

103^D CONGRESS
2^D SESSION

S. 1935

AN ACT

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

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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 Gifts
5 Reform Act”.

1 **SEC. 2. AMENDMENT TO THE SENATE RULES.**

2 Rule XXXV of the Standing Rules of the Senate is
3 amended to read as follows:

4 “RULE XXXV

5 “GIFTS

6 “1. (a) No Member, officer, or employee of the Sen-
7 ate, or the spouse thereof, shall knowingly accept—

8 “(1) any gift provided directly or indirectly by
9 any person registered as a lobbyist or a foreign
10 agent under the Federal Regulation of Lobbying
11 Act, the Foreign Agent Registration Act, or any suc-
12 cessor statute;

13 “(2) Any gift from any other person.

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

21 “(c)(1) The restrictions in subparagraph (a) shall
22 apply to any financial contribution or expenditure relating
23 to a conference, retreat, or similar event for or on behalf
24 of Members, officers, or employees.

25 “(2) The following items are subject to the restric-
26 tions in subparagraph (a)(1)—

1 “(A) an item provided by a lobbyist or a foreign
2 agent which is paid for, charged to, or reimbursed
3 by a client or firm of such lobbyist or foreign agent;

4 “(B) an item provided by a lobbyist or a foreign
5 agent to an entity that is maintained or controlled
6 by a Member, officer, or employee;

7 “(C) a charitable contribution made on the
8 basis of a designation, recommendation, or other
9 specification made to a lobbyist or a foreign agent
10 by a Member, officer, or employee (not including a
11 mass mailing or other solicitation directed to a
12 broad category of the general public);

13 “(D) a contribution or other payment by a lob-
14 byist or foreign agent to a legal expense fund estab-
15 lished for the benefit of a Member, officer, or em-
16 ployee;

17 “(E) a charitable contribution (as defined in
18 section 170(c) of the Internal Revenue Code of
19 1986) made by a lobbyist or a foreign agent in lieu
20 of an honorarium; and

21 “(F) A contribution, as defined in the Federal
22 Campaign Act of 1971 (2 U.S.C. 431 et seq.) that
23 is made by a lobbyist, foreign agent, or Political Ac-
24 tion Committee to a Member.

1 “(d) The following items are not gifts subject to the
2 restrictions in subparagraph (a):

3 “(1) Any item for which the Member, officer, or
4 employee pays the market value.

5 “(2) A contribution, as defined in the Federal
6 Election Campaign Act of 1971 (2 U.S.C. 431 et
7 seq.) that is lawfully made under that Act except as
8 provided in subparagraph (c)(2)(E).

9 “(3) Anything provided under circumstances
10 that clearly indicate, in accordance with paragraph
11 2(a), that it is provided for a nonbusiness purpose
12 and is motivated by a family relationship or personal
13 friendship and not by the position of the Member,
14 officer, or employee (subject to prior approval by the
15 Ethics Committee in the case of a gift to a Member,
16 officer, or employee in excess of \$250 that is pro-
17 vided on the basis of personal friendship and disclo-
18 sure under the Ethics in Government Act of a gift
19 to a spouse of a Member in excess of \$250 that is
20 provided on the basis of personal friendship).

21 “(4) Items which are not used and which are
22 promptly returned to the donor.

23 “(5) A food or refreshment item of minimal
24 value, such as a soft drink, coffee, or doughnut of-
25 fered other than as part of a meal.

1 “(6) Benefits resulting from the business, em-
2 ployment, or other outside activities of the spouse of
3 a Member, officer, or employee, if such benefits are
4 customarily provided to others in similar cir-
5 cumstances.

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

9 “(8) 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 “(e) The restrictions in clauses (2) and (3) of sub-
15 paragraph (a) shall not apply to the following:

16 “(1) Meals, lodging, and other benefits—

17 “(A) resulting from the outside business or
18 employment activities of the Member, officer, or
19 employee (or other outside activities that are
20 not connected to the duties of the Member, offi-
21 cer, or employee as an officeholder), if such
22 benefits have not been offered or enhanced be-
23 cause of the official position of the Member, of-
24 ficer, or employee and are customarily provided
25 to others in similar circumstances; or

1 “(B) customarily provided by a prospective
2 employer in connection with bona fide employ-
3 ment discussions.

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

7 “(3) Honorary degrees and other bona fide
8 awards presented in recognition of public service and
9 available to the general public (and associated meals
10 and entertainment provided in the presentation of
11 such degrees and awards).

