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ONE HUNDRED ELEVENTH CONGRESS

## U.S. House of Representatives

COMMITTEE ON STANDARDS OF  
OFFICIAL CONDUCT

Washington, DC 20515-6328

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December 15, 2009

### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

**FROM:** Committee on Standards of Official Conduct  
Zoe Lofgren, Chair  
Jo Bonner, Ranking Republican Member *JB*

**SUBJECT:** Simplified Process for Requesting Gift Rule Waivers for Gifts Anticipated due to Certain Special or Unusual Occasions

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This memorandum explains a new process for House Members, officers, and employees to use when requesting a waiver of the gift rule for gifts anticipated in connection with certain special or unusual occasions: a wedding or engagement, the birth or adoption of a child, and a death in the family. These changes should simplify and expedite the process for individuals to request such waivers.

#### Background

House rules state that a House Member, officer, or employee may not knowingly accept any gift unless its acceptance is permitted by the House gift rule.<sup>1</sup> In certain circumstances, no provision of the gift rule permits the acceptance of a particular gift, and the recipient must seek a waiver of the gift rule restrictions from the Standards Committee (Committee) to accept the gift. The Committee has "flexibility to allow the acceptance of gifts . . . in cases where there is no potential conflict of interest or appearance of impropriety."<sup>2</sup> Thus, House Rule 25, clause 5(a)(3)(T), authorizes the Committee to grant a waiver to permit acceptance of a gift "in an unusual case."

As a general matter, recipients must seek permission to accept gifts on a gift-by-gift basis. However, the Committee has historically granted waivers of the provisions of the gift rule to House Members and staff who sought a waiver in order to accept gifts they anticipated receiving in connection with a special or unusual occasion, such as a wedding or engagement, the birth or adoption of a child, or a death in the family. In the past, individuals sought such a waiver by sending a letter to the Committee providing the details of their request, and have received a letter in response from the Chair and Ranking Republican Member of the Committee.

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<sup>1</sup> House Rule 23, cl. 4; House Rule 25, clause 5(a)(1)(A)(i).

<sup>2</sup> House Bipartisan Task Force on Ethics, *Report on H.R. 3660*, 101<sup>st</sup> Cong., 1<sup>st</sup> Sess. (Comm. Print, Comm. on Rules 1989, reprinted in 135 Cong. Rec. H9255 (daily ed. Nov. 21, 1989)).

## New Form for Requests of Waiver of Gift Rule

The Committee is introducing the following new process for seeking gift rule waivers in connection with a wedding or engagement, the birth or adoption of a child, or a death in the family:

1. Any House Member or employee who seeks a waiver of the gift rule under these circumstances should fill out the new "Special Occasion Gift Waiver Request" form (available on the Committee's Web site at <http://ethics.house.gov/>, in the "Gifts" section). NOTE: This form applies only to waiver requests for gifts received in connection with a wedding or engagement, the birth or adoption of a baby, or a death in the family. Any other waiver request should be submitted by letter to the Committee.
2. The Committee will review the request and, if appropriate, approve the request with signatures from the Committee Chair and Ranking Republican Member.
3. If approved, the Committee will return a copy of the reviewed and signed form to the individual seeking the gift waiver.
4. The general gift rule waiver will apply to permit the acceptance of any gifts offered in connection with the occasion mentioned in the request that were received after the date the request was submitted to the Committee.<sup>3</sup>
5. The form requesting such a waiver, and any Committee response, will remain confidential.

## Requests for Waiver of Financial Disclosure Statement Reporting Obligations

Notwithstanding the grant of a waiver for acceptance of gifts through the above-described process, all Members and certain House staff may still be required to report certain gifts on the annual Financial Disclosure Statement (FD) required by the Ethics in Government Act (EIGA).<sup>4</sup> Any FD filers who have reportable gifts may seek a waiver of the FD reporting requirement through a formal, written request to the Committee.

