

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**REGULATIONS FOR THE ACCEPTANCE OF DECORATIONS AND GIFTS FROM
FOREIGN GOVERNMENTS**

2020

Introduction and Purpose

The Committee on Ethics is authorized to issue regulations on this subject by 5 U.S.C. § 7342(a)(6)(A), (g)(1), commonly known as the Foreign Gifts and Decorations Act (FGDA).

The purpose of these regulations is to establish standards for the acceptance and disclosure of decorations, gifts, and gifts of travel or expenses for travel taking place entirely outside the United States tendered by foreign governments and multinational organizations to Members, officers, and employees of the House of Representatives.

Regulations

Part 100 – General Provisions and Definitions

§ 101 Purpose. These regulations establish standards for the acceptance and disclosure of decorations, gifts, and gifts of travel or expenses for travel taking place entirely outside the United States tendered by foreign governments and multinational organizations to Members, officers, and employees.

§ 102 United States Constitution. Article I, Section 9, clause 8 (Emoluments Clause) prohibits a Federal official from accepting gifts of any kind from a foreign government without the consent of Congress.

§ 103 FGDA. 5 U.S.C. § 7342 prohibits an officer or employee of the Government from requesting or otherwise encouraging the tender of a gift or decoration from a foreign government and prohibits the acceptance of such gifts other than in accordance with these regulations. 5 U.S.C. § 7342(a)(6)(A), (g)(1) authorizes the Committee to issue regulations on this subject.

§ 104 House Gift Rule. House Rule 25, clause 5 prohibits a Member, officer or employee from accepting any gift except as specifically provided in that rule. Among the gifts that can be accepted is “[a]n item, the receipt of which is authorized by the [FGDA]”

§ 105 Definitions. For purposes of these regulations only, the following definitions apply:

- (a) **Committee.** The Committee on Ethics.
- (b) **Decoration.** Any order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government.
- (c) **Foreign Government.**

- (1) Any unit of foreign government authority, including any foreign national, state, municipal or local government;
 - (2) Any international or multinational organization whose membership is composed of any unit of foreign government described in (1); or
 - (3) Any agent or representative of any entity described in (1) or (2) above, while acting as an agent or representative.
- (d) **Gift.** Tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government.
- (e) **Member, officer, or employee.** Member, officer, or employee of the House of Representatives. This term includes the Resident Commissioner of Puerto Rico, the Delegates of the House, and the spouse or dependent of any Member, officer, or employee. A Member, officer, or employee does not need to consider gifts given to a spouse if separated at the time of receipt. Dependent is defined in section 152 of the Internal Revenue Code.
- (f) **Minimal value.** A value redefined every three years by the General Services Administration (GSA), pursuant to 5 U.S.C. § 7342(a)(5). The current figure can be found on the GSA's website at <https://www.gsa.gov/policy-regulations/policy/personal-property-management-policy/foreign-gifts>. The Clerk of the House is available to appraise items to determine value.

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Part 200 – Consent of Congress for the Acceptance of Decorations.

§ 201 General Provision. Congress consented to a Member, officer, or employee accepting, retaining, and wearing a decoration (1) given in recognition of active field service in time of combat operations, or (2) awarded for other outstanding or unusually meritorious performance. Acceptance of a decoration is subject to approval by the Committee.

§ 202 Decorations of Minimal Intrinsic Value. Without prior Committee approval, a Member, officer, or employee may accept a decoration tendered by or received from a foreign government where the intrinsic value is of minimal value.

§ 203 Decorations of More than Minimal Intrinsic Value. A Member, officer, or employee may accept, retain, and wear a decoration of more than minimal value if that Member, officer, or employee seeks and receives prior approval from the Committee before accepting the decoration. Absent prior approval, decorations of more than minimal value that are not returned to the donor are accepted on behalf of the United States and shall become the property of the United States. A Member, officer, or employee who receives a decoration of more than minimal value without prior approval may either turn the decoration over to the Clerk of the House within 60 days of acceptance or request permission from the Committee to retain the decoration for official use. A Member, officer, or employee who receives a decoration of more than minimal value must file disclosure statements as required by part 400 below.