12 “(4) Donations of products from the State that
13 the Member represents that are intended primarily
14 for promotional purposes, such as display or free
15 distribution, and are of minimal value to any indi-
16 vidual recipient.

17 “(5) Meals and entertainment provided to a
18 Member or an employee of a Member in the Mem-
19 ber’s home State, subject to reasonable limitations,
20 to be established by the Committee on Rules and
21 Administration.

22 “(6) Food and attendance provided at an event
23 sponsored by a political organization described in
24 section 527(e) of the Internal Revenue Code of
25 1986.

1 “(7) Training provided to a Member, officer, or
2 employee, if such training is in the interest of the
3 Senate.

4 “(8) Bequests, inheritances, and other transfers
5 at death.

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

10 “(10) Anything which is paid for by the Gov-
11 ernment or secured by the Government under a Gov-
12 ernment contract.

13 “(11) A gift of personal hospitality of an indi-
14 vidual, as defined in section 109(14) of the Ethics
15 in Government Act.

16 “(12) Free attendance at an event permitted
17 pursuant to paragraph 2(b).

18 “(13) Opportunities and benefits which are—

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

23 “(B) offered to members of a group or
24 class in which membership is unrelated to con-
25 gressional employment;

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

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

13 “(E) in the form of loans from banks and
14 other financial institutions on terms generally
15 available to the public; or

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

22 “(14) A plaque, trophy, or other memento of
23 modest value.

1 “(15) An item for which, in an unusual case, a
2 waiver is granted by the Select Committee on Eth-
3 ics.

4 “2. (a)(1) In determining if the giving of an item is
5 motivated by a family relationship or personal friendship,
6 at least the following factors shall be considered:

7 “(A) The history of the relationship between
8 the individual giving the item and the individual re-
9 ceiving the item, including whether or not items have
10 previously been exchanged by such individuals.

11 “(B) Whether the item was purchased by the
12 individual who gave the item.

13 “(C) Whether the individual who gave the item
14 also at the same time gave the same or similar item
15 to other Members, officers, or employees.

16 “(2) The giving of an item shall not be considered
17 to be motivated by a family relationship or personal friend-
18 ship if the individual providing the item—

19 “(A) seeks to deduct the value of such item as
20 a business expense on the individual’s income tax re-
21 turn; or

22 “(B) accepts direct or indirect reimbursement
23 or compensation for the item from a client or a firm
24 of which the individual is a member or employee.

1 “(3) For purposes of clause (2), indirect reimburse-
2 ment or compensation for an item includes an expenditure
3 from an expense account and a fee charged by a lobbyist
4 for the purpose of compensating the lobbyist for the cost
5 of the item.

6 “(b)(1) Except as prohibited by paragraph 1(a)(1) a
7 Member, officer, or employee may accept an offer of free
8 attendance at a widely attended convention, conference,
9 symposium, forum, panel discussion, dinner, reception, or
10 similar event, provided by the sponsor of the event, if—

11 “(A) the Member, officer, or employee partici-
12 pates in the event as a speaker or a panel partici-
13 pant, by presenting information related to Congress
14 or matters before Congress, or by performing a cere-
15 monial function appropriate to his or her official po-
16 sition; or

17 “(B) attendance of the event is appropriate to
18 the performance of the official duties of the Member,
19 officer, or employee.

20 “(2) A Member, officer, or employee who attends an
21 event described in clause (1) of this subparagraph may
22 accept—

23 “(A) a sponsor’s unsolicited offer of free at-
24 tendance at the event for an accompanying spouse if
25 others in attendance will generally be accompanied

1 by spouses or if such attendance is appropriate to
2 assist in the representation of the Senate; and

3 “(B) transportation and lodging in connection
4 with the event if authorized in accordance with para-
5 graph 3.

6 “(3) Except as prohibited by paragraph 1(a)(1), a
7 Member, officer, or employee, or the spouse or dependent
8 thereof, may accept a sponsor’s unsolicited offer of free
9 attendance at a charity event in which the Member, offi-
10 cer, or employee is a participant. Reimbursement for
11 transportation and lodging may not be accepted in connec-
12 tion with the event.

13 “(4) For purposes of this paragraph, the term ‘free
14 attendance’ may include waiver of all or part of a con-
15 ference or other fee or the provision of food, refreshment,
16 entertainment, and instructional materials furnished to all
17 attendees as an integral part of the event. The term does
18 not include entertainment collateral to the event, or meals
19 taken other than in a group setting with all or substan-
20 tially all other attendees.

