

103^D CONGRESS
1ST SESSION

H. R. 2735

To limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1993

Ms. LONG introduced the following bill; which was referred jointly to the Committees on House Administration, the Judiciary, and Standards of Official Conduct

A BILL

To limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes.

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 “Congressional Ethics
5 Reform Act”.

6 **SEC. 2. GENERAL STANDARDS.**

7 (a) GENERAL PROHIBITIONS.—A Member or em-
8 ployee shall not, directly or indirectly, solicit or accept a
9 gift from any source except as provided in this Act.

1 (b) RELATIONSHIP TO ILLEGAL GRATUITIES STAT-
2 UTE.—Unless accepted in violation of subsection (c)(1),
3 a gift accepted under the standards set forth in this Act
4 shall not constitute an illegal gratuity otherwise prohibited
5 by section 201(c)(1)(B) of title 18, United States Code.

6 (c) LIMITATIONS ON USE OF EXCEPTIONS.—A Mem-
7 ber or employee shall not—

8 (1) accept a gift in return for being influenced
9 in the performance of an official act;

10 (2) solicit or coerce the offering of a gift;

11 (3) accept gifts from the same or different
12 sources on a basis so frequent that a reasonable per-
13 son would be led to believe the Member or employee
14 is using his public office for private gain;

15 (4) accept a gift in violation of any statute; or

16 (5) accept vendor promotional training contrary
17 to any applicable regulations, policies, or guidance
18 relating to the procurement of supplies and services
19 for the Congress.

20 **SEC. 3. DEFINITIONS.**

21 For purposes of this Act—

22 (1) EMPLOYEE.—The term “employee” means
23 an employee of the legislative branch.

24 (2) GIFT.—The term “gift” includes any gratu-
25 ity, favor, discount, entertainment, hospitality, loan,

1 forbearance, or other item having monetary value. It
2 includes services as well as gifts of training, trans-
3 portation, local travel, lodgings and meals, whether
4 provided in-kind, by purchase of a ticket, payment in
5 advance, or reimbursement after the expense has
6 been incurred. It does not include—

7 (A) modest items of food and refresh-
8 ments, such as soft drinks, coffee, and donuts,
9 offered other than as part of a meal;

10 (B) greeting cards and items with little in-
11 trinsic value, such as plaques, certificates and
12 trophies, which are intended solely for presen-
13 tation;

14 (C) loans from banks and other financial
15 institutions on terms generally available to the
16 public;

17 (D) opportunities and benefits, including
18 favorable rates and commercial discounts, avail-
19 able to the public or to a class consisting of all
20 Government employees, whether or not re-
21 stricted on the basis of geographic consider-
22 ations;

23 (E) rewards and prizes given to competi-
24 tors in contests or events, including random
25 drawings, open to the public unless the Mem-

1 ber's or employee's entry into the contest or
2 event is required as part of his official duties;

3 (F) pension and other benefits resulting
4 from continued participation in a Member or
5 employee welfare and benefits plan maintained
6 by a former employer;

7 (G) anything which is paid for by the Gov-
8 ernment or secured by the Government under
9 Government contract;

10 (H) any gift accepted by the Congress
11 under specific statutory authority;

12 (I) anything for which the market value is
13 paid by the Member or employee; and

14 (J) any books, written materials, audio
15 tapes, videotapes, or other informational mate-
16 rials.

17 (3) MARKET VALUE.—The term “market
18 value” means the retail cost the Member or em-
19 ployee would incur to purchase the gift. A Member
20 or employee who cannot ascertain the market value
21 of a gift may estimate the market value by reference
22 to the retail cost of similar items of like quality. The
23 market value of a gift of a ticket entitling the holder
24 to food, refreshments, entertainment, or any other
25 benefit shall be the face value of the ticket.

1 (4) MEMBER.—The term “Member” has the
2 meaning given such term in section 109(12) of the
3 Ethics in Government Act of 1978 (5 U.S.C. App.
4 6 sec. 109).

5 (5) SOLICITATION OR ACCEPTANCE.—(A) A gift
6 is solicited or accepted because of the Member’s or
7 employee’s official position if it is from a person
8 other than a Member or employee and if a reason-
9 able person with knowledge of all relevant facts
10 would conclude that it would not have been solicited,
11 offered, or given had the Member or employee not
12 held his position as a Member or employee.

