

## House and Senate Gift Rules

The gift rules of the House of Representatives and the Senate regulate the solicitation and acceptance of gifts of **meals, travel, entertainment, or anything else of value** by their members and their members' staffs.

### A. Basic Rules

1. Members of Congress and Congressional staff members may **never** solicit a gift.
2. Members of Congress and Congressional staff members may **never** accept a gift that is linked to any action that they have taken or are being asked to take.
3. Members of Congress and Congressional staff members may not accept any gift unless specifically allowed by the applicable Chamber's gift rules.

### B. Gifts You Make on Behalf of MSU

1. A broad exception to the general prohibition on acceptance of gifts permits Members of Congress and Congressional staff members to take any gift that is paid for by a state or local government, including a state university like MSU, as long as the gift is not linked to any action that they have taken or are being asked to take. This exception extends to tangible items of all kinds, as well as meals, services, entertainment, and travel, provided that the gift is paid for by the University. It is only available if the gift is paid for by the University.

This exception does not apply, however, if you pay for the gift out of your own pocket. Indeed, Members of Congress and members of their staffs may not accept gifts from individuals who are employed by registered lobbying entities like the University unless other more limited exceptions apply. See (C) below. Therefore, the counterintuitive result is that by attempting to save the University some money, you may create an unintended violation of the Congressional gift rules which would prevent the University from making its required semiannual certification to Congress.

2. This exception does not apply if the gift was donated to the University by a third party and the University is really acting as a conduit for the gift.
3. This exception does not apply if an outside consultant or lobbyist makes the gift and seeks reimbursement for it from the University.
4. Because a gift to a Member of Congress or a Congressional staff member that is paid for by the University is permitted by Congressional gift rules does not mean that making the gift is appropriate or that you have authority to do that. Before purchasing **anything** worth more than \$10 for a Member of Congress or a Congressional staff member, or

giving anything worth more than \$10 to a Member of Congress or a Congressional staff member, no matter who is paying for the gift, please contact Sarah Walter, Associate Vice President for Governmental Affairs, by telephone at 202-678-4000 or by email at swalter@msu.edu.

C. CIC, Big Ten, Associations

1. When the University gets together with private institutions, such as those in the Big Ten or the CIC (Northwestern, University of Chicago), to provide a meal, entertainment, travel, or some other gift to a Member of Congress or a Congressional staff member, the exception permitting gifts paid for by state and local governments does not apply. The same is true when a gift is made by an association of which the University is a member, or when you make a gift relating to your duties at the University and pay for it yourself, without being reimbursed for it by the University. For such a gift to be permissible, it must fit within one of the other exceptions to the gift rules. There are a number of these exceptions. The ones that are most likely to apply are:
  - a) Items of nominal value. This is defined as anything worth less than \$10. In addition, Congress deems baseball caps, T-shirts (but not collared or polo shirts), and greeting cards to be of nominal value even if they are worth more than \$10. Please note that, unlike a baseball cap or a T-shirt, a coffee mug has to be worth less than \$10 to fit within this exception. It is important to note that you may not split the cost with the staffer or Member of Congress to get the cost of the item below the \$10 threshold.
  - b) Books, videotapes, DVD's, or other informational materials.
  - c) Admission to events at which food and refreshments, including meals offered to all attendees as part of the event, are served, if the event is "widely attended", meaning that the event is open to the public or to a wide range of individuals (e.g., from throughout a given industry or profession), and at least 25 people other than Members of Congress and their staffs and employees of the event's sponsor(s) are reasonably expected to attend the event. The invitation must be provided by the event's sponsor, not just an entity that bought tickets or a table, and the Member of Congress or staff member must reasonably determine that attendance at the event is related to his/her official duties. Gift bags or souvenirs are not allowed unless some other part of the gift rules permits them.
  - d) Meals, entertainment, or other gifts based on a long-standing personal friendship. "Friendships" based on business contacts with the Member of Congress or staff member, even business contacts over a period of years, do not count as friendships. Nor can such a gift be paid for on a corporate credit card, charged to an employer or other entity, or used as the basis for a business tax deduction. The friendship should involve a history of reciprocal giving, and any gift over \$250 requires written pre-clearance from the applicable House or Senate ethics committee.

- e) Commemorative items, like a plaque, if presented at an event and inscribed accordingly. Please note that the University may still have to report when it “honors” a Member of Congress.
  - f) Invitations to receptions offering “food or refreshments of nominal value” that are not “part of a meal” (e.g., light appetizers, beverages, or hors d’oeuvres, fruit and cookies, or morning meeting items like coffee, juice, pastries, and bagels). Sandwiches, hot dogs, and hamburgers would be considered parts of a meal and, thus, prohibited under this exception.
  - g) Unsolicited invitations from sponsors of bona fide charity fundraisers (lunches, dinners, golf tournaments, races, etc.). Reimbursement for lodging at, or transportation to, the event is prohibited.
  - h) Educational events, like lectures, seminars, and discussion groups, sponsored by think tanks, foundations, and universities. The invitation to the event must come from its sponsor.
2. Travel paid for by a private source (i.e., not the federal government or a state or local government) requires advance approval from the appropriate House or Senate ethics committee. Such travel must be limited in duration, generally to one day and one or, at most, two nights, though private universities may sponsor domestic trips of up to four days and international trips of up to seven days. The trip must be related to the official duties of the Member of Congress or staff member. Absent special circumstances, first class travel is prohibited. Food and lodging must be selected without regard to the member’s participation, and entertainment and recreational activity cannot be provided unless some other provision of the gift rules permits that.
  3. These rules are, obviously, much more complex than the rule permitting meals, travel, and other gifts paid for by state and local governmental entities like the University. If at all possible, that exception should be employed for any gift made after consultation with Associate Vice President Walter.