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U.S. Senate and House of Representatives Gift and Travel Rules

GIFTS	
General Rule: Gifts in any amount from registered lobbyists, foreign agents, and the entities that employ or retain them are prohibited unless the gift fits under an exception	
House and Senate Exceptions: Exceptions trump the general rule	
<ul style="list-style-type: none"> ▪ Food of nominal value (reception exception) ▪ Widely attended event ▪ Commemorative items (plaques, trophies) ▪ Awards or prizes available to general public ▪ Gifts given on the basis of personal friendship ▪ Personal hospitality (except from lobbyists) ▪ Items for which the recipient pays market value ▪ Payment to legal expense fund ▪ Continued benefit plan from former employer ▪ Training in interest of Congress ▪ Gifts from foreign governments or Int'l orgs ▪ Gifts waived by Ethics Committees ▪ Charity event to raise funds for 501(c)(3) ▪ Fundraising or campaign events ▪ Home district products ▪ Items of nominal value (baseball caps, t-shirts) ▪ Campaign contributions ▪ Informational items ▪ Benefits available to the general public ▪ Gifts from relatives ▪ Gift from other Member or employee of Congress ▪ Honorary Degree ▪ Inheritance ▪ Anything paid by federal, state, or local gov't ▪ Benefit from outside employment 	
<p>In order for an event to meet the <i>widely attended events</i> exception it must:</p> <ul style="list-style-type: none"> ✓ Be open to individuals throughout a given industry or profession, or those in attendance represent a range of persons interested in a given matter; ✓ The invitation is provided by the sponsor of the event; and ✓ The Member reasonably determines that attendance at the event is related to his/her official duties. 	
<p>Senate Exception Only: Free attendance at a constituent event such as a conference, convention, symposium, forum, panel discussion, dinner event, site visit, viewing, reception or similar event in the home state if:</p> <ul style="list-style-type: none"> ✓ Sponsored by constituents or a group of constituents; and ✓ Attended primarily by at least 5 constituents; and ✓ No lobbyist in attendance; and ✓ Cost of meal is less than \$50. 	
<p>Senate tickets for sporting/entertainment events: No face value = valued at the highest cost of a ticket with face value Exception: if it can be proven to the Ethics Committee in advance that the ticket is equivalent to another ticket with a face value, then valued at the face value of the equivalent ticket (taking into account seat location, parking, availability of food and refreshments, etc.)</p>	<p>House tickets for sporting/entertainment events: Face value = only if it is also the price at which the ticket is offered for sale to the public No face value = valued at the highest cost of a ticket with face value for the event</p>

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Application of the rules and exceptions should be made on a case-by-case basis. Please consult with an attorney before proceeding.

TRAVEL	
<p>General Rule: Entities that employ or retain lobbyists may not pay expenses for necessary transportation, lodging and related expenses unless the travel is permissible under an exception.</p>	
<p>Senate Exceptions:</p> <ul style="list-style-type: none"> ▪ 501(c)(3) Organizations <ul style="list-style-type: none"> ○ Lobbyist involvement in the planning, organizing, requesting or arranging the trip must be <i>de minimis</i> ○ Lobbyist may not <u>accompany at any point throughout the trip</u> ▪ One day exception <ul style="list-style-type: none"> ○ Single calendar day (2nd day requires approval) ○ Lobbyist may not <u>accompany on any segment of the trip</u> or <u>at any point throughout the trip</u> in other than a <i>de minimis</i> way ○ Trip sponsor must certify that lobbyist will not accompany ○ Lobbyist involvement in the planning, organizing, requesting or arranging the trip must be <i>de minimis</i> <p><i>At any point</i> is broader than any segment of the trip and would include the event itself or the location being visited unless event is widely attended or travel is on common carrier and no coordination with lobbyist and Member.</p>	<p>House Exceptions:</p> <ul style="list-style-type: none"> ▪ Institute of higher education <ul style="list-style-type: none"> ○ Lobbyist may accompany ○ Lobbyist may be involved in the planning, organizing, requesting or arranging the trip ▪ One day exception <ul style="list-style-type: none"> ○ Single calendar day (2nd day requires approval) ○ Lobbyist may not <u>accompany on any segment of the trip</u> ○ Lobbyist involvement in planning, organizing, requesting or arranging the trip must be <i>de minimis</i> <p><i>Segment</i> means any part of the travel to and from the event, rather than the event itself or the location being visited.</p> <p><i>De minimis</i> means negligible or otherwise inconsequential to the overall planning and purpose of the trip.</p>
<p>Noncommercial Flights General Rule: Members of and candidates for Congress may only use campaign funds for flights if:</p> <ul style="list-style-type: none"> ▪ The aircraft is operated by an air carrier or commercial operator licensed by the FAA; and ▪ The flight is required to be conducted under air carrier safety rules. 	
<p>Senate Exceptions:</p> <p>Noncommercial flights are permitted only if the full fair-market charter/rental rate is paid.</p>	<p>House Exceptions:</p> <p>Noncommercial flights are prohibited unless:</p> <ul style="list-style-type: none"> ▪ The aircraft is operated according to the above terms; ▪ The flight is operated by an entity of the federal government or a state; or ▪ The aircraft is owned or leased by the candidate or the candidate's family.
<p>Certification and Prior Approval: Before accepting travel expenses from any private source, the Member or staffer must provide to the Standards Committee or the Ethics Committee a written certification from the source that:</p> <ul style="list-style-type: none"> ▪ The trip will not be financed in any part by a registered lobbyist; ▪ The source does not employ or retain lobbyists OR that the trip is permissible under an exception; 	