13 (B) A gift which is solicited or accepted indi-
14 rectly includes a gift—

15 (i) given with the Member’s or employee’s
16 knowledge and acquiescence to his or her par-
17 ent, sibling, spouse, child, or dependent relative
18 if a reasonable person with knowledge of all rel-
19 evant facts would conclude that the gift was
20 given because of that person’s relationship to
21 the Member or employee; or

22 (ii) given to any other person, including
23 any charitable organization, on the basis of des-
24 ignation, recommendation, or other specification
25 by the Member or employee, except as per-

1 mitted for the disposition of perishable items by
2 section 5(a)(2).

3 (6) ETHICS COMMITTEE.—The term Ethics
4 Committee with respect to the House means the
5 Committee on Standards of Official Conduct and
6 with respect to the Senate means the Select Com-
7 mittee on Ethics.

8 (7) VENDOR PROMOTIONAL TRAINING.—The
9 term “vendor promotional training” means training
10 provided by any person for the purpose of promoting
11 its products or services. It does not include training
12 provided under a congressional contract or by a con-
13 tractor to facilitate use of products or services it fur-
14 nishes under a congressional contract.

15 **SEC. 4. EXCEPTIONS.**

16 The prohibitions set forth in section 2 do not apply
17 to a gift accepted under the circumstances described in
18 paragraphs (1) through (9) of this section and a gift ac-
19 cepted in accordance with one of those paragraphs will not
20 be deemed to violate section 2 of this Act.

21 (1) GIFTS BASED ON A PERSONAL RELATION-
22 SHIP.—A Member or employee may accept a gift
23 given under circumstances which make it clear that
24 the gift is motivated by a family relationship or per-
25 sonal friendship rather than the position of the

1 Member or employee. Relevant factors in making
2 such a determination include the history of the rela-
3 tionship and whether the family member or friend
4 personally pays for the gift.

5 (2) DISCOUNTS AND SIMILAR BENEFITS.—In
6 addition to those opportunities and benefits excluded
7 from the definition of a gift by section 3(2)(D), a
8 Member or employee may accept—

9 (A) reduced membership or other fees for
10 participation in organization activities offered
11 to all Government employees by professional or-
12 ganizations if the only restrictions on member-
13 ship relate to professional qualifications; and

14 (B) opportunities and benefits—

15 (i) offered to members of a group or
16 class in which membership is unrelated to
17 congressional employment; or

18 (ii) offered to members of an organi-
19 zation, such as an employees' association
20 or congressional credit union, in which
21 membership is related to congressional em-
22 ployment if the same offer is broadly avail-
23 able to large segments of the public
24 through organizations of similar size.

1 A Member or employee may not accept for personal
2 use any benefit to which the Government is entitled
3 as a result of an expenditure of Government funds.

4 (3) HONORARY DEGREES.—(A) A Member or
5 employee may accept an honorary degree from an in-
6 stitution of higher education (as defined in section
7 1141(a) of title 20, United States Code) based on a
8 written determination by the Ethics Committee that
9 the timing of the award of the degree would not
10 cause a reasonable person to question the Member's
11 or employee's impartiality in a matter affecting the
12 institution.

13 (B) A Member or employee who may accept an
14 honorary degree pursuant to subparagraph (A) may
15 also accept meals and entertainment given to him
16 and to members of his family at the event at which
17 the presentation takes place.

18 (4) GIFTS BASED ON OUTSIDE BUSINESS OR
19 EMPLOYMENT RELATIONSHIPS.—A Member or em-
20 ployee may accept meals, lodgings, transportation
21 and other benefits—

22 (A) resulting from the business or employ-
23 ment activities of a Member's or employee's
24 spouse when it is clear that such benefits have

1 not been offered or enhanced because of the
2 Member's or employee's official position; or

3 (B) resulting from his or her outside busi-
4 ness or employment activities when it is clear
5 that such benefits have not been offered or en-
6 hanced because of his or her official status.

7 (5) POLITICAL EVENTS.—A Member or em-
8 ployee may accept meals, lodgings, transportation
9 and other benefits, including free attendance at
10 events, when provided in connection with active par-
11 ticipation in political management or political cam-
12 paigns by a political organization described in sec-
13 tion 527(e) of the Internal Revenue Code of 1986.