21 “(c) For the purpose of this rule—

22 “(1) The term ‘client’ means any person who
23 employs or retains a lobbyist or a foreign agent to
24 appear or work on such person’s behalf.

1 “(2) The term ‘market value’, when applied to
2 a gift means the retail cost a person would incur to
3 purchase the gift. The market value of a gift of a
4 ticket entitling the holder to food, refreshments, or
5 entertainment is the retail cost of similar food, re-
6 freshments, or entertainment.

7 “(d) When it is not practicable to return a tangible
8 item because it is perishable, the item may, at the discre-
9 tion of the recipient, be given to an appropriate charity,
10 shared within the recipient’s office, or destroyed.

11 “3. (a)(1) Except as prohibited by paragraph 1(a)(1),
12 a reimbursement (including payment in kind) to a Mem-
13 ber, officer, or employee for necessary transportation,
14 lodging and related expenses for travel to a meeting,
15 speaking engagement, factfinding trip or similar event in
16 connection with the duties of the Member, officer, or em-
17 ployee as an officeholder shall be deemed to be a reim-
18 bursement to the Senate and not a gift prohibited by para-
19 graph 1, if the Member, officer, or employee receives ad-
20 vance authorization to accept reimbursement and discloses
21 the expenses reimbursed or to be reimbursed and the au-
22 thorization through the Secretary of the Senate as soon
23 as practicable after the travel is completed.

24 “(2) Events, the activities of which are substantially
25 recreational in nature, shall not be considered to be in con-

1 nection with the duties of a Member, officer, or employee
2 as an officeholder.

3 “(b) Each advance authorization to accept reimburse-
4 ment shall be signed by the appropriate Member (or, in
5 the case of an employee of a committee, the appropriate
6 committee chairman) and shall include—

7 “(1) the name of the Member, officer, or em-
8 ployee;

9 “(2) the name of the person who will make the
10 reimbursement;

11 “(3) the time, place, and purpose of the travel;
12 and

13 “(4) a determination that the travel is in con-
14 nection with the duties of the Member, officer, or
15 employee as an officeholder and would not create the
16 appearance that the Member, officer, or employee is
17 using public office for private gain.

18 “(c) Each disclosure of expenses reimbursed or to be
19 reimbursed shall be signed by the appropriate Member (or,
20 in the case of an employee of a committee, the appropriate
21 committee chairman) and shall include—

22 “(1) total transportation expenses reimbursed
23 or to be reimbursed;

24 “(2) total lodging expenses reimbursed or to be
25 reimbursed;

1 “(3) disclosure of any other expenses reim-
2 bursed or to be reimbursed (with the exception of
3 any items that may properly be accepted pursuant to
4 paragraphs 1 and 2); and

5 “(4) a determination that all such expenses are
6 necessary transportation, lodging, and related ex-
7 penses as defined in this paragraph.

8 “(d) For the purposes of this paragraph, the term
9 ‘necessary transportation, lodging, and related ex-
10 penses’—

11 “(1) includes reasonable expenses that are nec-
12 essary for travel for a period that may not exceed
13 3 days exclusive of traveltime within the United
14 States or 7 days exclusive of traveltime outside of
15 the United States unless approved in advance by the
16 Ethics Committee;

17 “(2) is limited to expenditures for transpor-
18 tation, lodging, conference fees and materials, and
19 meals offered to all attendees as an integral part of
20 the event, including reimbursement for necessary
21 transportation, whether or not such transportation
22 occurs within the periods described in clause (1);
23 and

24 “(3) does not include expenditures for rec-
25 reational activities, or entertainment other than that

1 provided to all attendees as an integral part of the
2 event.

3 “(e) The Secretary of the Senate shall—

4 “(1) make available to the public all advance
5 authorizations and disclosures of reimbursement
6 filed pursuant to subparagraph (a) as soon as pos-
7 sible after they are filed; and

8 “(2) publish an annual report summarizing (by
9 Member, officer, or employee) travel expenses that
10 are reimbursed pursuant to this paragraph and ag-
11 gregate more than \$250 from any one source.

12 “4. (a) Notwithstanding any other provision of this
13 rule, a Member, officer, or employee of the Senate may
14 participate in a program, the principal objective of which
15 is educational, sponsored by a foreign government or a for-
16 eign educational or charitable organization involving travel
17 to a foreign country paid for by that foreign government
18 or organization if such participation is not in violation of
19 any law and if the appropriate Member or committee
20 chairman has determined that participation in such pro-
21 gram is in the interests of the Senate and the United
22 States.

