

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. RES. 250

To amend the Rules of the House of Representatives to provide for gift reform.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 1995

Mrs. WALDHOLTZ (for herself, Mr. BARRETT of Wisconsin, Mr. SHAYS, Mr. MINGE, Mr. DEAL of Georgia, Mr. KLUG, Mr. MEEHAN, Mr. LUTHER, Mr. RAMSTAD, Ms. DUNN of Washington, Mr. INGLIS of South Carolina, Mr. FORBES, Mr. LOBIONDO, Mr. SMITH of Michigan, Mr. HAYWORTH, Mr. GANSKE, Mr. SANFORD, Mr. CANADY of Florida, Mr. WAMP, and Mr. HOLDEN) submitted the following resolution; which was referred to the Committee on Rules

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## RESOLUTION

To amend the Rules of the House of Representatives to provide for gift reform.

- 1       *Resolved,*
- 2       **SECTION 1. AMENDMENT TO HOUSE RULES.**
- 3       Rule LI of the Rules of the House of Representatives
- 4       is amended to read as follows:

1 “RULE LI

2 “GIFT RULE

3 “1. (a)(1) No Member, officer, or employee of the  
4 House of Representatives shall knowingly accept a gift ex-  
5 cept as provided in this rule.

6 “(2) A Member, officer, or employee may accept a  
7 gift (other than cash or cash equivalent) which the Mem-  
8 ber, officer, or employee reasonably and in good faith be-  
9 lieves to have a value of less than \$50, and a cumulative  
10 value from one source during a calendar year of less than  
11 \$100. No gift with a value below \$10 shall count toward  
12 the \$100 annual limit. No formal recordkeeping is re-  
13 quired by this subparagraph, but a Member, officer, or  
14 employee shall make a good faith effort to comply with  
15 this subparagraph.

16 “(b)(1) For the purpose of this rule, the term ‘gift’  
17 means any gratuity, favor, discount, entertainment, hospi-  
18 tality, loan, forbearance, or other item having monetary  
19 value. The term includes gifts of services, training, trans-  
20 portation, lodging, and meals, whether provided in kind,  
21 by purchase of a ticket, payment in advance, or reimburse-  
22 ment after the expense has been incurred.

23 “(2)(A) A gift to a family member of a Member, offi-  
24 cer, or employee, or a gift to any other individual based  
25 on that individual’s relationship with the Member, officer,

1 or employee, shall be considered a gift to the Member, offi-  
2 cer, or employee if it is given with the knowledge and ac-  
3 quiescence of the Member, officer, or employee and the  
4 Member, officer, or employee has reason to believe the gift  
5 was given because of the official position of the Member,  
6 officer, or employee.

7 “(B) If food or refreshment is provided at the same  
8 time and place to both a Member, officer, or employee and  
9 the spouse or dependent thereof, only the food or refresh-  
10 ment provided to the Member, officer, or employee shall  
11 be treated as a gift for purposes of this rule.

12 “(c) The restrictions in paragraph (a) shall not apply  
13 to the following:

14 “(1) Anything for which the Member, officer, or  
15 employee pays the market value, or does not use and  
16 promptly returns to the donor.

17 “(2) A contribution, as defined in section  
18 301(8) of the Federal Election Campaign Act of  
19 1971 (2 U.S.C. 431 et seq.) that is lawfully made  
20 under that Act, a contribution for election to a State  
21 or local government office limited as prescribed by  
22 section 301(8)(B) of such Act, or attendance at a  
23 fundraising event sponsored by a political organiza-  
24 tion described in section 527(e) of the Internal Reve-  
25 nue Code of 1986.

1           “(3) A gift from a relative as described in sec-  
2           tion 109(5) of title I of the Ethics in Government  
3           Act of 1978 (Public Law 95–521).

4           “(4)(A) Anything provided by an individual on  
5           the basis of a personal friendship unless the Mem-  
6           ber, officer, or employee has reason to believe that,  
7           under the circumstances, the gift was provided be-  
8           cause of the official position of the Member, officer,  
9           or employee and not because of the personal friend-  
10          ship.

11          “(B) In determining whether a gift is provided  
12          on the basis of personal friendship, the Member, of-  
13          ficer, or employee shall consider the circumstances  
14          under which the gift was offered, such as:

15               “(i) The history of the relationship be-  
16               tween the individual giving the gift and the re-  
17               cipient of the gift, including any previous ex-  
18               change of gifts between such individuals.

19               “(ii) Whether to the actual knowledge of  
20               the Member, officer, or employee the individual  
21               who gave the gift personally paid for the gift or  
22               sought a tax deduction or business reimburse-  
23               ment for the gift.