14 (6) WIDELY ATTENDED GATHERINGS AND
15 OTHER EVENTS.—

16 (A) SPEAKING AND SIMILAR ENGAGE-
17 MENTS.—When a Member or employee partici-
18 pates as a speaker or panel participant or oth-
19 erwise presents information related directly or
20 indirectly to the Congress or matters before the
21 Congress at a conference or other event, his or
22 her acceptance of an offer of free attendance at
23 the event on the day of the presentation is per-
24 missible when provided by the sponsor of the
25 event. The Member's or employee's participa-

1 tion in the event on that day represents a cus-
2 tomary and necessary part of the performance
3 of his or her responsibilities and does not in-
4 volve a gift to him or to the Congress.

5 (B) WIDELY ATTENDED GATHERINGS.—(i)

6 A Member or employee may accept a sponsor's
7 unsolicited gift of free attendance at all or ap-
8 propriate parts of a widely attended gathering
9 of mutual interest to a number of parties. A
10 gathering is widely attended if, for example, it
11 is open to members from throughout a given in-
12 dustry or profession or if those in attendance
13 represent a range of persons interested in a
14 given matter.

15 (ii) A gathering is not widely attended if it
16 is a congressional retreat to which a majority of
17 Members of either House of Congress or the
18 majority of the Members of a political party in
19 one or both Houses are invited and which is
20 held outside the United States Capitol grounds.

21 (C) FREE ATTENDANCE.—For purposes of
22 subparagraphs (A) and (B), free attendance
23 may include waiver of all or part of a con-
24 ference or other fee or the provision of food, re-
25 freshments, entertainment, instruction and ma-

1 materials furnished to all attendees as an integral
2 part of the event. It does not include travel ex-
3 penses, lodgings, entertainment collateral to the
4 event, or meals taken other than in a group set-
5 ting with all other attendees.

6 (D) COST PROVIDED BY SPONSOR OF
7 EVENT.—The cost of the Member’s or employ-
8 ee’s attendance will not be considered to be pro-
9 vided by the sponsor where a person other than
10 the sponsor designates the Member or employee
11 to be invited and bears the cost of the Mem-
12 ber’s or employee’s attendance through a con-
13 tribution or other payment intended to facilitate
14 that Member’s or employee’s attendance. Pay-
15 ment of dues or a similar assessment to a spon-
16 soring organization does not constitute a pay-
17 ment intended to facilitate a particular Mem-
18 ber’s or employee’s attendance.

19 (E) ACCOMPANYING SPOUSE.—When oth-
20 ers in attendance will generally be accompanied
21 by spouses, a Member or employee may accept
22 a sponsor’s invitation to an accompanying
23 spouse to participate in all or a portion of the
24 event at which the Member’s or employee’s free

1 attendance is permitted under subparagraph
2 (A) or (B).

3 (7) PROTOCOL EXCEPTION.—A Member or em-
4 ployee who is on official travel to a foreign area or
5 who is attending an event sponsored by a foreign
6 government may accept food, refreshments, or enter-
7 tainment in the course of such travel or event pro-
8 vided that such acceptance is in accordance with any
9 rules that the Ethics Committee may establish.

10 (8) GIFTS ACCEPTED UNDER SPECIFIC STATU-
11 TORY AUTHORITY.—The prohibitions on acceptance
12 of gifts contained in this Act do not apply to any
13 item, receipt of which is specifically authorized by
14 statute.

15 (9) ITEMS PRIMARILY FOR FREE DISTRIBUTION
16 TO CONSTITUENTS.—A Member or employee may
17 accept food or other items of minimal value intended
18 primarily for free distribution to visiting constitu-
19 ents.

20 **SEC. 5. PROPER DISPOSITION OF PROHIBITED GIFTS.**

21 (a) IN GENERAL.—A Member or employee who has
22 received a gift that cannot be accepted under this Act
23 shall—

24 (1) return any tangible item to the donor or
25 pay the donor its market value (a Member or em-

1 ployee who cannot ascertain the actual market value
2 of an item may estimate its market value by ref-
3 erence to the retail cost of similar items of like
4 quality);

5 (2) when it is not practical to return a tangible
6 item because it is perishable, the item may be given
7 to an appropriate charity or destroyed;

8 (3) for any entertainment, favor, service, bene-
9 fit or other intangible, reimburse the donor the mar-
10 ket value (subsequent reciprocation by the employee
11 does not constitute reimbursement); and

12 (4) dispose of gifts from foreign governments or
13 international organizations in accordance with rules
14 established by the Ethics Committee.

