

Stat. 734; Pub. L. 104-106, div. A, title X, §1064(c), div. D, title XLIII, §4301(a)(2), Feb. 10, 1996, 110 Stat. 445, 656.)

## REFERENCES IN TEXT

The Lobbying Disclosure Act of 1995, referred to in subsec. (b)(2)(A), (3), is Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, which is classified principally to chapter 26 (§1601 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 2 and Tables.

## CODIFICATION

Another section 1352 was renumbered section 1353 of this title.

## AMENDMENTS

1996—Subsec. (b)(2). Pub. L. 104-106, §4301(a)(2), which directed amendment of par. (2) by inserting “and” after the semicolon at the end of subpar. (A) and by striking out subpar. (C), was not executed because subsec. (b)(2) did not contain a subpar. (C) subsequent to amendment by Pub. L. 104-65, §10(a)(1). See 1995 Amendment note below.

Subsec. (b)(6)(A). Pub. L. 104-106, §1064(c)(1), which directed insertion of “(other than the Secretary of Defense and Secretary of a military department)” after “The head of each agency”, could not be executed because subsec. (b)(6) did not contain a subpar. (A) subsequent to amendment by Pub. L. 104-65, §10(a)(3). See 1995 Amendment note below.

Subsec. (d)(1). Pub. L. 104-106, §1064(c)(2), which directed the insertion of “(other than in the case of the Department of Defense or a military department)” after “paragraph (3) of this subsection”, could not be executed because subsec. (d)(1) did not contain phrase “paragraph (3) of this subsection” subsequent to amendment by Pub. L. 104-65, §10(b). See 1995 Amendment note below.

1995—Subsec. (b)(2). Pub. L. 104-65, §10(a)(1), added subpars. (A) and (B) and struck out former subpars. (A) to (C) which read as follows:

“(A) a statement setting forth whether such person—  
“(i) has made any payment with respect to that Federal contract, grant, loan, or cooperative agreement, using funds other than appropriated funds, which would be prohibited by subsection (a) of this section if the payment were paid for with appropriated funds; or

“(ii) has agreed to make any such payment;

“(B) with respect to each such payment (if any) and each such agreement (if any)—

“(i) the name and address of each person paid, to be paid, or reasonably expected to be paid;

“(ii) the name and address of each individual performing the services for which such payment is made, to be made, or reasonably expected to be made;

“(iii) the amount paid, to be paid, or reasonably expected to be paid;

“(iv) how the person was paid, is to be paid, or is reasonably expected to be paid; and

“(v) the activity for which the person was paid, is to be paid, or is reasonably expected to be paid; and

“(C) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).”

Subsec. (b)(3). Pub. L. 104-65, §10(a)(2), substituted “shall contain the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guaranty.” for “shall contain—” and struck out subpars. (A) and (B) which read as follows:

“(A) a statement setting forth whether such person—

“(i) has made any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guaranty; or

“(ii) has agreed to make any such payment; and  
“(B) with respect to each such payment (if any) and each such agreement (if any), the information described in paragraph (2)(B) of this subsection.”

Subsec. (b)(6), (7). Pub. L. 104-65, §10(a)(3), redesignated par. (7) as (6), and struck out former par. (6) which directed head of each agency to collect and compile detailed information on any unappropriated payments under Federal contracts, and report such information to the appropriate congressional officer or committee.

Subsecs. (d) to (h). Pub. L. 104-65, §10(b), and Pub. L. 104-66, §3001(b), amended section identically, redesignating subsecs. (e) to (h) as (d) to (g), respectively, and striking out former subsec. (d) which directed the Inspector General or official of each agency to submit annual reports to Congress on the compliance of each agency with the requirements imposed by this section. 1994—Subsec. (c). Pub. L. 103-272, §4(f)(1)(F)(i), substituted “(c)(1) Any person” for “(C)(1) Any person”.

Subsec. (e)(1)(C). Pub. L. 103-272, §4(f)(1)(F)(ii), substituted “appropriated” for “appropriated” and inserted period at end.

Subsec. (h)(7). Pub. L. 103-272, §4(f)(1)(F)(iii), inserted periods after “agency” and “guaranty”.

