

103^D CONGRESS
2^D SESSION

S. RES. 274

To amend the Standing Rules of the Senate.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 12), 1994

Mr. DOLE (for himself, Mr. SIMPSON, Mr. NICKLES, Mr. COCHRAN, Mr. McCONNELL, Mr. SMITH, Mr. D'AMATO, Mr. DOMENICI, Mr. COATS, Mr. LOTT, Mrs. HUTCHISON, Mr. BENNETT, Mr. SHELBY, Mr. GREGG, Mr. COVERDELL, Mr. DURENBERGER, Mr. PACKWOOD, Mr. GORTON, Mr. KEMPTHORNE, Mr. THURMOND, Mrs. KASSEBAUM, Mr. BROWN, Mr. MACK, Mr. WARNER, Mr. FAIRCLOTH, Mr. GRAMM, Mr. HATCH, Mr. BURNS, Mr. HELMS, Mr. MCCAIN, Mr. GRASSLEY, Mr. LUGAR, Mr. BOND, Mr. CRAIG, Mr. ROTH, Mr. PRESSLER, Mr. COHEN, and Mr. CHAFEE) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

To amend the Standing Rules of the Senate.

1 GIFT RULES

2 AMENDMENTS TO SENATE RULES

3 *Resolved*, That rule XXXV of the Standing Rules of
4 the Senate is amended to read as follows:

5 “1. No Member, officer, or employee of the Senate
6 shall accept a gift, knowing that such gift is provided by
7 a lobbyist, a registered lobbyist under the Federal Regula-

1 tion of Lobbying Act, a lobbying firm, or an agent of a
2 foreign principal.

3 “(a) GIFTS.—A prohibited gift includes the fol-
4 lowing:

5 “(1) Anything provided by a lobbyist or a
6 foreign agent which is paid for, charged to, or
7 reimbursed by a client or firm of such lobbyist
8 or a foreign agent.

9 “(2) Anything provided by a lobbyist, a
10 lobbying firm, or a foreign agent to an entity
11 that is maintained or controlled by a Member,
12 officer, or employee of the Senate.

13 “(3) A charitable contribution (as defined
14 in section 170(c) of the Internal Revenue Code
15 of 1986) made by a lobbyist, a lobbying firm,
16 or a foreign agent on the basis of a designation,
17 recommendation, or other specification of a
18 Member, officer, or employee of the Senate (not
19 including a mass mailing or other solicitation
20 directed to a broad category of persons or enti-
21 ties).

22 “(4) A contribution or other payment by a
23 lobbyist, a lobbying firm, or a foreign agent to
24 a legal expense fund established for the benefit
25 of a Member, officer, or employee of the Senate.

1 “(5) A charitable contribution (as defined
2 in section 170(c) of the Internal Revenue Code
3 of 1986) made by a lobbyist, a lobbying firm,
4 or a foreign agent in lieu of an honorarium to
5 a Member, officer, or employee of the Senate.

6 “(6) A financial contribution or expendi-
7 ture made by a lobbyist, a lobbying firm, or a
8 foreign agent relating to a conference, retreat,
9 or similar event, sponsored by or affiliated with
10 an official congressional organization, for or on
11 behalf of a Member, officer, or employee of the
12 Senate.

13 “(b) NOT GIFTS.—The following are not gifts
14 subject to the prohibition:

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

18 “(2) A contribution, as defined in the Fed-
19 eral Election Campaign Act of 1971 (2 U.S.C.
20 431 et seq.) that is lawfully made under that
21 Act, or attendance at a fundraising event spon-
22 sored by a political organization described in
23 section 527(e) of the Internal Revenue Code of
24 1986.

1 “(3) Food or refreshments of nominal
2 value offered other than as part of a meal.

3 “(4) Benefits resulting from the business,
4 employment, or other outside activities of the
5 spouse of a Member, officer, or employee of the
6 Senate, if such benefits are customarily pro-
7 vided to others in similar circumstances.