23 “(b) Any Member who accepts an invitation to par-
24 ticipate in any such program shall notify the Secretary
25 of the Senate in writing of his acceptance. A Member shall

1 also notify the Secretary in writing whenever he has per-
2 mitted any officer or employee whom he supervises (within
3 the meaning of paragraph 11 of rule XXXVII) to partici-
4 pate in any such program. The Secretary shall place in
5 the Congressional Record a list of all individuals partici-
6 pating; the supervisors of such individuals, where applica-
7 ble; and the nature and itinerary of such program. No
8 Member, officer, or employee may accept funds in connec-
9 tion with participation in a program permitted under sub-
10 paragraph (a) if such funds are not used for necessary
11 food, lodging, transportation, and related expenses of the
12 Member, officer, or employee.

13 “5. The Committee on Rules and Administration is
14 authorized to adjust the \$20 gift limit established in para-
15 graph 1 on a periodic basis, to the extent necessary to
16 adjust for inflation.”.

17 **SEC. 3. AMENDMENT TO THE HOUSE RULES.**

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

20 “4. (a)(1) No Member, officer, or employee of the
21 House of Representatives, or the spouse thereof, shall
22 knowingly accept—

23 “(A) any gift provided directly or indirectly by
24 a person registered as a lobbyist or a foreign agent
25 under the Federal Regulation of Lobbying Act, the

1 Foreign Agents Registration Act, or any successor
2 statute;

3 “(B) any gift from any other person.

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

11 “(3)(A) The restrictions in subparagraph (a) shall
12 apply to any financial contribution or expenditure relating
13 to a conference, retreat, or similar event for or on behalf
14 of Members, officers, or employees.

15 “(B) The following items are subject to the restric-
16 tions in subparagraph (1)(A)—

17 “(i) an item provided by a lobbyist or a foreign
18 agent which is paid for, charged to, or reimbursed
19 by a client or firm of such lobbyist or foreign agent;

20 “(ii) an item provided by a lobbyist or a foreign
21 agent to an entity that is maintained or controlled
22 by a Member, officer, or employee;

23 “(iii) a charitable contribution made on the
24 basis of a designation, recommendation, or other
25 specification made to a lobbyist or a foreign agent

1 by a Member, officer, or employee (not including a
2 mass mailing or other solicitation directed to a
3 broad category of the general public);

4 “(iv) a contribution or other payment by a lob-
5 byist or foreign agent to a legal expense fund estab-
6 lished for the benefit of a Member, officer, or em-
7 ployee; and

8 “(v) a contribution, as defined in the Federal
9 Campaign Act of 1971 (2 U.S.C. 431 et seq.) that
10 is made by a lobbyist, foreign agent, or Political Ac-
11 tion Committee, to a Member; and

12 “(C) a charitable contribution (as defined in section
13 170(c) of the Internal Revenue Code of 1986) made by
14 a lobbyist or a foreign agent in lieu of an honorarium.

15 “(4) The following items are not gifts subject to the
16 restrictions in subparagraph (1):

17 “(A) Any item for which the Member, officer,
18 or employee pays the market value.

19 “(B) A contribution, as defined in the Federal
20 Election Campaign Act of 1971 (2 U.S.C. 431 et
21 seq.) that is lawfully made under that Act except as
22 provided in subparagraph (3)(B)(v).

23 “(C) Anything provided under circumstances
24 that clearly indicate, in accordance with paragraph
25 (b)(1), that it is provided for a nonbusiness purpose

1 and is motivated by a family relationship or personal
2 friendship and not by the position of the Member,
3 officer, or employee (subject to prior approval by the
4 Committee on Standards of Official Conduct in the
5 case of a gift to a Member, officer, or employee in
6 excess of \$250 that is provided on the basis of per-
7 sonal friendship and disclosure under the Ethics in
8 Government Act of a gift to a spouse of a Member
9 in excess of \$250 that is provided on the basis of
10 personal friendship).

11 “(D) Items which are not used and which are
12 promptly returned to the donor.

13 “(E) A food or refreshment item of minimal
14 value, such as a soft drink, coffee, or doughnut of-
15 fered other than as part of a meal.

16 “(F) Benefits resulting from the business, em-
17 ployment, or other outside activities of the spouse of
18 a Member, officer, or employee, if such benefits are
19 customarily provided others in similar cir-
20 cumstances.

