

HOUSE AND SENATE GIFT AND TRAVEL RULES

I. GIFTS

Under the House and Senate gift rules, a Member, officer or employee may accept a gift that has a value of less than \$50 (a total of less than \$100 from a single source in a calendar year). Gifts having a value of less than \$10 do not count toward the annual limit of \$100.

LOBBYIST GIFT BAN RESTRICTS HARVARD

House and Senate Members and staff cannot accept gifts from a registered lobbyist or an entity, such as Harvard University, that employs lobbyists. Harvard may not make a gift, even if the gift is valued at less than \$50, except pursuant to one of the many exemptions outlined in the rules.

EXEMPTIONS

The gift rules allow the acceptance of the following specific kinds of gifts and other things of value:

- An item of “nominal” (\$10 or less) value (or a T-shirt or baseball cap of any value).
- Books and other informational materials.
- Honorary degrees and nonmonetary public service awards, as well as travel, food, and refreshment in connection with the award permitted. (See disclosures LD203).
- Commemorative items, such as plaque, trophy or framed photo. (See disclosures LD203).
- Training in the interest of the House or Senate (the educational exemption, including food and refreshments offered to all attendees as part of the training).
- Gifts based on personal friendship, under criteria set forth in the rule. Gifts over \$250 in value may not be accepted on this basis unless a written determination is obtained from the Ethics Committee.

- Personal hospitality in a private home (except from a registered lobbyist or foreign agent). This means a University employee could extend personal hospitality, but one of the University's lobbyists could not.
- Free attendance at "charity" or officially related "widely-attended" events if offered by the sponsor of the event.

"WIDELY-ATTENDED EVENTS"

The University may invite a Member or staff to a convention, dinner or meeting if: (a) the event is related to official congressional duties, (b) at least 25 people – excluding Members, staff, and their spouses – are expected, and (c) the event is open to members of the public, individuals throughout a given industry or profession, or to a range of persons interested in the subject matter. The University may not pay for a Member/staff to sit at a table it purchases for another organization's event. "Widely-attended" events include a membership meeting of a professional or trade association, but do not include a luncheon attended solely by employees of a particular business or department. Sporting and entertainment events are not acceptable under this exception as they are not related to official duties.

"CHARITY EVENT"

A charity event may be a lunch, dinner, golf tournament, concert or the like, the primary purpose of which is to raise funds for a charitable 501(c)(3) organization. Harvard may pay the costs for a Member/staff to attend for free most fundraising events that the University sponsors. Members/staff may partake of food or refreshment at charity events if the same is provided to "all or substantially all other attendees."

- Free Attendance at Receptions.

The University may invite Members/staff to attend a reception, but the rule precludes food or refreshments of more than nominal value. Thus, the University may host a reception with the type of food usually offered at receptions (e.g., appetizers) or morning meetings (e.g., coffee, juice, pastry or bagels). The number of attendees is immaterial.

- Small Constituent Events

A small constituent event may be a conference, symposium, forum, panel discussion, dinner event, site visit, or similar event where a number of a Member's constituents are in attendance. The Member/staff attending must either participate in the event, or attendance at the event must be related to official duties.

Additional requirements vary depending on whether the Senate or House rules apply. Senate rules ban lobbyist participation in small constituent events. Senate rules also require that the event take place in the Member's home state,

limit the cost of any meal provided to less than \$50, and require that the event be attended by at least five constituents. House rules do not ban lobbyist participation or contain an attendance threshold or restrictions on meal costs or location. House rules do, however, require that an event with a constituent organization be regularly scheduled (e.g., annual meeting) and open to all members of the constituent organization as opposed to only officers or board members.

On campus meetings between a Member and a few faculty or students who are the Member's constituents would be exempt from gift restrictions under both House and Senate rules.

SPOUSE

A gift to a spouse, dependent or other individual will be deemed a gift to the Member, officer or employee if the gift was given with the knowledge and acquiescence of the official, and the official has reason to believe the gift was given because of his or her official position.

II. TRAVEL

Members and staff may accept travel reimbursement for trips related to official duties (e.g., meetings, speaking engagements, and participation in fact finding trips). While House and Senate Rules limit the ability of Members and congressional staff to accept reimbursements from registered lobbyists, foreign agents or entities with lobbyists, there are exceptions for Universities.

Ordinarily, organizations that employ lobbyists may only reimburse Member and employee travel to one-day events (e.g., conventions, meetings). Travel to a one-day event includes an overnight stay, although the Ethics Committee may allow two-night stays in certain cases. Generally, when a Member's travel to one-day events is reimbursed by an entity that employ lobbyists, lobbyists may only play a de minimis role in the travel, and no lobbyist may accompany the Member or employee on "any segment of" such trip.

Trips sponsored by colleges and universities are not subject to these same restrictions. The University may sponsor three-day domestic or seven-day foreign trips for Members or staff of the House and Senate. If the trip is for House Members or staff, a Harvard lobbyist may be involved in the planning, requesting, and arranging of the trip, and may accompany the Member/staff on any segment of the trip. If the trip is for a Senate Member or staff, however, a Harvard lobbyist may not be involved with the trip in any of the above-mentioned ways.

Third-Party Support

The University may not accept any funds or “in-kind” support from a lobbyist or foreign agent that is earmarked directly or indirectly for a trip. Earmarking includes any direction, agreement or suggestion – formal or informal – to use donated funds, goods, services or other in-kind contributions

Pre-Approval

To accept travel reimbursed by the University, reimbursed travel Members and staff are required to obtain a completed certification form from the University with details of the trip. Members and employees are required to submit this certification to the Ethics Committee (30+ days in advance) and receive approval from the Ethics Committee before taking the trip. The Members/staff are also required to file detailed post-travel disclosures.

Aircraft

The use of private or chartered aircraft is not permitted; nor are first-class fares generally permitted.

III. VIOLATION OF GIFT RULES

Harvard University will not reimburse anyone for expenses for any gifts, meals, or entertainment of members of Congress or their staff in violation of Congressional rules. This is an especially important policy because the new law imposes criminal sanctions for gifts made in violation of House and Senate gift rules.

Twice a year the University will be required to certify to the House and Senate that neither the University nor its agents have made any gift in violation of these Congressional rules. Individual lobbyists also must certify that they understand the Congressional gift rules and have not violated them.

This memorandum only provides a brief outline of Senate and House gift rules. More complete guidance can be found on the websites for the Senate and House Ethics Committees.