



U.S. SENATE SELECT COMMITTEE ON ETHICS

Gifts

Quick Reference

General Rule

General Rule: No Member, officer, or employee shall knowingly accept a gift except as provided by Senate Rule 35 (the Gifts Rule). This rule has over 20 exceptions for gifts not offered to influence official action (*see reverse for frequently applicable exceptions*).

- Members, officers, and employees may accept any gift, other than cash or cash equivalent (*e.g.*, gift cards), valued at less than \$50, provided that the source of the gift is not a lobbyist, foreign agent, or private entity that employs or retains such individuals. Such gifts are subject to an annual aggregate limit of less than \$100 per source. Generally, gifts valued at less than \$10 are not counted towards the annual limit.
- Members, officers, and employees may not accept any gift from a lobbyist, foreign agent, or an entity that employs or retains such individuals unless a specific gift exception applies. However, gifts under the personal hospitality exception or contributions to a legal expense fund from lobbyists or foreign agents may never be accepted. Contributions from lobbyists or foreign agents to a charity maintained or controlled by a Member, officer, or employee are also prohibited.

Gifts to Family Members: A gift to a Member's, officer's, or employee's spouse, dependent child, or other family member is subject to Senate Rule 35 if the Member, officer, or employee knows about the gift, agrees to its acceptance, and has reason to believe the gift was given because of their official position. Such gifts may still be accepted if they fall within one of the specific exceptions to Senate Rule 35. Attributed gifts are also subject to applicable financial disclosure reporting requirements.

Attendance at Events

Members, officers, and employees may accept free attendance at an event only if an exception to Senate Rule 35 applies.

Reception: Food and refreshments of a nominal value offered other than as part of a meal (*e.g.*, beverages and hors d'oeuvres).

Widely-Attended Event: Free attendance, including local transportation, food, refreshments, and instructional materials furnished to all attendees as integral to the event. The invitation must come from the overall event sponsor, not a "table sponsor;" the event must include at least 25 people from outside Congress; it must be open to the public, or a range of individuals interested in an issue or from throughout a given industry or profession; it must have a substantive agenda; and it must relate to the Member's, officer's, or employee's official duties. Entertainment or sporting events generally do not qualify under this exception.

Charity Event: Free attendance, including food and refreshments, at an event where the primary purpose is to raise funds for a § 501(c)(3) organization. The offer must come from the overall event sponsor, not a "table sponsor."

Campaign or Political Event: Free attendance, including food and refreshments, at a fundraiser sponsored by a § 527(e) political organization. Senate personnel may accept a ticket to a campaign fundraiser from sources other than the event sponsor.

Constituent Event: Free attendance, including a meal of less than \$50, at an event in the home state and sponsored by constituents or a group primarily made up of constituents. At least five constituents must be in attendance; no lobbyists or foreign agents may be present at the event; and participation at the event must be appropriate to the performance of the Member's, officer's, or employee's official duties or representative function.

Privately-Sponsored Travel

To accept privately-sponsored travel, each Senate traveler must receive written approval in advance from the Select Committee on Ethics (the Committee). To obtain the Committee's approval, 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 such trips is extremely limited.

For a more comprehensive discussion of the rules governing privately-sponsored travel, please refer to the *Regulations and Guidelines for Privately-Sponsored Travel*, and the *Regulations and Guidelines for Privately-Sponsored Travel (Glossary of Terms)*, which are available on the Committee's website, <http://www.ethics.senate.gov>.

Please note that this is intended as a quick reference and does not represent or address all applicable authority and guidance on the subject. For more information, consult the relevant laws, rules, and standards of conduct, including the Senate Ethics Manual, or contact the Committee at (202) 224-2981 for advice concerning your specific situation.

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Frequently Applicable Exceptions

Gifts from Relatives: A gift given by a relative, including in-laws and fiancés, regardless of value. The Committee has also determined that Members, officers, and employees may accept gifts from a person with whom they have “a significant, personal, dating relationship;” however, if the individual giving the gift has a direct interest in legislation or is a foreign national, the gift must be disclosed in writing to and approved by the supervising Senator.

Gifts on the Basis of Personal Friendship: 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 recipient’s official position. To accept a gift exceeding \$250 under this exception, you must obtain written approval from the Committee.

Gifts from Colleagues: A gift from a Member, officer, or employee of the House or Senate, except that Federal law generally prohibits federal employees from accepting gifts from employees who earn less money. Consistent with this law, the Committee has granted Members, officers, and employees permission to accept these gifts on traditional occasions, such as weddings, birthdays, and anniversaries, provided that any gifts are given voluntarily.

Gifts from Governments: Anything paid for by the federal government, or by a state or local government, including gifts from public universities and federally-recognized Native American Tribes.

Gifts from Foreign Governments: The U.S. Constitution prohibits Members, officers, and employees from accepting any gift paid for by a foreign government except as specifically authorized by federal law.

- **The Foreign Gifts and Decorations Act (FGDA)** authorizes the acceptance of gifts of \$100 or less, when given as a souvenir or mark of courtesy. Members, officers, and employees may also accept, but not retain, gifts over \$100 when refusal would cause offense or embarrassment to the U.S. In those cases, within 60 days of acceptance, the recipient must deposit the gift with the Secretary of the Senate and disclose it to the Committee by filing a *Reporting Acceptance of Gifts from a Foreign Government or Multinational Organization Form*. Travel and related expenses may also be accepted for travel that takes place completely outside the United States. Acceptance of such expenses must be disclosed within 30 days of leaving the foreign country.
- **The Mutual Educational and Cultural Exchange Act (MECEA)** allows Members, officers, and employees to accept travel expenses from a foreign government in order to participate in approved MECEA programs. Under MECEA, travel expenses for a spouse or family member may not be accepted. For questions regarding whether a program is approved under MECEA, contact the Congressional Liaison at the U.S. Department of State.

Gifts of Little Intrinsic Value: A gift of little intrinsic value including a greeting card; a baseball cap; a T-shirt; non-food items valued at less than \$10; and food, flowers, and other perishable items delivered to the Senate office valued at less than \$10. Meals delivered to the Senate office may not be accepted under this exception.

Benefits Resulting from Outside Activities: A gift that is a result of a Member’s, officer’s, or employee’s outside activity or employment (or that of their spouse), as long as the gift is not offered or enhanced because of the individual’s Senate position.

Widely Available Opportunities and Benefits: Certain opportunities and benefits available to the general public, to all federal employees, or to all members of an organization unrelated to congressional employment.

Gifts of Personal Hospitality: A gift of personal hospitality, including food, lodging, and entertainment, provided by an individual, other than a lobbyist or foreign agent, at any personal residence that the individual personally owns or leases. This exception does not apply to a residence that the person offering the hospitality rents or leases out to others.

Donated Home State Products: A donation of products (e.g., apples, peanuts, candy) from home state producers or distributors that are intended primarily for promotional purposes, are of minimal value to any individual recipient, and are made available to office visitors for display or distribution.

Informational Materials: A book, article, periodical, other written material, or other form of communication delivered to the Senate office that is given by the publisher, author, or producer of the materials.

See Senate Rule 35 for additional exceptions (e.g., training, awards and prizes, inheritance).