

108TH CONGRESS  
1ST SESSION

# H. R. 1623

To amend title 44, United States Code, to direct the Archivist of the United States to maintain an inventory of all gifts received from domestic sources for the President, the Executive Residence at the White House, or a Presidential archival depository.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2003

Mr. OSE introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend title 44, United States Code, to direct the Archivist of the United States to maintain an inventory of all gifts received from domestic sources for the President, the Executive Residence at the White House, or a Presidential archival depository.

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 “Presidential Gifts Ac-  
5 countability Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1           (1) There is no clear accountability for Presi-  
2           dential gifts, since multiple lists of such gifts are  
3           separately maintained by different Federal agencies,  
4           including by the White House Gifts Unit, the Na-  
5           tional Park Service, and the National Archives and  
6           Records Administration.

7           (2) House Report 107–768, “Problems with the  
8           Presidential Gifts System”, presents additional in-  
9           formation about the complexity of and problems with  
10          the current system.

11          (3) The lack of a consolidated record of the re-  
12          ceipt, administration, and disposition of Presidential  
13          gifts creates confusion about the status of some of  
14          those gifts.

15          (4) Requiring the National Archives and  
16          Records Administration to maintain an inventory of  
17          Presidential gifts would eliminate such confusion  
18          and ensure accountability.

19 **SEC. 3. INVENTORY OF PRESIDENTIAL GIFTS.**

20          (a) IN GENERAL.—Chapter 22 of title 44, United  
21          States Code, is amended by adding at the end the fol-  
22          lowing:

23 **“§ 2208. Inventory of Presidential gifts**

24          “(a) The Archivist shall maintain a current inventory  
25          of all Presidential gifts.

1       “(b) The inventory shall include, with respect to each  
2 Presidential gift, the following information:

3               “(1) The date of receipt by the Federal Govern-  
4 ment.

5               “(2) A description.

6               “(3) The estimated cost or appraised value.

7               “(4) The donor.

8               “(5) Any indication of whether the intent of the  
9 donor was to make the gift to the United States or  
10 to the President personally.

11              “(6) The current location and status of the gift,  
12 including identification of the Federal agency or  
13 other person having control of the gift.

14       “(c) The head of a Federal office or agency, including  
15 any unit in the Executive Office of the President, having  
16 possession of any record containing information regarding  
17 the receipt, location, control, or disposition of a Presi-  
18 dential gift shall, upon receipt of such information, report  
19 such information to the Archivist in accordance with regu-  
20 lations issued by the Archivist under this section.

21       “(d)(1) The Archivist shall make available to the pub-  
22 lic, upon request, any information in the inventory main-  
23 tained under this section.

24       “(2)(A) With respect to each Presidential gift in a  
25 year from any person who makes Presidential gifts in the

1 year having a cumulative value of \$100 or more, the Ar-  
2 chivist shall disclose to the public by not later than May  
3 15 of the succeeding year the following information:

4           “(i) The date of receipt by the Federal Govern-  
5           ment.

6           “(ii) A description.

7           “(iii) The estimated cost or appraised value.

8           “(iv) The donor and the donor’s employer.

9           “(v) The circumstance under which the gift was  
10          made.

11          “(B) Subparagraph (A) shall not apply with respect  
12 to any gift from a foreign government (as that term is  
13 defined in section 7342(a) of title 5).

14          “(e) The Archivist shall report to the Committee on  
15 Governmental Affairs of the Senate and the Committee  
16 on Government Reform of the House of Representatives  
17 each disposition of a Presidential gift other than a gift  
18 having a value of less than \$100.

19          “(f)(1) The Archivist shall issue regulations imple-  
20          menting this section.

21          “(2) The Archivist may not issue any nonbinding  
22 guidance for purposes of this section.

23          “(g) In this section:

1           “(1) The term ‘gift’ has the meaning that term  
2           has under section 109 of the Ethics in Government  
3           Act of 1978.

4           “(2) The term ‘Presidential gift’—

5                   “(A) subject to subparagraph (B), means  
6           any gift to or for the benefit of—

7                           “(i) the President personally, the  
8                           spouse of the President, or any dependent  
9                           child of the President;

10                           “(ii) the President in his or her offi-  
11                           cial capacity;

12                           “(iii) the Executive Residence at the  
13                           White House; or

14                           “(iv) a Presidential archival deposi-  
15                           tory (as that term is used in chapter 21);  
16                           and

17                           “(B) does not include a gift from a relative  
18           of an individual to whom the gift is made.

19           “(3) The term ‘relative’, with respect to an in-  
20           dividual—

21                   “(A) means another individual—

22                           “(i) who is related to the individual  
23                           concerned, as father, mother, son, daugh-  
24                           ter, brother, sister, uncle, aunt, great aunt,  
25                           great uncle, first cousin, nephew, niece,

1 husband, wife, grandfather, grandmother,  
 2 grandson, granddaughter, father-in-law,  
 3 mother-in-law, son-in-law, daughter-in-law,  
 4 brother-in-law, sister-in-law, stepfather,  
 5 stepmother, stepson, stepdaughter, step-  
 6 brother, stepsister, half brother, half sister,  
 7 or

8 “(ii) who is the grandfather or grand-  
 9 mother of the spouse of the individual con-  
 10 cerned; and

11 “(B) includes the fiance or fiancée of the  
 12 individual concerned.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
 14 for chapter 22 of title 44, United States Code, is amended  
 15 by adding at the end the following:

“2208. Inventory of Presidential gifts.”.

16 **SEC. 4. RESTRICTIONS RELATING TO GIFTS TO THE PRESI-**  
 17 **DENT OR SPOUSE OF THE PRESIDENT.**

18 Title I of the Ethics in Government Act of 1978 (5  
 19 App. U.S.C.) is amended by adding at the end the fol-  
 20 lowing:

21 “RESTRICTIONS RELATING TO GIFTS TO THE PRESIDENT  
 22 OR SPOUSE OF THE PRESIDENT.

23 “SEC. 112. (a) The President, and the spouse of the  
 24 President, may not—

1           “(1) accept any gift of stock in a corporation or  
2 any gift certificate;

3           “(2) accept gifts from a single source in a year  
4 having a cumulative value greater than \$1,000, ex-  
5 cept a personalized, honorific award;

6           “(3) accept any gift in the period beginning on  
7 the date of any presidential election occurring in the  
8 President’s term of office and ending on the date of  
9 the beginning of the next presidential term of office,  
10 unless the President is reelected to serve as Presi-  
11 dent for that next term;

12           “(4) solicit or coordinate the making of any gift  
13 to the President or the spouse of the President; or

14           “(5) seek to have any other person solicit or co-  
15 ordinate the making of any gift to the President or  
16 the spouse of the President.

17           “(b) An individual elected as President, and the  
18 spouse of the individual, may not accept any gift in the  
19 period beginning on the date of the election of the indi-  
20 vidual as President and ending on the date of the begin-  
21 ning of the next presidential term of office.

22           “(c) Any gift that a President, individual elected as  
23 President, or spouse is prohibited from accepting under  
24 this section—

1           “(1) shall be returned to the person making the  
2           gift, by not later than 90 days after the date the gift  
3           is made; or

4           “(2) if not returned within that period—

5                   “(A) shall be the property of the United  
6           States; and

7                   “(B) shall not be deposited in a Presi-  
8           dential archival depository, as that term is used  
9           in chapter 21 of title 44, United States Code.

10          “(d) This section does not apply with respect to any  
11          gift from a foreign government (as that term is defined  
12          in section 7342(a) of title 5) or from a relative of an indi-  
13          vidual to whom the gift is made.”.

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