21 “(G) Pension and other benefits resulting from
22 continued participation in an employee welfare and
23 benefits plan maintained by a former employer.

24 “(H) Informational materials that are sent to
25 the office of the Member, officer, or employee in the

1 form of books, articles, periodicals, other written
2 materials, audio tapes, videotapes, or other forms of
3 communication.

4 “(5) The restrictions in clauses (B) and (C) of sub-
5 paragraph (1) shall not apply to the following:

6 “(A) Meals, lodging, and other benefits—

7 “(i) resulting from the outside business or
8 employment activities of the Member, officer, or
9 employee (or other outside activities that are
10 not connected to the duties of the Member, offi-
11 cer, or employee as an officeholder), if such
12 benefits have not been offered or enhanced be-
13 cause of the official position of the Member, of-
14 ficer, or employee and are customarily provided
15 to others in similar circumstances; or

16 “(ii) customarily provided by a prospective
17 employer in connection with bona fide employ-
18 ment discussions.

19 “(B) Awards or prizes which are given to com-
20 petitors in contests or events open to the public, in-
21 cluding random drawings.

22 “(C) Honorary degrees and other bona fide
23 awards presented in recognition of public service and
24 available to the general public (and associated meals

1 and entertainment provided in the presentation of
2 such degrees and awards).

3 “(D) Donations of products from the State that
4 the Member represents that are intended primarily
5 for promotional purposes, such as display or free
6 distribution, and are of minimal value to any indi-
7 vidual recipient.

8 “(E) Meals and entertainment provided to a
9 Member or an employee of a Member in the Mem-
10 ber’s home State having, subject to reasonable limi-
11 tations, to be established by the Committee on
12 Standards of Official Conduct.

13 “(F) Food and attendance provided at an event
14 sponsored by a political organization described in
15 section 527(e) of the Internal Revenue Code of
16 1986.

17 “(G) Training provided to a Member, officer, or
18 employee, if such training is in the interest of the
19 House of Representatives.

20 “(H) Bequests, inheritances, and other trans-
21 fers at death.

22 “(I) Any item, the receipt of which is author-
23 ized by the Foreign Gifts and Declarations Act, the
24 Mutual Education and Cultural Exchange Act, or
25 any other statute.

1 “(J) Anything which is paid for by the Govern-
2 ment or secured by the Government under a Govern-
3 ment contract.

4 “(K) A gift of personal hospitality of an indi-
5 vidual, as defined in section 109(14) of the Ethics
6 in Government Act.

7 “(L) Free attendance at an event permitted
8 pursuant to paragraph (b)(1).

9 “(M) Opportunities and benefits which are—

10 “(i) 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 “(ii) offered to members of a group or
15 class in which membership is unrelated to con-
16 gressional employment;

17 “(iii) 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 “(iv) offered to any group or class that is
24 not defined in a manner that specifically dis-
25 criminate 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 “(v) in the form of loans from banks and
5 other financial institutions on terms generally
6 available to the public; or

7 “(vi) in the form of reduced membership
8 or other fees for participation in organization
9 activities offered to all Government employees
10 by professional organizations if the only restric-
11 tions on membership relate to professional
12 qualifications.

13 “(N) A plaque, trophy, or other memento of
14 modest value.

15 “(O) An item for which, in an unusual case, a
16 waiver is granted by the Committee on Standards of
17 Official Conduct.

18 “(b)(1)(A) In determining if the giving of an item
19 is motivated by a family relationship or personal friend-
20 ship, at least the following factors shall be considered:

21 “(i) The history of the relationship between the
22 individual giving the item and the individual receiv-
23 ing the item, including whether or not items have
24 previously been exchanged by such individuals.

1 “(ii) Whether the item was purchased by the in-
2 dividual who gave the item.

3 “(iii) Whether the individual who gave the item
4 also at the same time gave the same or similar item
5 to other Members, officers, or employees.

6 “(B) The giving of an item shall not be considered
7 to be motivated by a family relationship or personal friend-
8 ship if the individual providing the item—

9 “(i) seeks to deduct the value of such item as
10 a business expense on the individual’s income tax re-
11 turn; or

12 “(ii) accepts direct or indirect reimbursement or
13 compensation for the item from a client or a firm of
14 which the individual is a member or employee.

15 “(C) For purposes of clause (B), indirect reimburse-
16 ment or compensation for an item includes an expenditure
17 from an expense account and a fee charged by a lobbyist
18 for the purpose of compensating the lobbyist for the cost
19 of the item.

