

104TH CONGRESS
1ST SESSION

H. RES. 250

RESOLUTION

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

NOVEMBER 16, 1995

Ordered to be printed as agreed to
(Amended)

**Printed as Agreed to
(Amended)**

November 16, 1995

Ordered to be printed as agreed to

104TH CONGRESS
1ST SESSION

H. RES. 250

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

5 “RULE LII

6 “GIFT RULE

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

10 “(b)(1) For the purpose of this rule, the term ‘gift’
11 means any gratuity, favor, discount, entertainment, hospi-

1 tality, loan, forbearance, or other item having monetary
2 value. The term includes gifts of services, training, trans-
3 portation, lodging, and meals, whether provided in kind,
4 by purchase of a ticket, payment in advance, or reimburse-
5 ment after the expense has been incurred.

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

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

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

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

1 “(2) A contribution, as defined in section
2 301(8) of the Federal Election Campaign Act of
3 1971 (2 U.S.C. 431 et seq.) that is lawfully made
4 under that Act, a lawful contribution for election to
5 a State or local government office, or attendance at
6 a fundraising event sponsored by a political organi-
7 zation described in section 527(e) of the Internal
8 Revenue Code of 1986.

9 “(3) A gift from a relative as described in sec-
10 tion 109(16) of title I of the Ethics in Government
11 Act of 1978 (Public Law 95–521).

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

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

23 “(i) The history of the relationship be-
24 tween the individual giving the gift and the re-

1 ipient of the gift, including any previous ex-
2 change of gifts between such individuals.

3 “(ii) Whether to the actual knowledge of
4 the Member, officer, or employee the individual
5 who gave the gift personally paid for the gift or
6 sought a tax deduction or business reimburse-
7 ment for the gift.

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

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

20 “(6) Any gift from another Member, officer, or
21 employee of the Senate or the House of Representa-
22 tives.

23 “(7) Food, refreshments, lodging, transpor-
24 tation, and other benefits—

1 “(A) resulting from the outside business or
2 employment activities (or other outside activi-
3 ties that are not connected to the duties of the
4 Member, officer, or employee as an officeholder)
5 of the Member, officer, or employee, or the
6 spouse of the Member, officer, or employee, if
7 such benefits have not been offered or enhanced
8 because of the official position of the Member,
9 officer, or employee and are customarily pro-
10 vided to others in similar circumstances;

11 “(B) customarily provided by a prospective
12 employer in connection with bona fide employ-
13 ment discussions; or

14 “(C) provided by a political organization
15 described in section 527(e) of the Internal Rev-
16 enue Code of 1986 in connection with a fund-
17 raising or campaign event sponsored by such an
18 organization.

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

22 “(9) Informational materials that are sent to
23 the office of the Member, officer, or employee in the
24 form of books, articles, periodicals, other written

1 materials, audiotapes, videotapes, or other forms of
2 communication.

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

6 “(11) Honorary degrees (and associated travel,
7 food, refreshments, and entertainment) and other
8 bona fide, nonmonetary awards presented in recogni-
9 tion of public service (and associated food, refresh-
10 ments, and entertainment provided in the presen-
11 tation of such degrees and awards).

12 “(12) 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 “(13) Bequests, inheritances, and other trans-
18 fers at death.

19 “(14) 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 “(15) 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 “(16) 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 “(17) Free attendance at a widely attended
8 event permitted pursuant to paragraph (d).

9 “(18) 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 criminates 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 “(19) A plaque, trophy, or other item that is
14 substantially commemorative in nature and which is
15 intended for presentation.

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

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

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

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

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

10 “(2) A Member, officer, or employee who attends an
11 event described in subparagraph (1) may accept a spon-
12 sor’s unsolicited offer of free attendance at the event for
13 an accompanying individual.

14 “(3) A Member, officer, or employee, or the spouse
15 or dependent thereof, may accept a sponsor’s unsolicited
16 offer of free attendance at a charity event, except that re-
17 imbursement for transportation and lodging may not be
18 accepted in connection with the event.

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

1 or refreshments taken other than in a group setting with
2 all or substantially all other attendees.

