

104TH CONGRESS
1ST SESSION

H. RES. 214

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 1995

Mrs. WALDHOLTZ (for herself, Mr. BARRETT of Wisconsin, Mr. SHAYS, Mr. MINGE, Mr. DEAL of Georgia, Mr. KLUG, Mr. MEEHAN, Mr. CASTLE, Mr. LUTHER, Mr. DICKEY, Mr. ZIMMER, Mr. MCHALE, Mr. RAMSTAD, and Ms. DUNN of Washington) submitted the following resolution; which was referred to the Committee on Standards of Official Conduct

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 Clause 4 of rule XLIII of the Rules of the House
4 of Representatives is amended to read as follows:

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

8 “(2) A Member, officer, or employee may accept a
9 gift (other than cash or cash equivalent) which the Mem-

1 ber, officer, or employee reasonably and in good faith be-
2 lieves to have a value of less than \$50, and a cumulative
3 value from one source during a calendar year of less than
4 \$100. No gift with a value below \$10 shall count toward
5 the \$100 annual limit. No formal recordkeeping is re-
6 quired by this paragraph, but a Member, officer, or em-
7 ployee shall make a good faith effort to comply with this
8 paragraph.

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

16 “(2)(A) A gift to a family member of a Member, offi-
17 cer, or employee, or a gift to any other individual based
18 on that individual’s relationship with the Member, officer,
19 or employee, shall be considered a gift to the Member, offi-
20 cer, or employee if it is given with the knowledge and ac-
21 quiescence of the Member, officer, or employee and the
22 Member, officer, or employee has reason to believe the gift
23 was given because of the official position of the Member,
24 officer, or employee.

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

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

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

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

17 “(3) A gift from a relative as described in sec-
18 tion 107(2) of title I of the Ethics in Government
19 Act of 1978 (Public Law 95-521).

20 “(4)(A) Anything provided by an individual on
21 the basis of a personal friendship unless the Mem-
22 ber, officer, or employee has reason to believe that,
23 under the circumstances, the gift was provided be-
24 cause of the official position of the Member, officer,

1 or employee and not because of the personal friend-
2 ship.

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

7 “(i) The history of the relationship be-
8 tween the individual giving the gift and the re-
9 cipient of the gift, including any previous ex-
10 change of gifts between such individuals.

11 “(ii) Whether to the actual knowledge of
12 the Member, officer, or employee the individual
13 who gave the gift personally paid for the gift or
14 sought a tax deduction or business reimburse-
15 ment for the gift.

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

21 “(5) A contribution or other payment to a legal
22 expense fund established for the benefit of a Mem-
23 ber, officer, or employee, that is otherwise lawfully
24 made, subject to the disclosure requirements of the

1 Committee on Standards of Official Conduct, except
2 as provided in paragraph 3(c).

3 “(6) Any gift from another Member, officer, or
4 employee of the Senate or the House of Representa-
5 tives.

6 “(7) Food, refreshments, lodging, and other
7 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, officer, or employee as an officeholder)
12 of the Member, officer, or employee, or the
13 spouse of the Member, officer, or employee, if
14 such benefits have not been offered or enhanced
15 because of the official position of the Member,
16 officer, or employee and are customarily pro-
17 vided to others in similar circumstances;

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

21 “(C) provided by a political organization
22 described in section 527(e) of the Internal Rev-
23 enue Code of 1986 in connection with a fund-
24 raising or campaign event sponsored by such an
25 organization.

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

4 “(9) Informational materials that are sent to
5 the office of the Member, officer, or employee in the
6 form of books, articles, periodicals, other written
7 materials, audiotapes, videotapes, or other forms of
8 communication.

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

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

18 “(12) Donations of products from the State
19 that the Member represents that are intended pri-
20 marily for promotional purposes, such as display or
21 free distribution, and are of minimal value to any in-
22 dividual recipient.

23 “(13) Training (including food and refresh-
24 ments furnished to all attendees as an integral part
25 of the training) provided to a Member, officer, or

1 employee, if such training is in the interest of the
2 House of Representatives.

3 “(14) Bequests, inheritances, and other trans-
4 fers at death.

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

9 “(16) Anything which is paid for by the Federal
10 Government, by a State or local government, or se-
11 cured by the Government under a Government con-
12 tract.

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

17 “(18) Free attendance at a widely attended
18 event permitted pursuant to subparagraph (d).

