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MEMORANDUM

FROM: Committee on Standards of Official Conduct
Stephanie Tubbs Jones, Chairwoman
Doc Hastings, Ranking Republican Member *STJ*

SUBJECT: FGDA disclosure of gifts and meals provided by foreign governments.

This advisory memorandum clarifies the Committee's application of a certain provision of its Foreign Gifts and Decorations Act (FGDA) regulations related to the acceptance and disclosure of meals and other gifts of minimal value offered by foreign governments to House Member, officers and employees. In sum, Members, officers and employees are not required to disclose gifts of minimal value (currently less than \$335), regardless of whether such gifts are received in the United States or outside the United States.

Foreign Gifts and Decorations Act

The U.S. Constitution prohibits federal officials, including House Members and staff, from accepting any gifts from foreign governments except with the consent of Congress (Art. I, §9, cl. 8). Congress has granted certain limited consent to the acceptance of gifts, decorations and travel from foreign governments, primarily through the FGDA as set forth at Title 5 U.S.C. § 7342.¹ One category of gifts that can be accepted pursuant to the FGDA is "gifts of minimal value"² offered by a foreign government as a souvenir or mark of courtesy.³ The FGDA does not require that gifts of minimal value be disclosed.

¹ The term "foreign government" as used in the FGDA includes international and multinational organizations, as well as representatives of foreign governments while acting as such.

² The FGDA defines "minimal value" as a dollar amount that the General Services Administration recalculates every three years according to a particular formula (5 U.S.C. § 7342(a)(5)(A)), and is currently set at \$335.

³ See Title 5 U.S.C. § 7342 for a complete listing of the gifts and decorations House Members, officers and employees may accept and any corresponding disclosure requirement.

Committee Regulations

The FGDA also authorizes various federal offices, each of which is referred to in the statute as an "employing agency," to issue implementing regulations for the officials within their jurisdiction. For House Members, officers and employees that authority is vested in this Committee. The House gifts rule, in turn, includes a provision that allows the acceptance of any item the receipt of which is authorized by the FGDA or any other statute (clause 5(a)(3)(N) of House Rule 25).

The Committee's FGDA regulations are published on pages 389-393 of the 2008 House Ethics Manual. Pursuant to paragraph 6(a) of the Committee's FGDA regulations, as set forth on page 391, House Members, officers and employees may accept "gifts of minimal value" for calendar year 2008 up to a value of \$335. Also, gifts of minimal value are defined in paragraph 6(a) of the Committee's regulations as "a souvenir or mark of courtesy, including a meal, entertainment or local travel in the United States." Paragraph 6(a) of the Committee's FGDA regulations is intended to encompass *meals, entertainment, local travel and other gifts of minimal value* offered by foreign governments regardless of where the House Member, officer or employee is geographically located when the gift is offered or accepted. For example, if a Member is offered a \$45 meal and a government car ride valued at \$50 to transport the Member to and from the place of dining (in the aggregate worth less than the FGDA disclosure threshold of \$335 for gifts of minimal value) by the French government while on an officially paid-for CODEL to Paris, the Member could accept the meal and the car ride as an aggregate gift of minimal value and would not be required to disclose acceptance of the gift on the Committee's FGDA disclosure form or on his or her annual Financial Disclosure Statement. Additionally, the figure of \$335 is a per-occasion limit, not an annual limit. This application of paragraph 6(a) of the Committee's FGDA regulations is consistent with the statutory requirements and disclosure scheme of the FGDA.

Further explanation of the FGDA or the Committee's FGDA regulations and guidance on the application of each is available from the Committee's Office of Advice and Education at extension 5-7103.