24               “(iii) Whether to the actual knowledge of  
25               the Member, officer, or employee the individual

1           who gave the gift also at the same time gave  
2           the same or similar gifts to other Members, of-  
3           ficers, or employees.

4           “(5) Except as provided in clause 3(c), a con-  
5           tribution or other payment to a legal expense fund  
6           established for the benefit of a Member, officer, or  
7           employee that is otherwise lawfully made in accord-  
8           ance with the restrictions and disclosure require-  
9           ments of the Committee on Standards of Official  
10          Conduct.

11          “(6) Any gift from another Member, officer, or  
12          employee of the Senate or the House of Representa-  
13          tives.

14          “(7) Food, refreshments, lodging, and other  
15          benefits—

16                 “(A) resulting from the outside business or  
17                 employment activities (or other outside activi-  
18                 ties that are not connected to the duties of the  
19                 Member, officer, or employee as an officeholder)  
20                 of the Member, officer, or employee, or the  
21                 spouse of the Member, officer, or employee, if  
22                 such benefits have not been offered or enhanced  
23                 because of the official position of the Member,  
24                 officer, or employee and are customarily pro-  
25                 vided to others in similar circumstances;

1           “(B) customarily provided by a prospective  
2           employer in connection with bona fide employ-  
3           ment discussions; or

4           “(C) provided by a political organization  
5           described in section 527(e) of the Internal Rev-  
6           enue Code of 1986 in connection with a fund-  
7           raising or campaign event sponsored by such an  
8           organization.

9           “(8) Pension and other benefits resulting from  
10          continued participation in an employee welfare and  
11          benefits plan maintained by a former employer.

12          “(9) Informational materials that are sent to  
13          the office of the Member, officer, or employee in the  
14          form of books, articles, periodicals, other written  
15          materials, audiotapes, videotapes, or other forms of  
16          communication.

17          “(10) Awards or prizes which are given to com-  
18          petitors in contests or events open to the public, in-  
19          cluding random drawings.

20          “(11) Honorary degrees (and associated travel,  
21          food, refreshments, and entertainment) and other  
22          bona fide, nonmonetary awards presented in recogni-  
23          tion of public service (and associated food, refresh-  
24          ments, and entertainment provided in the presen-  
25          tation of such degrees and awards).

1           “(12) Donations of products from the State  
2 that the Member represents that are intended pri-  
3 marily for promotional purposes, such as display or  
4 free distribution, and are of minimal value to any in-  
5 dividual recipient.

6           “(13) Training (including food and refresh-  
7 ments furnished to all attendees as an integral part  
8 of the training) provided to a Member, officer, or  
9 employee, if such training is in the interest of the  
10 House of Representatives.

11           “(14) Bequests, inheritances, and other trans-  
12 fers at death.

13           “(15) Any item, the receipt of which is author-  
14 ized by the Foreign Gifts and Decorations Act, the  
15 Mutual Educational and Cultural Exchange Act, or  
16 any other statute.

17           “(16) Anything which is paid for by the Federal  
18 Government, by a State or local government, or se-  
19 cured by the Government under a Government con-  
20 tract.

21           “(17) A gift of personal hospitality (as defined  
22 in section 109(14) of the Ethics in Government Act)  
23 of an individual other than a registered lobbyist or  
24 agent of a foreign principal.

1           “(18) Free attendance at a widely attended  
2 event permitted pursuant to paragraph (d).

3           “(19) Opportunities and benefits which are—

4               “(A) available to the public or to a class  
5 consisting of all Federal employees, whether or  
6 not restricted on the basis of geographic consid-  
7 eration;

8               “(B) offered to members of a group or  
9 class in which membership is unrelated to con-  
10 gressional employment;

11               “(C) offered to members of an organiza-  
12 tion, such as an employees’ association or con-  
13 gressional credit union, in which membership is  
14 related to congressional employment and similar  
15 opportunities are available to large segments of  
16 the public through organizations of similar size;

17               “(D) offered to any group or class that is  
18 not defined in a manner that specifically dis-  
19 criminate among Government employees on the  
20 basis of branch of Government or type of re-  
21 sponsibility, or on a basis that favors those of  
22 higher rank or rate of pay;

23               “(E) in the form of loans from banks and  
24 other financial institutions on terms generally  
25 available to the public; or



1           “(F) in the form of reduced membership or  
2           other fees for participation in organization ac-  
3           tivities offered to all Government employees by  
4           professional organizations if the only restric-  
5           tions on membership relate to professional  
6           qualifications.

7           “(20) A plaque, trophy, or other item that is  
8           substantially commemorative in nature and which is  
9           intended solely for presentation.