20 (2)(A) Except as prohibited by paragraph (a)(1)(A)
21 a Member, officer, or employee may accept an offer of free
22 attendance at a widely attended convention, conference,
23 symposium, forum, panel discussion, dinner, reception, or
24 similar event, provided by the sponsor of the event if—

1 “(i) 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 his or her official po-
6 sition; or

7 “(ii) attendance of the event is appropriate to
8 the performance of the official duties of the Member,
9 officer, or employee.

10 “(B) A Member, officer, or employee who attends an
11 event described in clause (A) of this subparagraph may
12 accept—

13 “(i) a sponsor’s unsolicited offer of free attend-
14 ance at the event for an accompanying spouse if oth-
15 ers in attendance will generally be accompanied by
16 spouses or if such attendance is appropriate to assist
17 in the representation of the House of Representa-
18 tives; and

19 “(ii) transportation and lodging in connection
20 with the event if authorized in accordance with para-
21 graph (c).

22 “(C) Except as prohibited by paragraph (a)(1)(A), a
23 Member, officer, or employee, or the spouse or dependent
24 thereof, may accept a sponsor’s unsolicited offer of free
25 attendance at a charity event in which the Member, offi-

1 cer, or employee is a participant. Reimbursement for
2 transportation and lodging may not be accepted in connec-
3 tion with the event.

4 “(D) For purposes of this paragraph, the term ‘free
5 attendance’ may include waiver of all or part of a con-
6 ference or other fee or the provision of food, refreshment,
7 entertainment, and instructional materials furnished to all
8 attendees as an integral part of the event. The term does
9 not include entertainment collateral to the event, or meals
10 taken other than in a group setting with all or substan-
11 tially all other attendees.

12 “(3) For the purpose of this clause—

13 “(A) The term ‘client’ means any person who
14 employs or retains a lobbyist or a foreign agent to
15 appear or work on such person’s behalf.

16 “(B) The term ‘market value’, when applied to
17 a gift means the retail cost a person would incur to
18 purchase the gift. The market value of a gift of a
19 ticket entitling the holder to food, refreshments, or
20 entertainment is the retail cost of similar food, re-
21 freshments, or entertainment.

22 “(4) When it is not practical to return a tangible item
23 because it is perishable, the item may, at the discretion
24 of the recipient, be given to an appropriate charity, shared
25 within the recipient’s office, or destroyed.

1 “(c)(1)(A) Except as prohibited by paragraph
2 (a)(1)(A), a reimbursement (including payment in kind)
3 to a Member, officer, or employee for necessary transpor-
4 tation, lodging and related expenses for travel to a meet-
5 ing, speaking engagement, factfinding trip or similar event
6 in connection with the duties of the Member, officer, or
7 employee as an officeholder shall be deemed to be a reim-
8 bursement to the House of Representatives and not a gift
9 prohibited by paragraph (a), if the Member, officer, or em-
10 ployee receives advance authorization to accept reimburse-
11 ment and discloses the expenses reimbursed or to be reim-
12 bursed and the authorization through the Clerk of the
13 House of Representatives as soon as practicable after the
14 travel is completed.

15 “(B) Events, the activities of which are substantially
16 recreational in nature, shall not be considered to be in con-
17 nection with the duties of a Member, officer, or employee
18 as an officeholder.

19 “(2) Each advance authorization to accept reimburse-
20 ment shall be signed by the appropriate Member (or, in
21 the case of an employee of a committee, the appropriate
22 committee chairman) and shall include—

23 “(A) the name of the Member, officer, or em-
24 ployee;

1 “(B) the name of the person who will make the
2 reimbursement;

3 “(C) the time, place, and purpose of the travel;
4 and

5 “(D) a determination that the travel is in con-
6 nection with the duties of the Member, officer, or
7 employee as an officeholder and would not create the
8 appearance that the Member, officer, or employee is
9 using public office for private gain.

