

104TH CONGRESS
1ST SESSION

H. RES. 40

To amend the Rules of the House of Representatives concerning the receipt of gifts from lobbyists and other persons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1995

Mr. BRYANT of Texas (for himself, Mr. BONIOR, Mr. FAZIO, Mr. OBEY, Mrs. SCHROEDER, Mr. MILLER of California, Mr. PETERSON of Florida, Mr. BARRETT of Wisconsin, Ms. KAPTUR, Mr. DURBIN, Mr. MINGE, Ms. DELAURO, Mr. KANJORSKI, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 29, 1995

Additional sponsors: Mr. BALDACCI, Mr. BECERRA, Mr. DOGGETT, Ms. ESHOO, Mr. GUTIERREZ, Mrs. KENNELLY, Ms. LOFGREN, Mr. MASCARA, Mr. OLVER, Mr. REYNOLDS, Ms. RIVERS, Mr. WARD, Mr. WISE, Ms. WOOLSEY, Ms. MCKINNEY, Mr. BEILENSON, Mr. TORRES, Mr. FROST, Mr. FRANK of Massachusetts, Mr. BROWDER, Mr. GENE GREEN of Texas, Mr. STUPAK, Mr. MEEHAN, Mr. SPRATT, Mr. JACOBS, Mr. VENTO, Mr. NADLER, Ms. HARMAN, Mr. POSHARD, and Mr. JOHNSON of South Dakota

RESOLUTION

To amend the Rules of the House of Representatives concerning the receipt of gifts from lobbyists and other persons, and for other purposes.

1 *Resolved,*

1 **SECTION 1. GIFT AMENDMENTS.**

2 (a) AMENDMENT.—Clause 4 of rule XLIII of the
3 Rules of the House of Representatives is amended to read
4 as follows:

5 “4. (a)(1) No Member, officer, or employee of the
6 House of Representatives shall accept a gift, knowing that
7 such gift is provided directly or indirectly by a paid lobby-
8 ist, a lobbying firm (a person or entity that has 1 or more
9 employees who are lobbyists on behalf of a client other
10 than that person or entity), or an agent of a foreign prin-
11 cipal (as defined in the Foreign Agents Registration Act
12 of 1938).

13 “(2) The prohibition in subparagraph (1) includes the
14 following:

15 “(A) Anything provided by a lobbyist or a for-
16 eign agent which the Member, officer, or employee
17 has reason to believe is paid for, charged to, or reim-
18 bursed by a client or firm of such lobbyist or foreign
19 agent.

20 “(B) Anything provided by a lobbyist, a lobby-
21 ing firm, or a foreign agent to an entity that is
22 maintained or controlled by a Member, officer, or
23 employee.

24 “(C) A charitable contribution (as defined in
25 section 170(c) of the Internal Revenue Code of
26 1986) made by a lobbyist, a lobbying firm, or a for-

1 eign agent on the basis of a designation, rec-
2 ommendation, or other specification of a Member,
3 officer, or employee (not including a mass mailing or
4 other solicitation directed to a broad category of per-
5 sons or entities).

6 “(D) A contribution or other payment by a lob-
7 byist, a lobbying firm, or a foreign agent to a legal
8 expense fund established for the benefit of a Mem-
9 ber, officer, or employee.

10 “(E) A charitable contribution (as defined in
11 section 170(c) of the Internal Revenue Code of
12 1986) made by a lobbyist, a lobbying firm, or a for-
13 eign agent in lieu of an honorarium to a Member,
14 officer, or employee.

15 “(F) A financial contribution or expenditure
16 made by a lobbyist, a lobbying firm, or a foreign
17 agent relating to a conference, retreat, or similar
18 event, sponsored by or affiliated with an official con-
19 gressional organization, for or on behalf of Members,
20 officers, or employees.

21 “(3) The following are not gifts subject to the prohi-
22 bition in subparagraph (1):

23 “(A) Anything for which the recipient pays the
24 market value, or does not use and promptly returns
25 to the donor.

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

7 “(C) Food or refreshments of nominal value of-
8 fered other than as part of a meal.

