

House Calendar No. 120

104TH CONGRESS
1ST SESSION

H. RES. 250

[Report No. 104-337]

RESOLUTION

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

NOVEMBER 14, 1995

Reported with amendments, referred to the House
Calendar and ordered to be printed

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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

NOVEMBER 14, 1995

Additional sponsors: Mr. POMEROY, Mr. BENTSEN, Mr. CASTLE, Mr. POSHARD, Mr. UPTON, Mr. BLUTE, Ms. RIVERS, Mr. MCHALE, and Mr. LEVIN

NOVEMBER 14, 1995

Reported with amendments, referred to the House Calendar and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

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 ~~LII~~ *LII* of the Rules of the House of Representa-
4 tives is amended to read as follows:

5 “RULE ~~LII~~ *LII*

6 “GIFT RULE

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

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

20 “(b)(1) For the purpose of this rule, the term ‘gift’
21 means any gratuity, favor, discount, entertainment, hospi-
22 tality, loan, forbearance, or other item having monetary
23 value. The term includes gifts of services, training, trans-
24 portation, lodging, and meals, whether provided in kind,

1 by purchase of a ticket, payment in advance, or reimburse-
2 ment after the expense has been incurred.

3 “(2)(A) A gift to a family member of a Member, offi-
4 cer, or employee, or a gift to any other individual based
5 on that individual’s relationship with the Member, officer,
6 or employee, shall be considered a gift to the Member, offi-
7 cer, or employee if it is given with the knowledge and ac-
8 quiescence of the Member, officer, or employee and the
9 Member, officer, or employee has reason to believe the gift
10 was given because of the official position of the Member,
11 officer, or employee.

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

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

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

22 “(2) A contribution, as defined in section
23 301(8) of the Federal Election Campaign Act of
24 1971 (2 U.S.C. 431 et seq.) that is lawfully made
25 under that Act, a *lawful* contribution for election to

1 a State or local government office ~~limited as pre-~~
2 ~~scribed by section 301(8)(B) of such Act,~~ or attend-
3 ~~ance at a fundraising event sponsored by a political~~
4 ~~organization described in section 527(e) of the Inter-~~
5 ~~nal Revenue Code of 1986.~~

6 “(3) A gift from a relative as described in sec-
7 tion ~~109(5)(16)~~ of title I of the Ethics in Govern-
8 ment Act of 1978 (Public Law 95-521).

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

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

20 “(i) The history of the relationship be-
21 tween the individual giving the gift and the re-
22 cipient of the gift, including any previous ex-
23 change of gifts between such individuals.

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

1 who gave the gift personally paid for the gift or
2 sought a tax deduction or business reimburse-
3 ment for the gift.

4 “(iii) Whether to the actual knowledge of
5 the Member, officer, or employee the individual
6 who gave the gift also at the same time gave
7 the same or similar gifts to other Members, of-
8 ficers, or employees.

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

16 “(6) Any gift from another Member, officer, or
17 employee of the Senate or the House of Representa-
18 tives.

19 “(7) Food, refreshments, lodging, *transpor-*
20 *tation*, and other benefits—

21 “(A) resulting from the outside business or
22 employment activities (or other outside activi-
23 ties that are not connected to the duties of the
24 Member, officer, or employee as an officeholder)
25 of the Member, officer, or employee, or the

1 spouse of the Member, officer, or employee, if
2 such benefits have not been offered or enhanced
3 because of the official position of the Member,
4 officer, or employee and are customarily pro-
5 vided to others in similar circumstances;

6 “(B) customarily provided by a prospective
7 employer in connection with bona fide employ-
8 ment discussions; or

9 “(C) provided by a political organization
10 described in section 527(e) of the Internal Rev-
11 enue Code of 1986 in connection with a fund-
12 raising or campaign event sponsored by such an
13 organization.

14 “(8) Pension and other benefits resulting from
15 continued participation in an employee welfare and
16 benefits plan maintained by a former employer.

17 “(9) Informational materials that are sent to
18 the office of the Member, officer, or employee in the
19 form of books, articles, periodicals, other written
20 materials, audiotapes, videotapes, or other forms of
21 communication.

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

1 “(11) Honorary degrees (and associated travel,
2 food, refreshments, and entertainment) and other
3 bona fide, nonmonetary awards presented in recogni-
4 tion of public service (and associated food, refresh-
5 ments, and entertainment provided in the presen-
6 tation of such degrees and awards).