10           “(21) Anything for which, in an unusual case,  
11           a waiver is granted by the Committee on Standards  
12           of Official Conduct.

13           “(22) Food or refreshments of a nominal value  
14           offered other than as a part of a meal.

15           “(23) An item of nominal value such as a greet-  
16           ing card, baseball cap, or a T-shirt.

17           “(d)(1) A Member, officer, or employee may accept  
18           an offer of free attendance at a widely attended conven-  
19           tion, conference, symposium, forum, panel discussion, din-  
20           ner, viewing, reception, or similar event, provided by the  
21           sponsor of the event, if—

22           “(A) the Member, officer, or employee partici-  
23           pates in the event as a speaker or a panel partici-  
24           pant, by presenting information related to Congress  
25           or matters before Congress, or by performing a cere-

1 monial function appropriate to the Member's, offi-  
2 cer's, or employee's official position; or

3 “(B) attendance at the event is appropriate to  
4 the performance of the official duties or representa-  
5 tive function of the Member, officer, or employee.

6 “(2) A Member, officer, or employee who attends an  
7 event described in subparagraph (1) may accept a spon-  
8 sor's unsolicited offer of free attendance at the event for  
9 an accompanying individual if others in attendance will  
10 generally be similarly accompanied or if such attendance  
11 is appropriate to assist in the representation of the House  
12 of Representatives.

13 “(3) A Member, officer, or employee, or the spouse  
14 or dependent thereof, may accept a sponsor's unsolicited  
15 offer of free attendance at a charity event, except that re-  
16 imbursement for transportation and lodging may not be  
17 accepted in connection with an event that does not meet  
18 the standards provided in subparagraph (2).

19 “(4) For purposes of this paragraph, the term ‘free  
20 attendance’ may include waiver of all or part of a con-  
21 ference or other fee, the provision of local transportation,  
22 or the provision of food, refreshments, entertainment, and  
23 instructional materials furnished to all attendees as an in-  
24 tegral part of the event. The term does not include enter-  
25 tainment collateral to the event, nor does it include food

1 or refreshments taken other than in a group setting with  
2 all or substantially all other attendees.

3 “(e) No Member, officer, or employee may accept a  
4 gift the value of which exceeds \$250 on the basis of the  
5 personal friendship exception in paragraph (c)(4) unless  
6 the Committee on Standards of Official Conduct issues a  
7 written determination that such exception applies. No de-  
8 termination under this paragraph is required for gifts  
9 given on the basis of the family relationship exception.

10 “(f) When it is not practicable to return a tangible  
11 item because it is perishable, the item may, at the discre-  
12 tion of the recipient, be given to an appropriate charity  
13 or destroyed.

14 “2. (a)(1) A reimbursement (including payment in  
15 kind) to a Member, officer, or employee from an individual  
16 other than a registered lobbyist or agent of a foreign prin-  
17 cipal for necessary transportation, lodging and related ex-  
18 penses for travel to a meeting, speaking engagement, fact-  
19 finding trip or similar event in connection with the duties  
20 of the Member, officer, or employee as an officeholder  
21 shall be deemed to be a reimbursement to the House of  
22 Representatives and not a gift prohibited by this rule, if  
23 the Member, officer, or employee—

24 “(A) in the case of an employee, receives ad-  
25 vance authorization, from the Member or officer

1 under whose direct supervision the employee works,  
2 to accept reimbursement, and

3 “(B) discloses the expenses reimbursed or to be  
4 reimbursed and the authorization to the Clerk of the  
5 House of Representatives within 30 days after the  
6 travel is completed.

7 “(2) For purposes of paragraph (a)(1), events, the  
8 activities of which are substantially recreational in nature,  
9 shall not be considered to be in connection with the duties  
10 of a Member, officer, or employee as an officeholder.

11 “(b) Each advance authorization to accept reimburse-  
12 ment shall be signed by the Member or officer under whose  
13 direct supervision the employee works and shall include—

14 “(1) the name of the employee;

15 “(2) the name of the person who will make the  
16 reimbursement;

17 “(3) the time, place, and purpose of the travel;  
18 and

19 “(4) a determination that the travel is in con-  
20 nection with the duties of the employee as an office-  
21 holder and would not create the appearance that the  
22 employee is using public office for private gain.