9 “(D) Benefits resulting from the business, em-
10 ployment, or other outside activities of the spouse of
11 a Member, officer, or employee, if such benefits are
12 customarily provided to others in similar cir-
13 cumstances.

14 “(E) Pension and other benefits resulting from
15 continued participation in an employee welfare and
16 benefits plan maintained by a former employer.

17 “(F) Informational materials that are sent to
18 the office of a Member, officer, or employee in the
19 form of books, articles, periodicals, other written
20 materials, audio tapes, videotapes, or other forms of
21 communication.

22 “(4)(A) A gift given by an individual under cir-
23 cumstances which make it clear that the gift is given for
24 a nonbusiness purpose and is motivated by a family rela-
25 tionship or close personal friendship and not by the posi-

1 tion of the Member, officer, or employee shall not be sub-
2 ject to the prohibition in subparagraph (1).

3 “(B) A gift shall not be considered to be given for
4 a nonbusiness purpose if the Member, officer, or employee
5 has reason to believe the individual giving the gift will
6 seek—

7 “(i) to deduct the value of such gift as a busi-
8 ness expense on the individual’s Federal income tax
9 return, or

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

13 “(C) In determining if the giving of a gift is moti-
14 vated by a family relationship or close personal friendship,
15 at least the following factors shall be considered:

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

20 “(ii) Whether the Member, officer, or employee
21 has reason to believe the gift was purchased by the
22 individual who gave the item.

23 “(iii) Whether the Member, officer, or employee
24 has reason to believe the individual who gave the gift

1 also at the same time gave the same or similar gifts
2 to other Members, officers, or employees.

3 “(b) In addition to the restriction on receiving gifts
4 from paid lobbyists, lobbying firms, and agents of foreign
5 principals provided by paragraph (a) and except as pro-
6 vided in this Rule, no Member, officer, or employee of the
7 House of Representatives shall knowingly accept a gift
8 from any other person.

9 “(c)(1) For the purpose of this clause, 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 gift to the spouse or dependent of a Member,
17 officer, 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,
20 officer, or employee if it is given with the knowledge and
21 acquiescence 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 “(d) The restrictions in paragraph (b) shall not apply
2 to the following:

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

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

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

23 “(4) A contribution or other payment to a legal
24 expense fund established for the benefit of a Mem-
25 ber, officer, or employee, that is otherwise lawfully

1 made, if the person making the contribution or pay-
2 ment is identified for the Committee on Standards
3 of Official Conduct.

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

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

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

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

22 “(B) customarily provided by a prospective
23 employer in connection with bona fide employ-
24 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 Standards of Official Conduct.

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 House of Representatives.

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 paragraph (e).

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 exceptional cir-
13 cumstances, a waiver is granted by the Committee
14 on Standards of Official Conduct.

15 “(e)(1) Except as prohibited by paragraph (a), a
16 Member, officer, or employee may accept an offer of free
17 attendance 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 subparagraph (1) may accept a spon-
8 sor's unsolicited offer of free attendance at the event for
9 an accompanying individual if others in attendance will
10 generally be similarly accompanied or if such attendance
11 is appropriate to assist in the representation of the House
12 of Representatives.

13 "(3) Except as prohibited by paragraph (a), a Mem-
14 ber, officer, or employee, or the spouse or dependent there-
15 of, may accept a sponsor's unsolicited offer of free attend-
16 ance at a charity event, except that reimbursement for
17 transportation and lodging may not be accepted in connec-
18 tion 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, or food or refreshments

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

3 “(f) No Member, officer, or employee may accept a
4 gift the value of which exceeds \$250 on the basis of the
5 personal relationship exception in paragraph (d)(3) or the
6 close personal friendship exception in section 106(d) of the
7 Lobbying Disclosure Act of 1995 unless the Committee
8 on Standards of Official Conduct issues a written deter-
9 mination that one of such exceptions applies.

10 “(g)(1) The Committee on Standards of Official Con-
11 duct is authorized to adjust the dollar amount referred
12 to in paragraph (d)(5) on a periodic basis, to the extent
13 necessary to adjust for inflation.