10 “(3) Each disclosure of expenses reimbursed or to be
11 reimbursed shall be signed by the appropriate Member (or,
12 in the case of an employee of a committee, the appropriate
13 committee chairman) and shall include—

14 “(A) total transportation expenses reimbursed
15 or to be reimbursed;

16 “(B) total lodging expenses reimbursed or to be
17 reimbursed;

18 “(C) disclosure of any other expenses reim-
19 bursed or to be reimbursed (with the exception of
20 any items that may properly be accepted pursuant to
21 clauses (a) and (b)); and

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

1 “(4) For the purposes of this paragraph, the term
2 ‘necessary transportation, lodging, and related ex-
3 penses’—

4 “(A) includes reasonable expenses that are nec-
5 essary for travel for a period that may not exceed
6 3 days exclusive of traveltime within the United
7 States or 7 days exclusive of traveltime outside of
8 the United States unless approved in advance by the
9 Committee on Standards of Official Conduct;

10 “(B) is limited to expenditures for transpor-
11 tation, lodging, conference fees and materials, and
12 meals offered to all attendees as an integral part of
13 the event, including reimbursement for necessary
14 transportation, whether or not such transportation
15 occurs within the periods described in clause (1);
16 and

17 “(C) does not include expenditures for rec-
18 reational activities, or entertainment other than that
19 provided to all attendees as an integral part of the
20 event.

21 “(5) The Clerk of the House of Representatives
22 shall—

23 “(A) make available to the public all advance
24 authorizations and disclosures of reimbursement

1 filed pursuant to subparagraph (1) as soon as pos-
2 sible after they are filed; and

3 “(B) publish an annual report summarizing (by
4 Member, officer, or employee) travel expenses that
5 are reimbursed pursuant to this paragraph and ag-
6 gregate more than \$250 from any one source.

7 “(d)(1) Notwithstanding any other provision of this
8 clause, a Member, officer, or employee of the House of
9 Representatives may participate in a program, the prin-
10 cipal objective of which is educational, sponsored by a for-
11 eign government or a foreign educational or charitable or-
12 ganization involving travel to a foreign country paid for
13 by that foreign government organization if such participa-
14 tion is not in violation of any law and if the appropriate
15 Member or committee chairman has determined that par-
16 ticipation in such program is in the interests of the House
17 of Representatives and the United States.

18 “(2) Any Member who accepts an invitation to par-
19 ticipate in any such program shall notify the Clerk of the
20 House of Representatives in writing of his acceptance. A
21 Member shall also notify the a Clerk in writing whenever
22 he has permitted any officer or employee whom he super-
23 vises to participate in any such program. The Clerk shall
24 place in the Congressional Record a list of all individuals

1 participating; the supervisors of such individuals, where
 2 applicable; and the nature and itinerary of such program.

3 “(3) No Member, officer, or employee may accept
 4 funds in connection with participation in a program per-
 5 mitted under subparagraph (a) if such funds are not used
 6 for necessary food, lodging, transportation, and related ex-
 7 penses of the Member, officer, or employee.

8 “(e) The Committee on Standards of Official Conduct
 9 is authorized to adjust the \$20 gift limit established in
 10 paragraph (a) on a periodic basis, to the extent necessary
 11 to adjust for inflation.”.

12 **SEC. 4. AMENDMENT TO THE ETHICS IN GOVERNMENT ACT.**

13 Section 102(a)(2)(A) of the Ethics in Government
 14 Act (5 U.S.C. App. 6, section 102), is amended by—

15 (1) inserting a dash after “and the value of”;

16 (2) striking “all gifts aggregating” and insert-
 17 ing the following:

18 “(i) all gifts aggregating”;

19 (3) striking the period at the end of the sub-
 20 paragraph and inserting “; and”; and

21 (4) adding at the end the following:

22 “(ii) all gifts, other than food, lodging, or
 23 entertainment received as personal hospitality
 24 of an individual, having a value of \$20 or more
 25 that are—

“(I) provided by a person required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor Act; and

“(II) would be prohibited by section 7353 of title 5, United States Code, but for a personal friendship exception contained in implementing rules and regulations issued pursuant to in subsection (b)(1) of such section.”.

SEC. 5. POST-EMPLOYMENT REFORM ACT OF 1994.

(a) **SHORT TITLE.**—This section may be cited as the “Post-Employment Reform Act of 1994”.

(b) **FORMER AGENCY BAN.**—

(1) **EXECUTIVE BRANCH.**—Section 207(c)(1) of title 18, United States Code, is amended by striking “within 1 year after” and inserting “within 2 years after”.

(2) **CONGRESS.**—Section 207(e) of title 18, United States Code, is amended in paragraphs (1)(A), (2)(A), (3), (4)(A), and (5)(A), by striking “within 1 year after” and inserting “within 2 years after”.

(3) **CONFORMING AMENDMENT RELATING TO PAY LEVELS.**—(A) Section 207(c)(2)(ii) of title 18,

1 United States Code, is amended by striking “the
2 rate of basic pay payable for level V of the Executive
3 Schedule” and inserting “120 percent of the mini-
4 mum rate of basic pay payable for GS–15 of the
5 General Schedule”.