7 “(12) Donations of products from the State
8 that the Member represents that are intended pri-
9 marily for promotional purposes, such as display or
10 free distribution, and are of minimal value to any in-
11 dividual recipient.

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

17 “(14) Bequests, inheritances, and other trans-
18 fers at death.

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

23 “(16) Anything which is paid for by the Federal
24 Government, by a State or local government, or se-

1 cured by the Government under a Government con-
2 tract.

3 “(17) A gift of personal hospitality (as defined
4 in section 109(14) of the Ethics in Government Act)
5 of an individual other than a registered lobbyist or
6 agent of a foreign principal.

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

9 “(19) Opportunities and benefits which are—

10 “(A) available to the public or to a class
11 consisting of all Federal employees, whether or
12 not restricted on the basis of geographic consid-
13 eration;

14 “(B) offered to members of a group or
15 class in which membership is unrelated to con-
16 gressional employment;

17 “(C) offered to members of an organiza-
18 tion, such as an employees’ association or con-
19 gressional credit union, in which membership is
20 related to congressional employment and similar
21 opportunities are available to large segments of
22 the public through organizations of similar size;

23 “(D) offered to any group or class that is
24 not defined in a manner that specifically dis-
25 criminate among Government employees on the

1 basis of branch of Government or type of re-
2 sponsibility, or on a basis that favors those of
3 higher rank or rate of pay;

4 “(E) in the form of loans from banks and
5 other financial institutions on terms generally
6 available to the public; or

7 “(F) in the form of reduced membership or
8 other fees for participation in organization ac-
9 tivities offered to all Government employees by
10 professional organizations if the only restric-
11 tions on membership relate to professional
12 qualifications.

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

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

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

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

23 “(d)(1) A Member, officer, or employee may accept
24 an offer of free attendance at a widely attended conven-
25 tion, conference, symposium, forum, panel discussion, din-

1 ner, viewing, reception, or similar event, provided by the
2 sponsor of the event, if—

3 “(A) the Member, officer, or employee partici-
4 pates in the event as a speaker or a panel partici-
5 pant, by presenting information related to Congress
6 or matters before Congress, or by performing a cere-
7 monial function appropriate to the Member’s, offi-
8 cer’s, or employee’s official position; or

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

12 “(2) A Member, officer, or employee who attends an
13 event described in subparagraph (1) may accept a spon-
14 sor’s unsolicited offer of free attendance at the event for
15 an accompanying individual if others in attendance will
16 generally be similarly accompanied or if such attendance
17 is appropriate to assist in the representation of the House
18 of Representatives.

19 “(3) A Member, officer, or employee, or the spouse
20 or dependent thereof, may accept a sponsor’s unsolicited
21 offer of free attendance at a charity event, except that re-
22 imbursement for transportation and lodging may not be
23 accepted in connection with an event that does not meet
24 the standards provided in subparagraph (2). *the event.*

1 “(4) For purposes of this paragraph, the term ‘free
2 attendance’ may include waiver of all or part of a con-
3 ference or other fee, the provision of local transportation,
4 or the provision of food, refreshments, entertainment, and
5 instructional materials furnished to all attendees as an in-
6 tegral part of the event. The term does not include enter-
7 tainment collateral to the event, nor does it include food
8 or refreshments taken other than in a group setting with
9 all or substantially all other attendees.

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

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

21 “2. (a)(1) A reimbursement (including payment in
22 kind) to a Member, officer, or employee from ~~an individual~~
23 *a private source* other than a registered lobbyist or agent
24 of a foreign principal for necessary transportation, lodging
25 and related expenses for travel to a meeting, speaking en-

1 gagement, factfinding trip or similar event in connection
2 with the duties of the Member, officer, or employee as an
3 officeholder shall be deemed to be a reimbursement to the
4 House of Representatives and not a gift prohibited by this
5 rule, if the Member, officer, or employee—

6 “(A) in the case of an employee, receives ad-
7 vance authorization, from the Member or officer
8 under whose direct supervision the employee works,
9 to accept reimbursement, and

10 “(B) discloses the expenses reimbursed or to be
11 reimbursed and the authorization to the Clerk of the
12 House of Representatives within 30 days after the
13 travel is completed.

