

104TH CONGRESS  
2D SESSION

# H. R. 3140

To prohibit gifts by lobbyists to Members of the House of Representatives, Senators, and officers and employees of the House of Representatives and the Senate.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1996

Mr. FOX of Pennsylvania introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit gifts by lobbyists to Members of the House of Representatives, Senators, and officers and employees of the House of Representatives and the Senate.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON GIFTS.**

4 (a) IN GENERAL.—No lobbyist who is registered  
5 under section 4 may provide any gift to a Member of the  
6 House of Representatives, a Senator, or an officer or em-  
7 ployee of the House of Representatives or the Senate un-  
8 less the lobbyist is related to the Member, Senator, or offi-  
9 cer or employee.

1 (b) DEFINITION.—

2 (1) For the purpose of subsection (a), the term  
3 “gift” means any gratuity, favor, discount, enter-  
4 tainment, hospitality, loan, forbearance, or other  
5 item having monetary value. The term includes gifts  
6 of services, training, transportation, lodging, and  
7 meals, whether provided in kind, by purchase of a  
8 ticket, payment in advance, or reimbursement after  
9 the expense has been incurred.

10 (2) A gift to a family member of a Member, a  
11 Senator, officer, or employee, or a gift to any other  
12 individual based on that individual’s relationship  
13 with the Member, Senator, officer, or employee, shall  
14 be considered a gift to the Member, Senator, officer,  
15 or employee if it is given with the knowledge and ac-  
16 quiescence of the Member, Senator, officer, or em-  
17 ployee and the Member, Senator, officer, or em-  
18 ployee has reason to believe the gift was given be-  
19 cause of the official position of the Member, Sen-  
20 ator, officer, or employee.

21 (3) If food or refreshment is provided at the  
22 same time and place to both a Member, Senator, of-  
23 ficer, or employee and the spouse or dependent  
24 thereof, only the food or refreshment provided to the

1 Member, Senator, officer, or employee shall be treat-  
2 ed as a gift for purposes of subsection (a).

3 (c) EXCEPTION.—The restrictions in subsection (a)  
4 shall not apply to the following:

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

8 (2) A contribution, as defined in section 301(8)  
9 of the Federal Election Campaign Act of 1971 (2  
10 U.S.C. 431 et seq.) that is lawfully made under that  
11 Act, a lawful contribution for election to a State or  
12 local government office, or attendance at a fundrais-  
13 ing event sponsored by a political organization de-  
14 scribed in section 527(e) of the Internal Revenue  
15 Code of 1986.

16 (3) A gift from a relative as described in section  
17 109(16) of title I of the Ethics in Government Act  
18 of 1978 (Public Law 95–521).

19 (4)(A) Anything provided by an individual on  
20 the basis of a personal friendship unless the Mem-  
21 ber, Senator, officer, or employee has reason to be-  
22 lieve that, under the circumstances, the gift was pro-  
23 vided because of the official position of the Member,  
24 Senator, officer, or employee and not because of the  
25 personal friendship.

1 (B) In determining whether a gift is provided  
2 on the basis of personal friendship, the Member,  
3 Senator, officer, or employee shall consider the cir-  
4 cumstances under which the gift was offered, such  
5 as:

6 (i) The history of the relationship between  
7 the individual giving the gift and the recipient  
8 of the gift, including any previous exchange of  
9 gifts between such individuals.

10 (ii) Whether to the actual knowledge of the  
11 Member, Senator, officer, or employee the indi-  
12 vidual who gave the gift personally paid for the  
13 gift or sought a tax deduction or business reim-  
14 bursement for the gift.

15 (iii) Whether to the actual knowledge of  
16 the Member, Senator, officer, or employee the  
17 individual who gave the gift also at the same  
18 time gave the same or similar gifts to other  
19 Members, officers, or employees.

20 (5) A contribution or other payment to a legal  
21 expense fund established for the benefit of a Mem-  
22 ber, Senator, officer, or employee that is otherwise  
23 lawfully made in accordance with the restrictions  
24 and disclosure requirements of the Committee on  
25 Standards of Official Conduct of the House of Rep-

1       representatives and the Select Committee on Ethics of  
2       the Senate.