§ 203.1 Status of Decorations Retained for Official Use. If a Member, officer, or employee receives permission from the Committee to retain a decoration of more than minimal value for

official use, that decoration is still considered the property of the United States on loan to that Member, officer, or employee. Therefore, the decoration shall be used for display purposes only in the Member, officer, or employee's official office. When the Member, officer, or employee leaves the House, any tangible gifts retained under this provision must be returned to the Clerk of the House.

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Part 300 – Consent of Congress for the Acceptance of Gifts.

§ 301 General Provision. Congress consented to a Member, officer, or employee accepting certain gifts, or gifts under particular circumstances, from foreign governments.

§ 302 Gifts of Minimal Intrinsic Value. A Member, officer, or employee may accept gifts of minimal value from foreign governments tendered and received as a souvenir or mark of courtesy. Marks of courtesy include

- (a) Meals;
- (b) Entertainment; or
- (c) Local travel in the United States or while in the host country.

§ 303 Tangible Gifts of More than Minimal Intrinsic Value. A Member, officer, or employee may accept a tangible gift of more than minimal value where refusal may cause offense or embarrassment. These gifts are accepted on behalf of the United States and shall become the property of the United States. Unless promptly returned, the Member, officer, or employee receiving the tangible gift under this section must

- (a) Turn the tangible gift over to the Clerk of the House within 60 days of receipt for disposal or request permission from the Committee to retain the decoration for official use; and
- (b) File disclosure statements as required by part 400 below.

§ 303.1 Status of Tangible Gifts Retained for Official Use. If a Member, officer, or employee receives permission from the Committee to retain a tangible gift of more than minimal value for official use, that tangible gift is still considered the property of the United States on loan to that Member, officer, or employee. Therefore, the tangible gifts shall be used for display purposes only in the Member, officer, or employee's official office and shall not be consumed in any manner. When the Member, officer, or employee leaves the House, any tangible gifts retained under this provision must be returned to the Clerk of the House.

§ 303.2 Aggregation of Gifts. To determine whether the value of tangible gifts exceeds minimal value

- (a) Aggregate the value of gifts given at the same presentation from the same source; for example, aggregate the value of three books given by the same foreign official during a state dinner.
- (b) Do not aggregate gifts given by the same source at different presentations or by different sources at the same presentation; for example, do not aggregate the value

of three books given by representatives of three different foreign governments at an event.

- (c) Aggregate a gift from the spouse of a foreign official, as it is considered a gift from the foreign official/government.
- (d) Aggregate a gift to the Member, officer, or employee's spouse, as it is considered a gift to the Member, officer, or employee.

§ 304 Educational Scholarship or Medical Treatment. A Member, officer, or employee may personally accept a gift of more than minimal value from a foreign government for an educational scholarship or medical treatment.

§ 304.1 Educational Scholarship. A Member, officer, or employee may only accept an educational scholarship from a foreign government if the Member, officer, or employee seeks and receives prior approval from the Committee before accepting the educational scholarship. This exception does not include transportation to or from the United States unless offered as a term of an educational scholarship.

§ 304.2 Medical Treatment. A Member, officer, or employee may only accept medical treatment from a foreign government if

- (a) The Member, officer, or employee seeks and receives prior approval from the Committee before accepting the medical treatment, or
- (b) The medical treatment is provided for an unexpected illness or accident requiring immediate medical attention while in the host country.

§ 305 Travel or Expenses for Travel Outside the United States. A Member, officer, or employee may accept gifts of travel or travel expenses from a foreign government taking place entirely outside of the United States when the travel is directly related to the Member, officer, or employee's official duties.

§ 305.1 "In-Country" Travel. Travel or travel expenses offered under § 305 include "in-country" expenses for food, lodging, transportation, and entertainment offered by the host country.

§ 305.2 Examples of Permissible Travel Expenses.

- (a) Accepting local transportation from the host country to inspect a site near where the Member is traveling on privately-sponsored, officially-connected travel approved by the Committee.
- (b) Accepting lodging and a meal from the host country before addressing that country's legislature.
- (c) Accepting in-country airfare from the host country to visit another area of the country for fact-finding purposes while on a Staff Delegation trip.
- (d) Accepting transportation leaving or returning to a different foreign country to visit the host country.
- (e) Accepting a gondola ride or attending a performance of local dance while traveling on a Congressional Delegation trip.

§ 305.3 Examples of Impermissible Travel Expenses.