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

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

21 “(1) the name of the employee;

22 “(2) the name of the person who will make the
23 reimbursement;

24 “(3) the time, place, and purpose of the travel;
25 and

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

5 “(c) Each disclosure made under paragraph (a)(1) of
6 expenses reimbursed or to be reimbursed shall be signed
7 by the Member or officer (in the case of travel by that
8 Member or officer) or by the Member or officer under
9 whose direct supervision the employee works (in the case
10 of travel by an employee) and shall include—

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

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

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

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

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

22 “(6) in the case of a reimbursement to a Mem-
23 ber or officer, a determination that the travel was in
24 connection with the duties of the Member or officer
25 as an officeholder and would not create the appear-

1 ance that the Member or officer is using public of-
2 fice for private gain.

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

5 “(1) includes reasonable expenses that are nec-
6 essary for travel for a period not exceeding 3 days
7 exclusive of travel time within the United States or
8 7 days exclusive of travel time outside of the United
9 States unless approved in advance by the Committee
10 on Standards of Official Conduct;

11 “(2) is limited to reasonable expenditures for
12 transportation, lodging, conference fees and mate-
13 rials, and food and refreshments, including reim-
14 bursement for necessary transportation, whether or
15 not such transportation occurs within the periods de-
16 scribed in subparagraph (1);

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

22 “(4) may include travel expenses incurred on
23 behalf of either the spouse or a child of the Member,
24 officer, or employee, subject to a determination
25 signed by the Member or officer (or in the case of

1 an employee, the Member or officer under whose di-
2 rect supervision the employee works) that the at-
3 tendance of the spouse or child is appropriate to as-
4 sist in the representation of the House of Represent-
5 atives.

6 “(e) The Clerk of the House of Representatives shall
7 make available to the public all advance authorizations
8 and disclosures of reimbursement filed pursuant to para-
9 graph (a) as soon as possible after they are received.

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

12 “(a) Anything provided by a registered lobbyist
13 or an agent of a foreign principal to an entity that
14 is maintained or controlled by a Member, officer, or
15 employee.

16 “(b) A charitable contribution (as defined in
17 section 170(c) of the Internal Revenue Code of
18 1986) made by a registered lobbyist or an agent of
19 a foreign principal on the basis of a designation, rec-
20 ommendation, or other specification of a Member,
21 officer, or employee (not including a mass mailing or
22 other solicitation directed to a broad category of per-
23 sons or entities), other than a charitable contribu-
24 tion permitted by clause 4.

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

5 “(d) A financial contribution or expenditure
6 made by a registered lobbyist or an agent of a for-
7 eign principal relating to a conference, retreat, or
8 similar event, sponsored by or affiliated with an offi-
9 cial congressional organization, for or on behalf of
10 Members, officers, or employees.

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

17 “(b) A Member, officer, or employee who designates
18 or recommends a contribution to a charitable organization
19 in lieu of honoraria described in paragraph (a) shall report
20 within 30 days after such designation or recommendation
21 to the Clerk of the House of Representatives—

22 “(1) the name and address of the registered
23 lobbyist who is making the contribution in lieu of
24 honoraria;

1 “(2) the date and amount of the contribution;
2 and

3 “(3) the name and address of the charitable or-
4 ganization designated or recommended by the Mem-
5 ber.

6 The Clerk of the House of Representatives shall make
7 public information received pursuant to this paragraph as
8 soon as possible after it is received.

9 “5. For purposes of this rule—

10 “(a) the term ‘registered lobbyist’ means a lob-
11 byist registered under the Federal Regulation of
12 Lobbying Act or any successor statute; and

13 “(b) the term ‘agent of a foreign principal’
14 means an agent of a foreign principal registered
15 under the Foreign Agents Registration Act.

16 “6. All the provisions of this rule shall be interpreted
17 and enforced solely by the Committee on Standards of Of-
18 ficial Conduct. The Committee on Standards of Official
19 Conduct is authorized to issue guidance on any matter
20 contained in this rule.”.

21 **SEC. 2. ACCEPTANCE OF GIFTS BY THE COMMITTEE ON**
22 **HOUSE OVERSIGHT.**

23 Clause 4(d) of rule X of the Rules of the House of
24 Representatives is amended by striking “and” at the end
25 of subparagraph (1), by striking the period at the end of

1 subparagraph (2) and inserting “; and”, and by adding
2 after subparagraph (2) the following:

3 “(3) accepting a gift, *other than as otherwise*
4 *provided by law*, if the gift does not involve any
5 duty, burden, or condition, or is not made dependent
6 upon some future performance by the House of Rep-
7 resentatives and promulgating regulations to carry
8 out this paragraph.”.

9 **SEC. 3. EFFECTIVE DATE.**

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

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