6 (B) Section 207(e)(6) of title 18, United States
7 Code, is amended—

8 (i) in subparagraph (A) by striking “which
9 is 75 percent of the basic rate of pay payable
10 for a Member of the House of Congress in
11 which such employee was employed” and insert-
12 ing “which is 120 percent of the minimum rate
13 of basic pay payable for GS–15 of the General
14 Schedule”; and

15 (ii) in subparagraph (B) by striking “pay-
16 able for level V of the Executive Schedule” and
17 inserting “which is 120 percent of the minimum
18 rate of basic pay payable for GS–15 of the Gen-
19 eral Schedule”.

20 (C) FOREIGN ENTITIES BAN.—Section 207(f) of title
21 18, United States Code, is amended—

22 (1) in paragraph (1) by striking “within 1
23 year” and inserting “within 2 years”;

24 (2) by striking paragraph (2); and

(e) TRADE AND TREATY NEGOTIATION BAN.—Section 207(b)(1) of title 18, United States Code, is amended by striking “for a period of 1 year” and inserting “for a period of 10 years”.

18 SEC. 6. PROHIBITION ON CONTRIBUTIONS TO LEGAL DE-
19 FENSE FUNDS.

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1 **SEC. 7. REPEAL OF OBSOLETE PROVISION.**

2 Section 901 of the Ethics Reform Act of 1989 (2
3 U.S.C. 31–2) is repealed.

4 **SEC. 8. PROHIBITION ON LOBBYISTS.**

5 No person registered as a lobbyist or a foreign agent
6 under the Federal Regulation of Lobbying Act, the For-
7 eign Agents Registration Act, or any successor statute
8 shall provide a gift to any Member, officer, or employee
9 of the Senate or the House of Representatives, or a spouse
10 or dependent of the Member, officer, or employee, if the
11 lobbyist or foreign agent knows that the acceptance of the
12 gift by the Member, officer, employee, spouse, or depend-
13 ent would violate Rule XXXV of the Standing Rules of
14 the Senate or clause 4 of Rule XLIII of the Rules of the
15 House of Representatives.

16 **SEC. 9. EXERCISE OF CONGRESSIONAL RULEMAKING**
17 **POWER.**

18 Except for sections 4, 5, and 6, this Act is enacted
19 by Congress—

20 (1) as an exercise of the rulemaking power of
21 the Senate and the House of Representatives, re-
22 spectively, and accordingly, they shall be considered
23 as part of the rules of each House, respectively, or
24 of the House to which they specifically apply, and
25 such rules shall supersede other rules only to the ex-
26 tent that they are inconsistent therewith; and

1 (2) with full recognition of the constitutional
2 right of either House to change such rules (insofar
3 as they relate to that House) at any time and in the
4 same manner and to the same extent as in the case
5 of any other rule of that House.

6 **SEC. 10. GIFTS.**

7 The Senate Committee on Rules and Administration,
8 on behalf of the Senate, may accept gifts provided they
9 do not involve any duty, burden, or condition, or are not
10 made dependent upon some future performance by the
11 United States. The Committee on Rules and Administra-
12 tion is authorized to promulgate regulations to carry out
13 this section.

14 **SEC. 11. LEGAL EXPENSE FUND.**

15 No provision of this Act shall be interpreted to limit
16 a contribution or other payment to a legal expense fund
17 established for the benefit of a Member, officer, or em-
18 ployee by any person other than a lobbyist or a foreign
19 agent.

20 **SEC. 12. MEALS AND ENTERTAINMENT.**

21 The rules on acceptance of meals and entertainment
22 provided to a Member or an employee of a Member in the
23 Member's home State prior to the adoption of reasonable
24 limitations by the appropriate committees shall be the

1 rules in effect on the day before the effective date of this
2 Act.

3 **SEC. 13. SENSE OF THE SENATE.**

4 It is the sense of the Senate that the conferees to
5 the upcoming Senate-House conference on omnibus crime
6 legislation should totally reject the so-called Racial Justice
7 Act provisions contained in the crime bill passed by the
8 House of Representatives on April 21, 1994.

9 **SEC. 14. EFFECTIVE DATES.**

10 This Act and the amendments made by this Act shall
11 become effective on January 1, 1995.

Passed the Senate May 11 (legislative day, May 2),
1994.

Attest:

Secretary.

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S 1935 ES—3

S 1935 ES—4

S 1935 ES—5