19 “(19) Opportunities and benefits which are—

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

1 “(B) offered to members of a group or
2 class in which membership is unrelated to con-
3 gressional employment;

4 “(C) offered to members of an organiza-
5 tion, such as an employees’ association or con-
6 gressional credit union, in which membership is
7 related to congressional employment and similar
8 opportunities are available to large segments of
9 the public through organizations of similar size;

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

16 “(E) in the form of loans from banks and
17 other financial institutions on terms generally
18 available to the public; or

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

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

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

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

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

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

16 “(A) the Member, officer, or employee partici-
17 pates in the event as a speaker or a panel partici-
18 pant, by presenting information related to Congress
19 or matters before Congress, or by performing a cere-
20 monial function appropriate to the Member’s, offi-
21 cer’s, or employee’s official position; or

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

1 “(2) A Member, officer, or employee who attends an
2 event described in clause (1) may accept a sponsor’s unso-
3 licited offer of free attendance at the event for an accom-
4 panying individual if others in attendance will generally
5 be similarly accompanied or if such attendance is appro-
6 priate to assist in the representation of the House of Rep-
7 resentatives.

8 “(3) A Member, officer, or employee, or the spouse
9 or dependent thereof, may accept a sponsor’s unsolicited
10 offer of free attendance at a charity event, except that re-
11 imbursement for transportation and lodging may not be
12 accepted in connection with an event that does not meet
13 the standards provided in paragraph 2.

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

23 “(e) No Member, officer, or employee may accept a
24 gift the value of which exceeds \$250 on the basis of the
25 personal friendship exception in subparagraph (c)(4) un-

1 less the Committee on Standards of Official Conduct is-
2 sues a written determination that such exception applies.
3 No determination under this subparagraph is required for
4 gifts given on the basis of the family relationship excep-
5 tion.

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

10 “(g) (1) A reimbursement (including payment in kind)
11 to a Member, officer, or employee from an individual other
12 than a registered lobbyist or agent of a foreign principal
13 for necessary transportation, lodging and related expenses
14 for travel to a meeting, speaking engagement, factfinding
15 trip or similar event in connection with the duties of the
16 Member, officer, or employee as an officeholder shall be
17 deemed to be a reimbursement to the House of Represent-
18 atives and not a gift prohibited by this rule, if the Mem-
19 ber, officer, or employee—

20 “(A) in the case of an employee, receives ad-
21 vance authorization, from the Member or officer
22 under whose direct supervision the employee works,
23 to accept reimbursement, and

24 “(B) discloses the expenses reimbursed or to be
25 reimbursed and the authorization to the Clerk of the

1 House of Representatives within 30 days after the
2 travel is completed.

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

7 “(h) Each advance authorization to accept reimburse-
8 ment shall be signed by the Member or officer under whose
9 direct supervision the employee works and shall include—

10 “(1) the name of the employee;

11 “(2) the name of the person who will make the
12 reimbursement;

13 “(3) the time, place, and purpose of the travel;
14 and

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

19 “(i) Each disclosure made under subparagraph (g)(1)
20 of expenses reimbursed or to be reimbursed shall be signed
21 by the Member or officer (in the case of travel by that
22 Member or officer) or by the Member or officer under
23 whose direct supervision the employee works (in the case
24 of travel by an employee) and shall include—

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

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

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

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

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

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

18 “(j) For the purposes of this paragraph, the term
19 ‘necessary transportation, lodging, and related ex-
20 penses’—

21 “(1) includes reasonable expenses that are nec-
22 essary for travel for a period not exceeding 3 days
23 exclusive of travel time within the United States or
24 7 days exclusive of travel time outside of the United

1 States unless approved in advance by the Committee
2 on Standards of Official Conduct;

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

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

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

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

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

3 “(l) A gift prohibited by subparagraph (a) includes
4 the following:

5 “(1) 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 “(2) 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 subparagraph (p).

18 “(3) 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 “(4) 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 “(m) A charitable contribution (as defined in section
4 170(c) of the Internal Revenue Code of 1986) made by
5 a registered lobbyist or an agent of a foreign principal in
6 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 subparagraph (b).

9 “(n) A Member, officer, or employee who designates
10 or recommends a contribution to a charitable organization
11 in lieu of honoraria described in subparagraph (a) shall
12 report within 30 days after such designation or rec-
13 ommendation to the Clerk of the House of Representa-
14 tives—

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

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

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

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

1 “(o) For purposes of this rule—

2 “(1) the term ‘registered lobbyist’ means a lob-
3 byist registered under the Federal Regulation of
4 Lobbying Act or any successor statute; and

5 “(2) the term ‘agent of a foreign principal’
6 means an agent of a foreign principal registered
7 under the Foreign Agents Registration Act.

8 “(p) All the provisions of this rule shall be interpreted
9 and enforced solely by the Committee on Standards of Of-
10 ficial Conduct. The Committee on Standards of Official
11 Conduct is authorized to issue guidance on any matter
12 contained in this rule.”.

13 **SEC. 2. EFFECTIVE DATE.**

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

○

HRES 214 IH—2