cash or cash equivalent, valued at less than \$50.

- Subject to the annual limit of less than \$100 per source (excluding gifts less than \$10).

Members and staff *may not* accept any gift from a lobbyist or a foreign agent or an entity that employs or retains such individuals, *unless* a specific exception to the Gifts Rule applies. However, lobbyists and foreign agents may *never* provide gifts of personal hospitality or contributions to a legal expense defense fund. Lobbyists and foreign agents are also prohibited from contributing to a charity maintained or controlled by a Member or employee (unless it is a charitable contribution in lieu of honoraria).

Gifts to Family Members: As a general matter, a gift to a Member or employee's spouse, dependent child, or other family member is subject to the Gifts Rule **only** when the Member or employee knows about the gift, agrees to accept it, and has a reason to believe the gift was given because of the official's position. Even if a gift to a family member would be attributed to a Member or employee, a gift that falls within one of the specific exceptions to the rule may be accepted.

Common Exceptions

Gifts from Relatives: Members and staff may accept any gift given by a relative (including in-laws and fiancés) regardless of value.

Personal Friendship: Members and staff may accept a gift that is given on the basis of personal friendship, unless there is reason to believe that the gift was provided because of the individual's official position. Questions to ask: Has the donor personally paid for the gift? Have you previously exchanged gifts? Has the donor provided the same gift to other Members and staff? Prior, written approval from the Committee is necessary before accepting gifts exceeding \$250 in value.

Personal Hospitality: Members and staff may accept personal hospitality (including food, lodging, and entertainment) provided by an individual, other than lobbyist or a foreign agent, at the person's residence. The residence may not be rented out to others by the individual providing the hospitality.

Gifts from Colleagues: Members and staff may accept a gift from another Member, officer, or employee of the House or Senate. While federal law prohibits federal employees from giving gifts to their superiors, the Committee has given permission for acceptance of gifts between Members, officers, and employees on special occasions, such as weddings, birthdays, anniversaries, or holidays.

Government Gifts: Members and staff may accept a gift paid for by federal, state, or local government. This includes gifts from public universities and federally-recognized Native American Indian Tribes.

Gifts from Foreign Governments: The Foreign Gifts and Decorations Act (FGDA) authorizes the acceptance of gifts less than \$100, when given as a souvenir or mark of courtesy. Members and staff may accept, but not retain, gifts over \$100 when refusal would cause offense or embarrassment. Within 60 days of acceptance, the recipient must turn over the gift to the Secretary of the Senate for disposal and disclose it to the Ethics Committee. The Mutual Education and Cultural Exchange Act (MECEA) allows Members and staff to accept travel expenses from a foreign government. Under MECEA, travel expenses for a spouse or family member *may not* be accepted.

Items of Little Intrinsic Value: Members and staff may accept a greeting card, baseball hat, t-shirt, or non-food items valued less than \$10. Members and staff may accept food, flowers, and other perishable items *delivered to the Senate office* valued less than \$10 as long as not taken as part of a meal.

Benefits Resulting from Outside Activities: Members and staff may accept a gift that is a result of their or their spouse's outside activity or employment, as long as the gift is not offered or enhanced because of the official's Senate employment.

Inheritances or Bequests: They may be accepted and rarely have the potential for a conflict of interest.

Please note that this is not a comprehensive summary of the Senate rules and federal law. Please contact the Ethics Committee at (202) 224-2981 for advice concerning your specific situation.

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Common Exceptions, continued

Home state products: Senate offices may accept donations from the home state, from producers or distributors of those products, that are intended primarily for promotional purposes and that are of minimal value to the individual recipient.

Informational Materials: Senate offices may accept books, articles, and periodicals only from the publisher, author, or producer of the materials.

Commemorative items (e.g., plaque or trophy): This exception is intended solely for presentational items to Members or staff, and they may not have utilitarian or artistic value.

See **Senate Rule 35** for additional exceptions (e.g., widely-available opportunities, training, awards and prizes, etc.)

Attendance at Events

Receptions: Members and staff may accept food and refreshments of a nominal value not as part of a meal. This also includes appetizers, hors d'oeuvres, or a continental breakfast at a morning meeting.

Widely-Attended Events: Members and staff may accept free attendance, including food, refreshments, and informational materials furnished as integral to the event. The offer must come from the overall event sponsor (not a table sponsor); the event must be officially-related; it must include 25 people from outside of Congress; it must be open to the public or wide diversity of individuals interested in a given topic; and it must relate to the Members' or employees' official duties or representational function. Typically, entertainment or sporting events, do not qualify under this exception. Senate personnel may accept free attendance for an accompanying individual.

Charity Events: Members and staff may accept free attendance, including food and refreshments. The offer must come from the overall event sponsor (not a table sponsor) and the primary purpose of the event must be to raise funds for a § 501(c)(3) organization. Senate personnel may accept free attendance for immediate family members. Reimbursement for travel expenses *may not* be accepted for charity events that are substantially recreational in nature.

Campaign or Political Events: Members and staff may accept free attendance, including food and refreshments, at a fundraiser sponsored by a § 527 political organization. Senate personnel may accept a ticket to a campaign fundraiser from sources other than the sponsor. However, only the sponsoring political organization may pay other expenses (non-local transportation, lodging, and food) in connection with attendance at the fundraiser or campaign event.

Constituent Events: Such events must be in the home state and be sponsored by constituents or a group primarily made up of constituents. At least five (5) constituents must be in attendance; no lobbyists or foreign agents may be present at the event; participation at the event must be appropriate to the performance of the Members' or employees' official duties or representative function; and the value of any meal that is provided must be less than \$50.

Privately-Sponsored Travel

In order to accept privately-sponsored travel, each Senate traveler must receive written approval *in advance* from the Ethics Committee. **Each invited Senate traveler must submit a complete travel package at least 30 days before the trip.** Travel reimbursement from a lobbyist or foreign agent is *prohibited*, and their participation in the trip is extremely limited.

A spouse or child (*but not both*) may accompany a traveling Member or staff and have necessary expenses paid by the travel sponsor, if the Senator determines that it would be appropriate in the representation of the Senate.

Within **30 days** of returning from the trip, each traveler must file post-travel documents with *all pre-travel* documents in the Office of Public Records (OPR) in 232 Hart. **See the Committee's regulations and guidance on privately-sponsored travel for more information.**