- (a) Accepting transportation leaving or returning to the United States to visit the host country.
- (b) Accepting lodging from the host country while on personal vacation.

§ 305.4 Travel Expenses for Spouses or Dependents. The spouse or dependent of a Member, officer, or employee may accept in-country travel or travel expenses when accompanying the Member, officer, or employee. The travel or travel expenses may not be accepted merely for the personal benefit, pleasure, enjoyment, or financial enrichment of the spouse; dependent; or Member, officer, or employee.

§ 306 Foreign Educational or Cultural Exchange. These regulations do not cover a Member, officer, or employee accepting assistance or grants from a foreign government to participate in foreign exchange or visitors programs authorized by the Mutual Educational and Cultural Exchange Act, outlined in 22 U.S.C. § 2458a.

Part 400 – Reports and Disclosures.

§ 401 General Provisions.

- (a) Any gift offered to a spouse or dependent of a Member, officer, or employee under these regulations shall be considered a gift to the Member, officer, or employee and must be disclosed.
- (b) Any decoration presented to a spouse or dependent of a Member, officer, or employee under these regulations shall be considered presented to the Member, officer, or employee and must be disclosed if it is apparent the decoration would not have been offered but for the recipient's relation to the Member, officer, or employee.

§ 402 Tangible Gifts and Decorations of More than Minimal Value.

- (a) A Member, officer, or employee shall file a disclosure statement with the Committee no later than 60 days after accepting a decoration or tangible gift of more than minimal value. A copy of the disclosure statement can be found on the Committee's website at <https://ethics.house.gov>. The disclosure statement must include
 - (1) The name and position of the reporting individual and the recipient;
 - (2) A brief description of the gift or decoration and the circumstances justifying acceptance;
 - (3) The estimated value in the United States at the time of acceptance;
 - (4) The date of acceptance of the gift or decoration;
 - (5) The identity, if known, of the foreign government and the name and position of the individual who presented the gift or decoration; and
 - (6) Disposition or current location of the gift or decoration.
- (b) A Member, officer, or employee who is required to file a financial disclosure statement pursuant to the Ethics in Government Act (EIGA) 5 U.S.C. app. § 101 shall report the decoration or tangible gift of more than minimal value on Schedule

G (“Gifts”) of his or her annual financial disclosure statement if the Member, officer, or employee receives approval from the Committee to retain the decoration for personal or official display or the tangible gift for official display.

§ 403 Travel or Expenses for Travel Outside the United States.

- (a) A Member, officer, or employee shall file a disclosure statement with the Committee no later than 30 days after acceptance of the gift of travel, regardless of value. A copy of the disclosure statement can be found on the Committee’s website at <https://ethics.house.gov>. The disclosure statement must include
 - (1) The name and position of the reporting individual;
 - (2) A brief description of the gift and the circumstances justifying acceptance; and
 - (3) The identity, if known, of the foreign government and the name and position of the individual who presented the gift.
- (b) Travel or travel expenses accepted under these regulations are not subject to the Committee’s regulations for privately-sponsored, officially-connected travel and do not need to be pre-approved by the Committee.
- (c) Travel or travel expenses accepted under these regulations that are disclosed pursuant to § 403(a) do not need to be reported on an annual financial disclosure statement pursuant to EIGA.

§ 404 Educational Scholarship or Medical Treatment

- (a) An educational scholarship or medical treatment accepted under these regulations does not need to be reported to the Committee in a similar manner as tangible gifts, decorations, and travel.
- (b) A Member, officer, or employee who is required to file a financial disclosure statement pursuant to the Ethics in Government Act (EIGA) 5 U.S.C. app. § 101 shall report the educational scholarship or medical treatment of more than minimal value on Schedule G (“Gifts”) of his or her annual financial disclosure statement.

§ 405 Public Inspection.

- (a) Disclosure reports filed according to §§ 402(a) and 403(a) shall be maintained by the Committee and available for public inspection at reasonable hours.
- (b) Not later than January 31 of each year, the Committee shall compile a list of all disclosure statements filed during the preceding year and transmit the list to the Secretary of State for publication in the Federal Register.
- (c) The Committee shall maintain all disclosure statements filed pursuant to §§ 402(a) and 403(a) for seven years following transmittal to the Secretary of State.