

109TH CONGRESS  
1ST SESSION

# H. R. 3177

To prohibit registered lobbyists from making gifts to Members of Congress  
and to congressional employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on the Judiciary, 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

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## A BILL

To prohibit registered lobbyists from making gifts to Members of Congress and to congressional employees, 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 “Lobby Gift Ban Act  
5       of 2005”.

1 **SEC. 2. PROHIBITION ON GIFTS BY REGISTERED LOBBY-**  
2 **ISTS TO MEMBERS OF CONGRESS AND TO**  
3 **CONGRESSIONAL EMPLOYEES.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—A registered lobbyist may  
6 not knowingly make a gift to a Member, Delegate,  
7 Resident Commissioner, officer, or employee of Con-  
8 gress except as provided in this section.

9 (2) GIFT DEFINED.—In this section, the term  
10 “gift” means a gratuity, favor, discount, entertain-  
11 ment, hospitality, loan, forbearance, or other item  
12 having monetary value. The term includes gifts of  
13 services, training, transportation, lodging, and  
14 meals, whether provided in kind, by purchase of a  
15 ticket, payment in advance, or reimbursement after  
16 the expense has been incurred.

17 (3) REGISTERED LOBBYIST DEFINED.—In this  
18 section, the term “registered lobbyist” means—

19 (A) a lobbyist registered under the Lob-  
20 bying Disclosure Act of 1995 (2 U.S.C. 1601 et  
21 seq.);

22 (B) a lobbyist who, as an employee of an  
23 organization, is covered by the registration of  
24 that organization under that Act; or

25 (C) an organization registered under that  
26 Act.

1           (4) GIFTS TO FAMILY MEMBERS AND OTHER  
2 INDIVIDUALS.—For the purposes of this section, a  
3 gift to a family member of a Member, Delegate,  
4 Resident Commissioner, officer, or employee of Con-  
5 gress, or a gift to any other individual based on that  
6 individual’s relationship with the Member, Delegate,  
7 Resident Commissioner, officer, or employee, shall  
8 be considered a gift to the Member, Delegate, Resi-  
9 dent Commissioner, officer, or employee if the gift  
10 was given because of the official position of the  
11 Member, Delegate, Resident Commissioner, officer,  
12 or employee.

13           (5) EXCEPTIONS.—The restrictions in para-  
14 graph (1) do not apply to the following:

15           (A) CERTAIN LAWFUL POLITICAL FUND-  
16 RAISING ACTIVITIES.—A contribution, as de-  
17 fined in section 301(8) of the Federal Election  
18 Campaign Act of 1971 (2 U.S.C. 431) that is  
19 lawfully made under that Act, a lawful con-  
20 tribution for election to a State or local govern-  
21 ment office, or attendance at a fundraising  
22 event sponsored by a political organization de-  
23 scribed in section 527(e) of the Internal Rev-  
24 enue Code of 1986.

1 (B) GIFT FROM A RELATIVE.—A gift from  
2 a relative as described in section 109(16) of  
3 title I of the Ethics in Government Act of 1978  
4 (2 U.S.C. App. 109(16)).

5 (C) EMPLOYEE BENEFITS.—Pension and  
6 other benefits resulting from continued partici-  
7 pation in an employee welfare and benefits plan  
8 maintained by a former employer.

9 (D) INFORMATIONAL MATERIALS.—Infor-  
10 mational materials that are sent to the office of  
11 the Member, Delegate, Resident Commissioner,  
12 officer, or employee in the form of books, arti-  
13 cles, periodicals, other written materials, audio-  
14 tapes, videotapes, or other forms of communica-  
15 tion.

16 (E) ITEMS OF NOMINAL VALUE.—An item  
17 of nominal value such as a greeting card, base-  
18 ball cap, or a T-shirt.

19 (F) PERSONAL FRIENDSHIP.—

20 (i) IN GENERAL.—Anything provided  
21 by an individual on the basis of a personal  
22 friendship unless the gift was given be-  
23 cause of the official position of the Mem-  
24 ber, Delegate, Resident Commissioner, offi-  
25 cer, or employee.

1 (ii) CIRCUMSTANCES.—In determining  
2 whether a gift is provided on the basis of  
3 personal friendship, the following cir-  
4 cumstances shall be considered:

5 (I) The history of the relation-  
6 ship between the Member, Delegate,  
7 Resident Commissioner, officer, or  
8 employee and the individual giving the  
9 gift, including any previous exchange  
10 of gifts between them.

11 (II) Whether the individual who  
12 gave the gift personally paid for the  
13 gift or sought a tax deduction or busi-  
14 ness reimbursement for the gift.

15 (III) Whether the individual who  
16 gave the gift also gave the same or  
17 similar gifts to other Members, Dele-  
18 gates, the Resident Commissioners,  
19 officers, or employees of Congress.

20 (G) CERTAIN OUTSIDE BUSINESS OR EM-  
21 PLOYMENT ACTIVITIES PROVIDED TO  
22 SPOUSE.—Food, refreshments, lodging, trans-  
23 portation, and other benefits provided to the  
24 spouse of the Member, Delegate, Resident Com-  
25 missioner, officer, or employee, resulting from

the outside business or employment activities of the spouse or in connection with bona fide employment discussions with respect to the spouse, if such benefits have not been offered or enhanced because of the official position of the Member, Delegate, Resident Commissioner, officer, or employee and are customarily provided to others in similar circumstances.

(H) OPPORTUNITIES AND BENEFITS UNRELATED TO CONGRESSIONAL EMPLOYMENT.— Opportunities and benefits that are offered to members of a group or class in which membership is unrelated to congressional employment.

(I) CERTAIN FOODS OR REFRESHMENTS.— Food or refreshments of a nominal value offered other than as a part of a meal.

(b) PENALTY.—Any registered lobbyist who violates this section shall be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation.

**SEC. 3. PROHIBITION ON MEMBERS ACCEPTING GIFTS FROM LOBBYISTS.**

Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by adding at the end the following new sentence: “Notwithstanding any other

1 provision of this clause, in no event may a Member, Dele-  
2 gate, or Resident Commissioner accept a gift from a reg-  
3 istered lobbyist prohibited by section 2 of the Lobby Gift  
4 Ban Act of 2005.”.