23 “(c) Each disclosure made under paragraph (a)(1) of  
24 expenses reimbursed or to be reimbursed shall be signed  
25 by the Member or officer (in the case of travel by that

1 Member or officer) or by the Member or officer under  
2 whose direct supervision the employee works (in the case  
3 of travel by an employee) and shall include—

4 “(1) a good faith estimate of total transpor-  
5 tation expenses reimbursed or to be reimbursed;

6 “(2) a good faith estimate of total lodging ex-  
7 penses reimbursed or to be reimbursed;

8 “(3) a good faith estimate of total meal ex-  
9 penses reimbursed or to be reimbursed;

10 “(4) a good faith estimate of the total of other  
11 expenses reimbursed or to be reimbursed;

12 “(5) a determination that all such expenses are  
13 necessary transportation, lodging, and related ex-  
14 penses as defined in paragraph (d); and

15 “(6) in the case of a reimbursement to a Mem-  
16 ber or officer, a determination that the travel was in  
17 connection with the duties of the Member or officer  
18 as an officeholder and would not create the appear-  
19 ance that the Member or officer is using public of-  
20 fice for private gain.

21 “(d) For the purposes of this clause, the term ‘nec-  
22 essary transportation, lodging, and related expenses’—

23 “(1) includes reasonable expenses that are nec-  
24 essary for travel for a period not exceeding 3 days  
25 exclusive of travel time within the United States or

1 7 days exclusive of travel time outside of the United  
2 States unless approved in advance by the Committee  
3 on Standards of Official Conduct;

4 “(2) is limited to reasonable expenditures for  
5 transportation, lodging, conference fees and mate-  
6 rials, and food and refreshments, including reim-  
7 bursement for necessary transportation, whether or  
8 not such transportation occurs within the periods de-  
9 scribed in subparagraph (1);

10 “(3) does not include expenditures for rec-  
11 reational activities, nor does it include entertainment  
12 other than that provided to all attendees as an inte-  
13 gral part of the event, except for activities or enter-  
14 tainment otherwise permissible under this rule; and

15 “(4) may include travel expenses incurred on  
16 behalf of either the spouse or a child of the Member,  
17 officer, or employee, subject to a determination  
18 signed by the Member or officer (or in the case of  
19 an employee, the Member or officer under whose di-  
20 rect supervision the employee works) that the at-  
21 tendance of the spouse or child is appropriate to as-  
22 sist in the representation of the House of Represent-  
23 atives.

24 “(e) The Clerk of the House of Representatives shall  
25 make available to the public all advance authorizations

1 and disclosures of reimbursement filed pursuant to para-  
2 graph (a) as soon as possible after they are received.

3 “3. A gift prohibited by clause 1(a) includes the fol-  
4 lowing:

5 “(a) Anything provided by a registered lobbyist  
6 or an agent of a foreign principal to an entity that  
7 is maintained or controlled by a Member, officer, or  
8 employee.

9 “(b) A charitable contribution (as defined in  
10 section 170(c) of the Internal Revenue Code of  
11 1986) made by a registered lobbyist or an agent of  
12 a foreign principal on the basis of a designation, rec-  
13 ommendation, or other specification of a Member,  
14 officer, or employee (not including a mass mailing or  
15 other solicitation directed to a broad category of per-  
16 sons or entities), other than a charitable contribu-  
17 tion permitted by clause 4.

18 “(c) A contribution or other payment by a reg-  
19 istered lobbyist or an agent of a foreign principal to  
20 a legal expense fund established for the benefit of a  
21 Member, officer, or employee.

22 “(d) A financial contribution or expenditure  
23 made by a registered lobbyist or an agent of a for-  
24 eign principal relating to a conference, retreat, or  
25 similar event, sponsored by or affiliated with an offi-

1 cial congressional organization, for or on behalf of  
2 Members, officers, or employees.

3 “4. (a) A charitable contribution (as defined in sec-  
4 tion 170(c) of the Internal Revenue Code of 1986) made  
5 by a registered lobbyist or an agent of a foreign principal  
6 in lieu of an honorarium to a Member, officer, or employee  
7 shall not be considered a gift under this rule if it is re-  
8 ported as provided in paragraph (b).

9 “(b) A Member, officer, or employee who designates  
10 or recommends a contribution to a charitable organization  
11 in lieu of honoraria described in paragraph (a) shall report  
12 within 30 days after such designation or recommendation  
13 to the Clerk of the House of Representatives—

14 “(1) the name and address of the registered  
15 lobbyist who is making the contribution in lieu of  
16 honoraria;

17 “(2) the date and amount of the contribution;  
18 and

19 “(3) the name and address of the charitable or-  
20 ganization designated or recommended by the Mem-  
21 ber.

22 The Clerk of the House of Representatives shall make  
23 public information received pursuant to this paragraph as  
24 soon as possible after it is received.

25 “5. For purposes of this rule—





1 **SEC. 3. EFFECTIVE DATE.**

2       This resolution and the amendment made by this res-  
3 olution shall take effect on and be effective for calendar  
4 years beginning on January 1, 1996.

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HRES 250 IH—2