

Gift Rules Applicable to Members and Staff of the 111th Congress

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The 111th United States Congress convened January 6, 2009. In one of its first items of business, the House of Representatives adopted the rules by which it will operate, including the ethics and gift rules. No changes were made to the gift rule, House Rule XXV. However, as summarized below, the House made a few changes to its standing ethics rules and continued several orders relating to ethics.

- **Post-employment restrictions and disclosure.** Current House Members who negotiate for outside employment must file disclosures with the Committee on Standards of Official Conduct within three business days of commencing negotiations. Previously, lame-duck House Members were exempt from the disclosure requirements.
- **Use of exercise facilities by former members.** Former Members, former Members' spouses, and former House officers who are registered as federal lobbyists are prohibited from using the Members gym. This order was first adopted in the 109th Congress.
- **Office of Congressional Ethics.** The Office of Congressional Ethics will continue in the 111th Congress.
- **Investigative Ethics Subcommittee.** The Committee on Standards of Official Conduct is directed to empanel a subcommittee to conduct an investigation within 30 days after a Member is indicated or charged with a crime. This order was first adopted in the 110th Congress. Unlike the House, the Senate as a continuing body has a standing gift rule that need not be adopted with each new Congress. Accordingly, Senate Rule XXXV still establishes the rules under which Senators and Senate staff can or cannot accept gifts. No substantive changes have been made to the Senate gift rule since the passage of the Honest Leadership and Open Government Act of 2007. Thus, lobbyists, foreign agents, and organizations that employ or retain lobbyists and foreign agents ("lobbyist employers") may not provide gifts to any Members, officers, and staff of the 111th Congress, whether employed by the House or Senate, unless the gift qualifies for an exception.

Likewise, the various gift exceptions and exemptions also remain, the most common of which allow Congressional Members and staff to accept:

- Free attendance (including meals) at "widely-attended" events.
- Free attendance at charity fundraising events.
- Refreshments, a continental breakfast, and non-meal foods offered at a business meeting or reception.
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Items of nominal value such as t-shirts, baseball hats, and trinkets valued at less than \$10.

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Informational materials.

In addition to the items listed above, persons who are not lobbyists and organizations that do not employ or retain lobbyists or foreign agents may provide gifts valued at \$49.99 or less per occasion up to an aggregate annual limit of \$99.99.

Finally, it is important to read and stay familiar with the gift rules. Lobbyists and lobbyist employers are required to certify on a semiannual basis that they have read the gift rules and have not made any gifts that are impermissible under the rules.

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