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

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

17 “(c) GIFTS GIVEN FOR A NONBUSINESS PUR-
18 POSE AND MOTIVATED BY FAMILY RELATIONSHIP OR
19 CLOSE PERSONAL FRIENDSHIP.—

20 “(1) IN GENERAL.—A gift given by an in-
21 dividual under circumstances which make it
22 clear that the gift is given for a nonbusiness
23 purpose and is motivated by a family relation-
24 ship or close personal friendship and not by the
25 position of the Member, officer, or employee of

1 the Senate shall not be subject to the prohibi-
2 tion in subsection (a).

3 “(2) NONBUSINESS PURPOSE.—A gift shall
4 not be considered to be given for a nonbusiness
5 purpose if the individual giving the gift seeks—

6 “(A) to deduct the value of such gift
7 as a business expense on the individual’s
8 Federal income tax return, or

9 “(B) direct or indirect reimbursement
10 or any other compensation for the value of
11 the gift from a client or employer of such
12 lobbyist or foreign agent.

13 “(3) FAMILY RELATIONSHIP OR CLOSE
14 PERSONAL FRIENDSHIP.—In determining if the
15 giving of a gift is motivated by a family rela-
16 tionship or close personal friendship, at least
17 the following factors shall be considered:

18 “(A) The history of the relationship
19 between the individual giving the gift and
20 the recipient of the gift, including whether
21 or not gifts have previously been exchanged
22 by such individuals.

23 “(B) Whether the gift was purchased
24 by the individual who gave the item.

1 “(C) Whether the individual who gave
2 the gift also at the same time gave the
3 same or similar gifts to any other Member,
4 officer, or employee of the Senate.

5 “2. (a) In addition to the restriction on receiving gifts
6 from lobbyists registered lobbyists under the Federal Reg-
7 ulation of Lobbying Act, lobbying firms, and agents of for-
8 eign principals provided by paragraph 1 and except as pro-
9 vided in this Rule, no Member, officer, or employee of the
10 Senate shall knowingly accept a gift from any other per-
11 son.

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

19 “(2) A gift to the spouse or dependent of a Member,
20 officer, or employee (or a gift to any other individual based
21 on that individual’s relationship with the Member, officer,
22 or employee) shall be considered a gift to the Member,
23 officer, or employee if it is given with the knowledge and
24 acquiescence of the Member, officer, or employee and the
25 Member, officer, or employee has reason to believe the gift

1 was given because of the official position of the Member,
2 officer, or employee.

3 “(c) The restrictions in subparagraph (a) shall not
4 apply to the following:

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

8 “(2) A contribution, as defined in the Federal
9 Election Campaign Act of 1971 (2 U.S.C. 431 et
10 seq.) that is lawfully made under that Act, or at-
11 tendance at a fundraising event sponsored by a po-
12 litical organization described in section 527(e) of the
13 Internal Revenue Code of 1986.

14 “(3) Anything provided by an individual on the
15 basis of a personal or family relationship unless the
16 Member, officer, or employee has reason to believe
17 that, under the circumstances, the gift was provided
18 because of the official position of the Member, offi-
19 cer, or employee and not because of the personal or
20 family relationship. The Select Committee on Ethics
21 shall provide guidance on the applicability of this
22 clause and examples of circumstances under which a
23 gift may be accepted under this exception.

24 “(4) A contribution or other payment to a legal
25 expense fund established for the benefit of a Mem-

1 ber, officer, or employee, that is otherwise lawfully
2 made, if the person making the contribution or pay-
3 ment is identified for the Select Committee on Eth-
4 ics.

5 “(5) Any food or refreshments which the recipi-
6 ent reasonably believes to have a value of less than
7 \$20.

8 “(6) Any gift from another Member, officer, or
9 employee of the Senate or the House of Representa-
10 tives.