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- The source will not accept from another source earmarked funds for the purpose of funding the trip;
- The trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist unless permitted under an exception; and
- The traveler will not be accompanied on any segment of the trip or at any point throughout the trip unless in a *de minimis* way or permitted by an exception.

DISCLOSURE

Increased Frequency: Reports are now due on a quarterly basis and are due 20 days after the close of the quarter on January 20, April 20, July 20 and October 20.

Additional Information:

- Must disclose whether client is a state or local government or an agency or instrumentality of a state or local government
- Must disclose past congressional or executive branch employment for the preceding 20 years

Semiannual Contribution Reports and Certification:

- Reports are due 30 days after the close of the semiannual period on January 30 and July 30
- Lobbyists and registrants must disclose:
 - The names of all political committees established or controlled by the person or organization;
 - Contributions made during the 6 month period aggregating \$200 or more to a federal candidate or officeholder, leadership PAC, political party committee, presidential inaugural committee, or presidential library foundation;
 - Contributions or disbursements during the 6 month period to:
 - Pay the cost of an event to honor or recognize a covered legislative or executive branch official;
 - An entity that is named for a covered legislative or executive branch official or to a person or entity in recognition of such official;
 - To an entity established, financed, maintained or controlled by a covered legislative or executive branch official or an entity designated by such official;
 - To pay the costs of a meeting, conference retreat or other similar event held by or in the name of one or more covered legislative or executive branch officials.

Exception: Information required to be disclosed to the Federal Election Commission does not need to be disclosed again.

Certification: The person or organization filing the contribution report must certify that (1) they have read and are familiar with the provisions of the House and Senate rules regarding gifts and travel AND (2) have not provided, requested or directed a gift, including travel, with knowledge that the receipt of the gift would violate the rules.

Bundling: Authorized committees of candidates, leadership PACs, and political party committees are required to disclose a list of the name, address and employer of each person “reasonably known” by the committee to have provided 2 or more bundled contributions in an aggregate amount greater than \$15,000.

- Persons covered: registrants under the LDA, individuals listed on current registration or current LDA report, and political committees established or controlled by such registrant or individual

Coalition and Association Disclosure: Registrants must now disclose the identity of any organization, other

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<p>than the client, that contributes more than \$5,000 towards the registrant’s activities in a quarterly period AND actively participates in the planning, supervision or control of such lobbying activities.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> • If the registrant already lists an organization as a member or contributor on its publicly accessible website AND that organization does not in whole or in major part plan, supervise, or control the lobbying activities, additional disclosure is not required • Individuals that are members or donors to a client or entity identified as an affiliated entity do not need to be disclosed. 	
<p>REVOLVING DOOR</p>	
<ul style="list-style-type: none"> • House Members may not lobby either the House or Senate for one year • House staffers may not lobby their former office for one year • Senators may not lobby either the House or Senate for two years • Senate staffers may not lobby any Senate offices for one year 	
<p>CONVENTIONS</p>	
<p>Senate: Members may not participate in an event honoring that Member, other than in his or her capacity as the party’s presidential or vice presidential nominee or presumptive nominee</p>	<p>House: Members may not participate in an event honoring that Member, other than in his or her capacity as a candidate for such office</p>
<p>SPOUSE AND FAMILY MEMBER RESTRICTIONS</p>	
<p>Senate: Staff (personal and committee) may not have contact with a Senator’s spouse or immediate family member if the spouse or family member is a lobbyist or is employed or retained to influence legislation Exception: Does not apply if the spouse was a lobbyist one year before the Member’s most recent election or one year prior to marriage to that Member</p>	<p>House: Staff (personal and committee) may not have contact with a Member’s spouse if the spouse is a lobbyist or is employed or retained to influence legislation</p>
<p>PENALTIES</p>	
<p>Increased civil and criminal penalties for noncompliance:</p> <ul style="list-style-type: none"> • Civil: fine up to \$200,00 • Criminal: fine and/or imprisonment of up to 5 years 	

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