

104TH CONGRESS
2D SESSION

H. R. 3797

To amend title 5, United States Code, to ban gifts to executive branch employees.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 1996

Mr. SALMON (for himself, Mr. CONDIT, Mr. FIELDS of Texas, Mr. COBLE, Mr. LINDER, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. GUTKNECHT, Mrs. SEASTRAND, Mr. CHRYSLER, Mr. BASS, Mr. FOLEY, Mr. STUMP, Mr. INGLIS of South Carolina, Mr. WELLER, Mr. GOSS, Mr. SHADEGG, Mr. LARGENT, Mr. HORN, Mr. ENSIGN, and Mr. HAYWORTH) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend title 5, United States Code, to ban gifts to executive branch employees.

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. SHORT TITLE.**

4 This Act may be cited as the “Cleaner Government
5 Act of 1996”.

1 **SEC. 2. GIFT BAN.**

2 (a) IN GENERAL.—Chapter 73 of title 5, United
3 States Code, is amended by adding at the end the follow-
4 ing:

5 **“§ 7354. Gifts to executive branch employees**

6 “(a) IN GENERAL.—An executive branch employee
7 may not accept a gift that a Member, officer, or employee
8 of the House of Representatives is forbidden to accept
9 under rule LII of the Rules of the House of Representa-
10 tives for the One Hundred Fourth Congress.

11 “(b) RULES OF APPLICATION.—For the purposes of
12 the application of subsection (a), the following rules apply:

13 “(1) ‘CONGRESS’ AND ‘CONGRESSIONAL’
14 DEEMED TO BE ‘GOVERNMENT’.—The terms ‘Con-
15 gress’ and ‘congressional’ where they appear in rule
16 LII shall be deemed to be references to ‘Govern-
17 ment’.

18 “(2) DIRECTOR OF OGE TO PERFORM FUNC-
19 TIONS OF CLERK OF HOUSE OR COMMITTEE ON
20 STANDARDS OF OFFICIAL CONDUCT.—The Director
21 of the Office of Government Ethics shall perform
22 each function with respect to an executive branch
23 employee that the Clerk of the House of Representa-
24 tives or the Committee on Standards of Official Con-
25 duct performs under rule LII with respect to a
26 Member, officer, or employee.

1 “(3) DEEMED REIMBURSEMENT TO THE TREAS-
2 URY.—Any reimbursement from a private source to
3 an executive branch employee for travel to which
4 clause 2(a)(1) of rule LII applies shall be deemed to
5 be a reimbursement to the Treasury of the United
6 States.

7 “(c) REPORT TO CONGRESS.—

8 “(1) IN GENERAL.—Not later than January 31
9 of each year, the Director shall report to Congress
10 and to the public on violations of this section that
11 occurred during the previous calendar year.

12 “(2) CONTENT OF REPORT.—The report re-
13 quired under paragraph (1) shall include—

14 “(A) the name of—

15 “(i) the individual who violated this
16 section; and

17 “(ii) the agency where such individual
18 was employed at the time of the violation;

19 “(B) a description of the violation, includ-
20 ing a description of the gift received and of the
21 fair market value of such gift; and

22 “(C) any remedial action taken with re-
23 spect to the violation.

24 “(d) DEFINITIONS.—As used in this section—

1 “(1) the term ‘executive branch employee’
2 means an employee of an Executive agency, and in-
3 cludes—

4 “(A) an expert or consultant who is under
5 contract under section 3109 of this title with
6 the United States or any agency, department,
7 or establishment thereof, including, in the case
8 of an organization performing services under
9 such section, any individual involved in the per-
10 formance of such services; and

11 “(B) the President and Vice President of
12 the United States; and

13 “(2) the term ‘Executive agency’ has the mean-
14 ing given such term in section 105 of title 5, United
15 States Code.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 73 of title 5, United States
18 Code, is amended by adding at the end the following new
19 item:

“7354. Gifts to executive branch employees.”.