11 “(7) Food, refreshments, lodging, and other
12 benefits—

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

23 “(B) customarily provided by a prospective
24 employer in connection with bona fide employ-
25 ment discussions; or

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

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

9 “(9) Informational materials that are sent to
10 the office of the Member, officer, or employee in the
11 form of books, articles, periodicals, other written
12 materials, audio tapes, videotapes, or other forms of
13 communication.

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

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

23 “(12) Donations of products from the State
24 that the Member represents that are intended pri-
25 marily for promotional purposes, such as display or

1 free distribution, and are of minimal value to any in-
2 dividual recipient.

3 “(13) Food, refreshments, and entertainment
4 provided to a Member or an employee of a Member
5 in the Member’s home State, subject to reasonable
6 limitations, to be established by the Committee on
7 Rules and Administration.

8 “(14) An item of little intrinsic value such as
9 a greeting card, baseball cap, or a T shirt.

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

15 “(16) Bequests, inheritances, and other trans-
16 fers at death.

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

21 “(18) Anything which is paid for by the Federal
22 Government, by a State or local government, or se-
23 cured by the Government under a Government con-
24 tract.

1 “(19) A gift of personal hospitality of an indi-
2 vidual, as defined in section 109(14) of the Ethics
3 in Government Act.

4 “(20) Free attendance at a widely attended
5 event permitted pursuant to subparagraph (d).

6 “(21) Opportunities and benefits which are—

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

11 “(B) offered to members of a group or
12 class in which membership is unrelated to con-
13 gressional employment;

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

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

1 “(E) in the form of loans from banks and
2 other financial institutions on terms generally
3 available to the public; or

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

10 “(22) A plaque, trophy, or other memento of
11 modest value.

12 “(23) Anything for which, in an unusual case,
13 a waiver is granted by the Select Committee on Eth-
14 ics.

15 “(d)(1) Except as prohibited by paragraph 1, a Mem-
16 ber, officer, or employee may accept an offer of free at-
17 tendance at a widely attended convention, conference,
18 symposium, forum, panel discussion, dinner, viewing, re-
19 ception, or similar event, provided by the sponsor of the
20 event, if—

21 “(A) the Member, officer, or employee partici-
22 pates in the event as a speaker or a panel partici-
23 pant, by presenting information related to Congress
24 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 clause (1) may accept a sponsor's unso-
8 licited offer of free attendance at the event for an accom-
9 panying individual if others in attendance will generally
10 be similarly accompanied or if such attendance is appro-
11 priate to assist in the representation of the Senate.

12 "(3) Except as prohibited by paragraph 1, a Member,
13 officer, or employee, or the spouse or dependent thereof,
14 may accept a sponsor's unsolicited offer of free attendance
15 at a charity event, except that reimbursement for trans-
16 portation and lodging may not be accepted in connection
17 with the event.

18 "(4) For purposes of this paragraph, the term 'free
19 attendance' may include waiver of all or part of a con-
20 ference or other fee, the provision of local transportation,
21 or the provision of food, refreshments, entertainment, and
22 instructional materials furnished to all attendees as an in-
23 tegral part of the event. The term does not include enter-
24 tainment collateral to the event, or food or refreshments

1 taken other than in a group setting with all or substan-
2 tially all other attendees.

3 “(e) No Member, officer, or employee may accept a
4 gift the value of which exceeds \$250 under circumstances
5 which make it clear that the gift is given for a nonbusiness
6 purpose and is motivated by a close personal friendship
7 and not by the position of the Member, officer, or em-
8 ployee of the Senate unless the Select Committee on Eth-
9 ics issues a written determination that one of such excep-
10 tions applies.

11 “(f)(1) The Committee on Rules and Administration
12 is authorized to adjust the dollar amount referred to in
13 subparagraph (c)(5) on a periodic basis, to the extent nec-
14 essary to adjust for inflation.