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

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

14 “2. (a)(1) A reimbursement (including payment in
15 kind) to a Member, officer, or employee from a private
16 source other than a registered lobbyist or agent of a for-
17 eign principal for necessary transportation, lodging and
18 related expenses for travel to a meeting, speaking engage-
19 ment, factfinding trip or similar event in connection with
20 the duties of the Member, officer, or employee as an office-
21 holder shall be deemed to be a reimbursement to the
22 House of Representatives and not a gift prohibited by this
23 rule, if the Member, officer, or employee—

24 “(A) in the case of an employee, receives ad-
25 vance authorization, from the Member or officer

1 under whose direct supervision the employee works,
2 to accept reimbursement, and

3 “(B) discloses the expenses reimbursed or to be
4 reimbursed and the authorization to the Clerk of the
5 House of Representatives within 30 days after the
6 travel is completed.

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

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

14 “(1) the name of the employee;

15 “(2) the name of the person who will make the
16 reimbursement;

17 “(3) the time, place, and purpose of the travel;
18 and

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

23 “(c) Each disclosure made under paragraph (a)(1) of
24 expenses reimbursed or to be reimbursed shall be signed
25 by the Member or officer (in the case of travel by that

1 Member or officer) or by the Member or officer under
 2 whose direct supervision the employee works (in the case
 3 of travel by an employee) and shall include—

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

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

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

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

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

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

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

23 “(1) includes reasonable expenses that are nec-
 24 essary for travel for a period not exceeding 4 days
 25 within the United States or 7 days exclusive of trav-

1 el time outside of the United States unless approved
2 in advance by the Committee on Standards of Offi-
3 cial Conduct;

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

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

15 “(4) may include travel expenses incurred on
16 behalf of either the spouse or a child of the Member,
17 officer, or employee.

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

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

24 “(a) Anything provided by a registered lobbyist
25 or an agent of a foreign principal to an entity that

1 is maintained or controlled by a Member, officer, or
2 employee.

3 “(b) A charitable contribution (as defined in
4 section 170(c) of the Internal Revenue Code of
5 1986) made by a registered lobbyist or an agent of
6 a foreign principal on the basis of a designation, rec-
7 ommendation, or other specification of a Member,
8 officer, or employee (not including a mass mailing or
9 other solicitation directed to a broad category of per-
10 sons or entities), other than a charitable contribu-
11 tion permitted by clause 4.

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

16 “(d) A financial contribution or expenditure
17 made by a registered lobbyist or an agent of a for-
18 eign principal relating to a conference, retreat, or
19 similar event, sponsored by or affiliated with an offi-
20 cial congressional organization, for or on behalf of
21 Members, officers, or employees.

22 “4. (a) A charitable contribution (as defined in sec-
23 tion 170(c) of the Internal Revenue Code of 1986) made
24 by a registered lobbyist or an agent of a foreign principal
25 in lieu of an honorarium to a Member, officer, or employee

1 shall not be considered a gift under this rule if it is re-
2 ported as provided in paragraph (b).

3 “(b) A Member, officer, or employee who designates
4 or recommends a contribution to a charitable organization
5 in lieu of honoraria described in paragraph (a) shall report
6 within 30 days after such designation or recommendation
7 to the Clerk of the House of Representatives—

8 “(1) the name and address of the registered
9 lobbyist who is making the contribution in lieu of
10 honoraria;

11 “(2) the date and amount of the contribution;
12 and

13 “(3) the name and address of the charitable or-
14 ganization designated or recommended by the Mem-
15 ber.

16 The Clerk of the House of Representatives shall make
17 public information received pursuant to this paragraph as
18 soon as possible after it is received.

19 “5. For purposes of this rule—

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

23 “(b) the term ‘agent of a foreign principal’
24 means an agent of a foreign principal registered
25 under the Foreign Agents Registration Act.

1 “6. All the provisions of this rule shall be interpreted
2 and enforced solely by the Committee on Standards of Of-
3 ficial Conduct. The Committee on Standards of Official
4 Conduct is authorized to issue guidance on any matter
5 contained in this rule.”.

6 **SEC. 2. ACCEPTANCE OF GIFTS BY THE COMMITTEE ON**
7 **HOUSE OVERSIGHT.**

8 Clause 4(d) of rule X of the Rules of the House of
9 Representatives is amended by striking “and” at the end
10 of subparagraph (1), by striking the period at the end of
11 subparagraph (2) and inserting “; and”, and by adding
12 after subparagraph (2) the following:

13 “(3) accepting a gift, other than as otherwise
14 provided by law, if the gift does not involve any
15 duty, burden, or condition, or is not made dependent
16 upon some future performance by the House of Rep-
17 resentatives and promulgating regulations to carry
18 out this paragraph.”.

19 **SEC. 3. EFFECTIVE DATE.**

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