14 “(2) The Committee on Standards of Official Con-
15 duct shall provide guidance setting forth reasonable steps
16 that may be taken by Members, officers, and employees,
17 with a minimum of paperwork and time, to prevent the
18 acceptance of prohibited gifts from lobbyists.

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

23 “(h)(1)(A) Except as prohibited by paragraph (a), a
24 reimbursement (including payment in kind) to a Member,
25 officer, or employee for necessary transportation, lodging

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

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

11 “(ii) discloses the expenses reimbursed or to be
12 reimbursed and the authorization to the Clerk of the
13 House of Representatives within 30 days after the
14 travel is completed.

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

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

22 “(A) the name of the employee;

23 “(B) the name of the person who will make the
24 reimbursement;

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

3 “(D) 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 “(3) Each disclosure made under subparagraph
8 (1)(A) 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 “(A) a good faith estimate of total transpor-
14 tation expenses reimbursed or to be reimbursed;

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

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

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

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

24 “(F) 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 “(4) For the purposes of this paragraph, the term
6 ‘necessary transportation, lodging, and related ex-
7 penses’—

8 “(A) includes reasonable expenses that are
9 necessary for travel—

10 “(i) for a period not exceeding 4 days
11 including travel time within the United
12 States or 7 days in addition to travel time
13 outside the United States; and

14 “(ii) within 24 hours before or after
15 participation in an event in the United
16 States or within 48 hours before or after
17 participation in an event outside the Unit-
18 ed States,

19 unless approved in advance by the Committee
20 on Standards of Official Conduct;

21 “(B) is limited to reasonable expenditures for
22 transportation, lodging, conference fees and mate-
23 rials, and food and refreshments, including reim-
24 bursement for necessary transportation, whether or

1 not such transportation occurs within the periods de-
2 scribed in clause (A);

3 “(C) does not include expenditures for rec-
4 reational activities or entertainment other than that
5 provided to all attendees as an integral part of the
6 event; and

7 “(D) may include travel expenses incurred on
8 behalf of either the spouse or a child of the Member,
9 officer, or employee, subject to a determination
10 signed by the Member or officer (or in the case of
11 an employee, the Member or officer under whose di-
12 rect supervision the officer or employee works) that
13 the attendance of the spouse or child is appropriate
14 to assist in the representation of the House of Rep-
15 resentatives.

16 “(5) The Clerk of the House of Representatives shall
17 make available to the public all advance authorizations
18 and disclosures of reimbursement filed pursuant to sub-
19 paragraph (1) as soon as possible after they are received.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect May 31, 1995.

22 **SEC. 2. LIMITATION ON ROYALTY INCOME.**

23 (a) LIMITATION.—Clause 8 of rule XLVII of the
24 Rules of the House of Representatives is amended by add-
25 ing at the end the following new paragraph:

1 “(g) In calendar year 1995 or thereafter, a Member,
2 officer, or employee of the House may not—

3 “(1) receive any copyright royalties for any
4 work—

5 “(A) unless the royalty is received from an
6 established publisher pursuant to usual and
7 customary contractual terms;

8 “(B) unless the total amount of such roy-
9 alties for that work does not exceed one-third of
10 that individual’s annual pay as a Member, offi-
11 cer, or employee for the year in which the con-
12 tract is entered into; and

13 “(C) without the prior notification and ap-
14 proval of the contract for that work by the
15 Committee on Standards of Official Conduct; or

16 “(2) receive any advance payment for any such
17 work.”.

18 (b) CONFORMING AMENDMENT.—Clause 3(e)(5) of
19 rule XLVII of the Rules of the House of Representatives
20 is amended to read as follows:

21 “(5) copyright royalties.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 subsections (a) and (b) shall apply only to copyright roy-
24 alties received by any Member, officer, or employee of the
25 House after adoption of this resolution pursuant to any

1 contract entered into while that individual is such a Mem-
2 ber, officer, or employee.

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HRES 40 SC—2