15 “(2) The Select Committee on Ethics shall provide
16 guidance setting forth reasonable steps that may be taken
17 by Members, officers, and employees, with a minimum of
18 paperwork and time, to prevent the acceptance of prohib-
19 ited gifts from lobbyists.

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

24 “3. (a)(1) Except as prohibited by paragraph 1, a re-
25 imbursement (including payment in kind) to a Member,

1 officer, or employee for necessary transportation, lodging
2 and related expenses for travel to a meeting, speaking en-
3 gagement, factfinding trip or similar event in connection
4 with the duties of the Member, officer, or employee as an
5 officeholder shall be deemed to be a reimbursement to the
6 Senate and not a gift prohibited by this rule, if the Mem-
7 ber, officer, or employee—

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

12 “(B) discloses the expenses reimbursed or to be
13 reimbursed and the authorization to the Secretary of
14 the Senate within 30 days after the travel is com-
15 pleted.

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

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

23 “(1) the name of the employee;

24 “(2) the name of the person who will make the
25 reimbursement;

1 “(3) the time, place, and purpose of the travel;
2 and

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

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

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

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

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

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

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

24 “(6) in the case of a reimbursement to a Mem-
25 ber or officer, a determination that the travel was in

1 connection with the duties of the Member or officer
2 as an officeholder and would not create the appear-
3 ance that the Member or officer is using public of-
4 fice for private gain.

5 “(d) For purposes of this paragraph, the term ‘nec-
6 essary transportation, lodging, and related expenses’—

7 “(1) includes reasonable expenses that are nec-
8 essary for travel for a period not exceeding 3 days
9 exclusive of traveltime within the United States or 7
10 days exclusive of traveltime outside of the United
11 States unless approved in advance by the Select
12 Committee on Ethics;

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

19 “(3) does not include expenditures for rec-
20 reational activities, or entertainment other than that
21 provided to all attendees as an integral part of the
22 event; and

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

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

6 “(e) The Secretary of the Senate shall make available
7 to the public all advance authorizations and disclosures
8 of reimbursement filed pursuant to subparagraph (a) as
9 soon as possible after they are received.

10 “3. DEFINITIONS.—

11 “(a) Lobbyist means any individual who is em-
12 ployed or retained by a client for financial or other
13 compensation for services that include one or more
14 lobbying contacts, other than an individual whose
15 lobbying activities constitute less than 10 percent of
16 the time engaged in the service provided by such in-
17 dividual to that client.

18 “(b) Lobbying firm means a person or entity
19 that has 1 or more employees who are lobbyists on
20 behalf of a client other than that person or entity in-
21 cluding a self-employed individual who is a lobbyist.

22 “(c) Agent of a foreign principal means the def-
23 inition contained in the Foreign Agents Registration
24 Act of 1938 (22 U.S.C. 611 et seq.).

25 “4. MISCELLANEOUS.—

1 “(a) SENATE PROVISIONS.—

2 “(1) AUTHORITY OF THE COMMITTEE ON
3 RULES AND ADMINISTRATION.—The Senate
4 Committee on Rules and Administration, on be-
5 half of the Senate, may accept gifts provided
6 they do not involve any duty, burden, or condi-
7 tion, or are not made dependent upon some fu-
8 ture performance by the United States. The
9 Committee on Rules and Administration is au-
10 thorized to promulgate regulations to carry out
11 this section.

12 “(2) FOOD, REFRESHMENTS, AND ENTER-
13 TAINMENT.—The rules on acceptance of food,
14 refreshments, and entertainment provided to a
15 Member of the Senate or an employee of such
16 a Member in the Member’s home State before
17 the adoption of reasonable limitations by the
18 Committee on Rules and Administration shall
19 be the rules in effect on the day before the ef-
20 fective date of this title.

21 “5. EFFECTIVE DATE.—This rule change shall take
22 effect May 31, 1995.”.

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