

Election Law News Alert

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House Changes Gift Rules

2006 opened with Jack Abramoff pleading guilty to a variety of crimes involving gifts and travel provided to members of Congress. 2007 is opening with amendments to the House Gift Rules which will prohibit lobbyists and their employers from providing meals and gifts to members, officers and employees of the House unless a specific exemption applies.

In addition, lobbyists and their employers will be restricted in their ability to pay for or participate in factfinding trips. Reimbursed one-day trips will still be allowed, but longer trips will largely be eliminated, and lobbyists won't be able to participate in planning longer trips. Finally, corporate jets are going to get much less use. Members may no longer use personal, official or campaign funds, including leadership political action committee (PAC) money, to reimburse corporations for the use of the corporate jet. (All restrictions on lobbyists also apply to foreign agents and entities that retain or employ them.) The Senate is expected to take up its own Gift Rules shortly. The highlights of the changes to the House rules follow:

Gifts

- Prohibits members and staff from accepting a gift from a registered lobbyist, or from an entity that retains or employs a registered lobbyist.
 - Lobbyists and lobbyist employers may no longer provide gifts with a value of less than \$50 per occasion and less than \$100 per calendar year. However, the current exceptions to the gift rule, e.g., those for widely attended events, receptions, commemorative items, etc., still apply.
 - A ticket to a sporting or entertainment event is valued at the face value of the ticket as long as the face value is also the price at which the issuer offers the ticket for sale to the public. If the ticket has no face value, then the ticket is valued at the highest cost of a ticket with a face value for the event.
- ### Privately Sponsored Travel
- Effective March 1, 2007, House rules will prohibit a private entity that retains or employs a registered lobbyist from paying for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event by a member or staff unless:
 1. The expenses are for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay, though a two-night stay may be permitted by the Ethics Committee);
 2. A lobbyist is not present for any segment of the trip;
 3. A lobbyist's involvement in planning, organizing, requesting or arranging the trip is *de minimis*;
 4. The private sponsor provides written certification regarding funding for and lobbyist involvement with the trip; and
 5. Prior approval from the Ethics Committee is obtained.
 - Effective March 1, 2007, a private entity that does *not* employ a registered lobbyist may pay for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event by a member or staff provided:
 1. The trip complies with the preexisting four-day domestic and seven-day international travel time limits;
 2. A lobbyist is not present for any segment of the trip;
 3. A lobbyist does not engage in any planning, organizing, requesting or arranging of the trip;
 4. The private sponsor provides written certification regarding funding for and lobbyist involvement with the trip; and
 5. Prior approval from the Ethics Committee is obtained.

continued on page 2

Rule Changes (continued from page 1)

- The Ethics Committee is charged with developing guidelines for the certification and authorization requirements as well as judging the reasonableness of travel expenses.
- Members and staff must submit post-travel disclosure forms within 15, not 30, days which must now also include a description of the meetings and/or events attended.
- The clerk of the House is instructed to make all certifications, authorizations and disclosures available for public inspection as soon as possible after they are received.
- A member may not use personal funds, official funds, campaign funds or other political committee funds to pay for a flight on a private airplane.

For more information, please contact a member of the WRF Election Law and Government Ethics Group.

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