

FEDERAL LOBBYING GIFT & EVENT RESTRICTIONS FREQUENTLY ASKED QUESTIONS

The State University of New York

March 2012

A. GIFT & EVENT RESTRICTIONS

Q: As a representative of a state university, what are my gift restrictions?

Federal, state, and local governments, including public colleges and universities, remain exempt from Congressional gift and travel restrictions.

Thus, for instance, a state university may provide a member of Congress with tickets to a home football game without running afoul of these rules.

Q: What gift restrictions have been imposed on others?

Permitted gifts, from those not exempt from the gift restrictions, include “standing up foods” such as pastries, bagels and hors d’oeuvres, greeting cards, baseball caps and t-shirts. Meals are unallowable. There are few other very limited exceptions.

While public colleges and universities are exempt from these restrictions, many offices will only accept gifts that fall under the list of allowable gifts. You may want to keep this in mind if you are considering giving a gift to a member of congress or a congressional staff member.

Q: What is a “widely-attended event” and why does it matter?

Organizations, public or private, may pay admissions fees, including food costs, for a member of congress or congressional staff to attend a convention, dinner, or the like if (a) the event is related to official congressional duties, (b) at least 25 people—excluding members of Congress, staff, and their spouses or companions—are reasonably expected to attend, and (c) the event is open to members of the public, to individuals “throughout a given industry or profession,” or to a range of persons interested in the subject-matter. For this exception to apply, the invitation must come directly from the event sponsor.

Again, federal, state, and local governments, including public colleges and universities, remain exempt from meeting these requirements. However, members of congress or congressional staff may be reluctant to attend an event, even if allowable, if it does not meet these criteria.

For additional details see the ACE handout:

“What Do the New Rules on Lobbying Congress Signify for Colleges and Universities?”

Q: I'm using Research Foundation funds for my gift. Does that make a difference?

The Research Foundation (RF) holds discretionary funds on behalf of SUNY System Administration that are under the control of the SUNY Chancellor and the Chancellor's designees. Although these funds reside in an RF account for the benefit of SUNY, the RF has no authority to authorize expenditures from this account or to enter into contracts that commit funds from this account except at the specific direction of the SUNY Chancellor or the Chancellor's designees.

Therefore, funds used from RF accounts for gift and event purposes are considered funds of the State University.

B. TRAVEL RESTRICTIONS

Q: As a state university, what kind of travel can we sponsor?

Again, federal, state, and local governments, including public colleges and universities, remain exempt from Congressional gift and travel restrictions.

Q: What travel restrictions have been imposed on others?

The amended House rules significantly limit privately sponsored travel for members of Congress and staff, but exempt trip sponsorship "directly" by "institutions of higher education" as defined in Section 101 of the Higher Education Act (i.e., an accredited, degree-granting postsecondary education institution). Under this exception, lobbyists for colleges and universities may organize, request or arrange such trips and accompany members and staff in transit. As stated above, public colleges and universities are also exempt from trip-sponsorship under the exception for governmental entities.

By contrast, trip sponsorship by an entity (other than a higher education institution) that has a lobbyist is forbidden.

The House Committee on Standards of Official Conduct must pre-approve any sponsored travel, including trips arranged by higher education institutions.

A Senate exception for 501(c)(3) organizations exempts most independent colleges and universities and some higher education groups from compliance with Senate trip-sponsorship rules. As in the House, before accepting privately-sponsored travel, a senator or staffer must receive approval, here from the Senate Select Committee on Ethics, and pre-certification from the trip sponsor.