15 (b) USE OF APPROPRIATED FUNDS TO RETURN
16 GIFTS.—A Member or employee may use appropriated
17 funds and franked mail to return gifts.

18 (c) PROMPT COMPLIANCE.—A Member or employee
19 who, on his own initiative, promptly complies with the re-
20 quirements of this section will not be deemed to have im-
21 properly accepted an unsolicited gift. A Member or em-
22 ployee who promptly consults his Ethics Committee to de-
23 termine whether acceptance of an unsolicited gift is proper
24 and who, upon the advice of the Ethics Committee, re-
25 turns the gift or otherwise disposes of the gift in accord-

1 ance with this section, will be considered to have complied
2 with the requirements of this section on his own initiative.

3 **SEC. 6. CHARITABLE DESIGNATION OF OUTSIDE EARNED**
4 **INCOME.**

5 Subsection (c) of section 501 of the Ethics in Govern-
6 ment Act of 1978 is repealed.

7 **SEC. 7. REPEAL OF OLD RULE.**

8 Section 901 of the Ethics Reform Act of 1989 (2
9 U.S.C. 31-2) is repealed.

10 **SEC. 8. ACCEPTANCE OF TRAVEL AND RELATED EXPENSES**
11 **FROM NON-FEDERAL SOURCES.**

12 (a) IN GENERAL.—The Ethics Committees shall pre-
13 scribe rules establishing the conditions under which their
14 respective Houses may accept payment, or authorize a
15 Member or employee to accept payment on the House's
16 behalf, from non-Federal sources for travel, subsistence,
17 and related expenses with respect to attendance of the
18 Member or employee (or the spouse of such Member or
19 employee) at any meeting or similar function relating to
20 the official duties of the Member or employee. Any cash
21 payment so accepted shall be credited to the appropriation
22 applicable to such expenses. In the case of a payment in
23 kind so accepted, a pro rata reduction shall be made in
24 any entitlement of the Member or employee to payment
25 from the Government for such expenses.

1 (b) RULES.—The rules prescribed pursuant to sub-
2 section (a) shall—

3 (1) require that the Ethics Committee approve
4 in advance all travel for which related expenses are
5 to be reimbursed;

6 (2) condition such approval on a determination
7 by the Ethics Committee that acceptance of reim-
8 bursement would not cause a reasonable person with
9 knowledge of all the facts relevant to a particular
10 case to question the integrity of the Member, the
11 Congress or congressional operations; and

12 (3) prohibit reimbursement for items beyond
13 those reasonably necessary for the Member or em-
14 ployee to participate in the event.

15 (c) GENERAL PROHIBITION.—Except as provided in
16 this section or any other statute, no Member, employee,
17 or House of Congress may accept payment in cash or in
18 kind for expenses referred to in subsection (a). A Mem-
19 ber or employee who accepts any such payment in violation
20 of the preceding sentence—

21 (1) may be required, in addition to any penalty
22 provided by law, to repay, for deposit in the general
23 fund of the Treasury, an amount equal to the
24 amount of the payment so accepted; and

1 (2) in the case of a repayment under paragraph
2 (1), shall not be entitled to any payment from the
3 Government for such expenses.

4 (d) REPORTS.—

5 (1) IN GENERAL.—The Ethics Committees
6 shall, in the manner provided in paragraph (2), pub-
7 lish in the Congressional Record reports of payments
8 of more than \$250 accepted under this section.

9 (2) CONTENTS.—The reports required by para-
10 graph (1) shall, with respect to each payment—

11 (A) specify the amount and method of pay-
12 ment, the name of the person making the pay-
13 ment, the name of the Member or employee, the
14 nature of the meeting or similar function, the
15 time and place of travel, the nature of the ex-
16 penses, and such other information as the Eth-
17 ics Committee may prescribe;

18 (B) be submitted not later than May 31 of
19 each year with respect to payments in the pre-
20 ceding period beginning on October 1 and end-
21 ing on March 31; and

22 (C) be submitted not later than November
23 30 of each year with respect to payments in the
24 preceding period beginning on April 1 and end-
25 ing on September 30.



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