The Committee has created a second form to be used in seeking such a waiver. The FD waiver request form is also available on the Committee's Web site at <http://ethics.house.gov/>, in the "Financial Disclosure" section. FD waiver requests will be processed in the same manner as the gift rule waivers discussed above, except that, as required by EIGA, the FD waiver request and the Committee's response will both be filed with the Clerk, where they will be available for public inspection.

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<sup>3</sup> If a gift rule waiver is required for any gifts received prior to that date, the recipient must provide additional information on the nature of each gift, the identity of each gift's donor, and the dollar value of each gift.

<sup>4</sup> 5 U.S.C. app. 4 §§ 101 *et seq.* Section 102(a)(2)(A) of the EIGA requires the filer to disclose any gifts totaling \$335 in value received from someone other than a relative. Gifts worth less than \$134 need not be counted towards the \$335 limit.

The gift rule and FD waiver request forms should be submitted by hand, mail, or inside mail to the Committee's Office of Advice & Education at HVC 227, or via facsimile to (202) 225-7392.

If you have any questions about this guidance, please feel free to contact the Committee at (202) 225-7103.

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT**

**FINANCIAL DISCLOSURE  
GIFT DISCLOSURE WAIVER REQUEST**

This form should be used by any House Member, officer, or employee who is seeking a waiver of the reporting requirements under the Ethics in Government Act for gifts the individual received in connection with a wedding or engagement, the birth or adoption of a child, or a death in the family (5 U.S.C. app. 4 § 102(a)(2)(A)). You must have already sought and received from the Committee a waiver of the House gift rule (House Rule 25, clause 5) for any such gifts. *Once approved, a copy of this form will be filed with the Clerk of the House for public disclosure.*

Name of Requester: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Requester: \_\_\_\_\_

Employing Member/Committee: \_\_\_\_\_

Office Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date gift rule waiver granted: \_\_\_\_\_

Occasion for which a gift rule waiver is requested (check one):

Wedding/engagement       Birth/adoption of child       Death in family

**Request Approved** pursuant to 5 U.S.C. app. 4 § 102(a)(2)(C):

\_\_\_\_\_ Date: \_\_\_\_\_

R. Blake Chisam, Chief Counsel

\_\_\_\_\_  
Zoe Lofgren, Chair

\_\_\_\_\_  
Jo Bonner, Ranking Republican Member

Copy to:      Legislative Resource Center  
                  B-106 Cannon House Office Building  
                  ATTENTION: Janice Glosson

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT**

**SPECIAL OCCASION GIFT WAIVER REQUEST**

This form should be used by any House Member, officer, or employee who is seeking a waiver of the House gift rule (House Rule 25, clause 5) for gifts the individual anticipates receiving in connection with a wedding or engagement, the birth or adoption of a child, or a death in the family. If you have already received any gifts that require a waiver, you must provide details on those gifts and donors to the Committee.

Name of Requester: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Requester: \_\_\_\_\_

Employing Member/Committee: \_\_\_\_\_

Office Address: \_\_\_\_\_

Office Telephone: \_\_\_\_\_

Occasion for which a gift rule waiver is requested (check one):

Wedding/engagement       Birth/adoption of child       Death in family

**Conditions for Approval:**

Notwithstanding the grant of this waiver, you should exercise caution in accepting any gift that likely would not have been offered but for your status as a House employee. With regard to any such gift, you should consider its source, nature, and value, as well as any possible conflict of interest with official duties.

This approval applies only to the acceptance of gifts under the gift rule. If you are required to file an annual Financial Disclosure Statement, you must report all gifts totaling more than \$335 from a single source; however, gifts having a value of \$134 or less need not be counted towards that \$335 limit. If you also wish a waiver of the statutory reporting requirement, you must submit a separate written request to the Committee. Any such request, and the Committee's response, will be made publicly available pursuant to section 102(a)(2)(C) of the Ethics in Government Act.

**Request Approved** pursuant to House Rule 25, clause 5(a)(3)(T):

\_\_\_\_\_  
R. Blake Chisam, Chief Counsel

Date: \_\_\_\_\_

\_\_\_\_\_  
Zoe Lofgren, Chair

\_\_\_\_\_  
Jo Bonner, Ranking Republican Member