3               (6) Any gift from another Member, Senator, of-  
4       ficer, or employee of the Senate or the House of  
5       Representatives.

6               (7) Food, refreshments, lodging, transportation,  
7       and other benefits—

8                       (A) resulting from the outside business or  
9       employment activities (or other outside activi-  
10      ties that are not connected to the duties of the  
11      Member, Senator, officer, or employee as an of-  
12      ficeholder) of the Member, Senator, officer, or  
13      employee, or the spouse of the Member, Sen-  
14      ator, officer, or employee, if such benefits have  
15      not been offered or enhanced because of the of-  
16      ficial position of the Member, Senator, officer,  
17      or employee and are customarily provided to  
18      others in similar circumstances;

19                      (B) customarily provided by a prospective  
20      employer in connection with bona fide employ-  
21      ment discussions; or

22                      (C) provided by a political organization de-  
23      scribed in section 527(e) of the Internal Reve-  
24      nue Code of 1986 in connection with a fund-

1           raising or campaign event sponsored by such an  
2           organization.

3           (8) Pension and other benefits resulting from  
4           continued participation in an employee welfare and  
5           benefits plan maintained by a former employer.

6           (9) Informational materials that are sent to the  
7           office of the Member, Senator, officer, or employee  
8           in the form of books, articles, periodicals, other writ-  
9           ten materials, audiotapes, videotapes, or other forms  
10          of communication.

11          (10) Awards or prizes which are given to com-  
12          petitors in contests or events open to the public, in-  
13          cluding random drawings.

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

20          (12) Training (including food and refreshments  
21          furnished to all attendees as an integral part of the  
22          training) provided to a Member, Senator, officer, or  
23          employee, if such training is in the interest of the  
24          House of Representatives or the Senate.

1           (13) Bequests, inheritances, and other transfers  
2           at death.

3           (14) Any item, the receipt of which is author-  
4           ized by the Foreign Gifts and Decorations Act, the  
5           Mutual Educational and Cultural Exchange Act, or  
6           any other statute.

7           (15) Anything which is paid for by the Federal  
8           Government, by a State or local government, or se-  
9           cured by the Government under a Government con-  
10          tract.

11          (16) A gift of personal hospitality (as defined in  
12          section 109(14) of the Ethics in Government Act of  
13          1978) of an individual other than a registered lobby-  
14          ist or agent of a foreign principal.

15          (17) Free attendance at a widely attended  
16          event.

17          (18) Opportunities and benefits which are—

18                 (A) available to the public or to a class  
19                 consisting of all Federal employees, whether or  
20                 not restricted on the basis of geographic consid-  
21                 eration;

22                 (B) offered to members of a group or class  
23                 in which membership is unrelated to congres-  
24                 sional employment;

1 (C) offered to members of an organization,  
2 such as an employees' association or congres-  
3 sional credit union, in which membership is re-  
4 lated to congressional employment and similar  
5 opportunities are available to large segments of  
6 the public through organizations of similar size;

7 (D) offered to any group or class that is  
8 not defined in a manner that specifically dis-  
9 criminate among Government employees on the  
10 basis of branch of Government or type of re-  
11 sponsibility, or on a basis that favors those of  
12 higher rank or rate of pay;

13 (E) in the form of loans from banks and  
14 other financial institutions on terms generally  
15 available to the public; or

16 (F) in the form of reduced membership or  
17 other fees for participation in organization ac-  
18 tivities offered to all Government employees by  
19 professional organizations if the only restric-  
20 tions on membership relate to professional  
21 qualifications.

22 (19) A plaque, trophy, or other item that is  
23 substantially commemorative in nature and which is  
24 intended for presentation.

1           (20) Anything for which, in an unusual case, a  
2 waiver is granted by the Committee on Standards of  
3 Official Conduct of the House of Representatives or  
4 the Select Committee on Ethics of the Senate.

5           (21) Food or refreshments of a nominal value  
6 offered other than as a part of a meal.

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