

## NEW ETHICS RULES GIFTS AND EVENTS

### *Some Highlights of Changes to Senate Rules and Applicable Laws and Regulations*

#### **Gifts from Lobbyists or Those Employing Them**

What has changed? As a general rule, Senators and staff can no longer accept gifts of any value from registered lobbyists, agents of foreign principals, or the private entities employing or retaining them. The gift limit is still \$49.99 from all other sources (such as nonprofits, foundations, businesses, and individuals who don't employ or retain registered lobbyists).

However, these limits don't apply if a gift falls under one of 24 specific exceptions. For example, the gift may be accepted—regardless of the source—if it is from a relative or based on personal friendship; if it is part of a training or widely-attended event; or if it consists of informational material or certain home state promotional items. You can find the full list of exceptions to the Gifts Rule at [ethics.senate.gov](http://ethics.senate.gov).

*What if the director of a foundation, which occasionally retains help from a local lobbying shop, goes to Union Station for lunch with a staffer and wants to pick up the \$25 tab. Can the staffer accept? No. Even though the cost of lunch is well under the \$49.99 limit, the director still cannot pay because the foundation retains a lobbyist.*

*What if a community organization gives its Senator a baseball cap at a meeting—can the Senator accept? Yes, if it's a baseball cap given to a specific Senator or staffer (and not a bunch of baseball caps dropped off for the office). That's because whether or not an organization employs a lobbyist, there is a gift rule exception for items of "little intrinsic value" such as baseball caps and t-shirts.*

*What if a staff member is invited to a small stand-up reception hosted by a group of lobbyists. There will be light hors d'oeuvres and drinks served. Can she attend? Yes, even though the hosts are lobbyists, she can attend if the event falls under the exception for events with refreshments that are not part of a meal and are of nominal value.*

#### **New Exception to the Gifts Rule: Constituent Events in Home State**

Are the 24 exceptions to the **Gifts Rule** new? No. In fact, 23 of them are written and interpreted the same as they were before the "Honest Leadership Act" was enacted. The only change to the list is that a new exception for in-state constituent events was added.

Senators and staff members now can accept free attendance at certain in-state conferences, symposiums, panel discussions, forums, dinner events, site visits, viewings, receptions, and other similar events. To qualify, the event cannot serve a meal that costs more than \$49.99. It must be sponsored primarily by constituents, attended by at least five constituents, not attended by registered lobbyists, and must otherwise comply with the requirements of widely-attended events.

*Please note that this is not a comprehensive summary of the changes to Senate rules, applicable laws and regulations through the "Honest Leadership and Open Government Act of 2007." The Committee will be issuing more comprehensive guidance, and mandatory training sessions will be made accessible to all Members, officers and employees. In addition, you must contact the Ethics Committee at (202) 224-2981 for advice concerning your specific situation.*

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### **Paying for Sports and Entertainment Tickets**

When Senators or staffers are given sports, concert, or other entertainment tickets that violate the Gifts Rule, they can return the tickets or pay the market value for them. The market value of the ticket is its face value.

When there isn't a face value listed on the ticket, the Senator or staffer must pay the cost of the highest priced ticket with a face value or get approval from the Ethics Committee before the event to pay the price of an equivalent ticket with a face value.

To obtain this prior approval, Senators and staffers must provide the Committee with written and independently verifiable information (including seat location, parking, access to areas not open to the public, and the availability of food and refreshments) that shows that the ticket offered them is equivalent to another ticket that does have a face value.

*What if a lobbyist offers a concert ticket to a staffer with a face value of only \$25—can she take it? As a general rule, staff members can't take any gifts from lobbyists, regardless of the cost (unless it falls under an exception to the Gifts Rule). So, the staff member can only take the ticket if she pays its face value of \$25.*

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