1990—Subsec. (e)(2)(C). Pub. L. 101-512 inserted “or the single family maximum mortgage limit for affected programs, whichever is greater,” after “\$150,000.”.

## EFFECTIVE DATE OF 1996 AMENDMENT

For effective date and applicability of amendment by Pub. L. 104-106, see section 4401 of Pub. L. 104-106, set out as a note under section 2302 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

## EFFECTIVE DATE

Section 319(d) of Pub. L. 101-121 provided that: “Section 1352 of title 31, United States Code (as added by subsection (a)), shall take effect with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments, and loan guaranty commitments that are entered into or made more than 60 days after the date of the enactment of this Act [Oct. 23, 1989].”

## FIRST REPORT ON MAY 31, 1990; CONTENT

Section 319(b) of Pub. L. 101-121 provided that the first report submitted under former subsec. (b)(6) of this section was to be submitted on May 31, 1990, and was to contain a compilation relating to the statements received under subsec. (b) of this section during the six-month period beginning on Oct. 1, 1989.

## NOTIFICATION OF COMPLIANCE DATE; GUIDANCE FOR AGENCY IMPLEMENTATION

Section 319(c) of Pub. L. 101-121 provided that: “The Director of the Office of Management and Budget shall notify the head of each agency that section 1352 of title 31, United States Code (as added by subsection (a)), is to be complied with commencing 60 days after the date of the enactment of this Act [Oct. 23, 1989]. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue the guidance required by subsection (b)(7) [now (b)(6)] of such section.”

### § 1353. Acceptance of travel and related expenses from non-Federal sources

(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of

Government Ethics, shall prescribe by regulation the conditions under which an agency in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf, from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

(b) Except as provided in this section or section 4111 or 7342 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) in the case of a repayment under paragraph (1), shall not be entitled to any payment from the Government for such expenses.

(c) As used in this section—

(1) the term "executive branch" means all executive agencies (as such term is defined in section 105 of title 5); and

(2) the term "employee in the executive branch" means—

(A) an appointed officer or employee in the executive branch; and

(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

(3) the term "payment" means a payment or reimbursement, in cash or in kind.

(d)(1) The head of each agency of the executive branch shall, in the manner provided in paragraph (2), submit to the Director of the Office of Government Ethics reports of payments of more than \$250 accepted under this section with respect to employees of the agency. The Director shall make such reports available for public inspection and copying.

(2) The reports required by paragraph (1) shall, with respect to each payment—

(A) specify the amount and method of payment, the name of the person making the payment, the name of the employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Administrator of General Services may prescribe by regulation under subsection (a);

(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.

(Added Pub. L. 101-194, title III, §302(a), Nov. 30, 1989, 103 Stat. 1745, §1352; renumbered §1353 and

amended Pub. L. 101-280, §4(b)(1), (c), May 4, 1990, 104 Stat. 157, 158.)

#### AMENDMENTS

1990—Pub. L. 101-280, §4(b)(1), renumbered section 1352 of this title as this section.

Subsec. (a). Pub. L. 101-280, §4(c)(1), substituted "in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf," for "or employee in the executive branch may accept payment";

Subsec. (b). Pub. L. 101-280, §4(c)(2)(A), inserted "or 7342" after "section 4111".

Subsec. (b)(2). Pub. L. 101-280, §4(c)(2)(B), substituted "(1)," for "(1)".

Subsec. (c)(1). Pub. L. 101-280, §4(c)(3), substituted "all executive agencies" for "any executive agency".

#### § 1354. Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements

(a)(1) Subject to paragraph (2), no agency may obligate or expend funds appropriated for the agency for a fiscal year to enter into a contract described in section 4212(a) of title 38 with a contractor from which a report was required under section 4212(d) of that title with respect to the preceding fiscal year if such contractor did not submit such report.

(2) Paragraph (1) shall cease to apply with respect to a contractor otherwise covered by that paragraph on the date on which the contractor submits the report required by such section 4212(d) for the fiscal year concerned.

(b) The Secretary of Labor shall make available in a database a list of the contractors that have complied with the provisions of such section 4212(d).

(Added Pub. L. 105-339, §7(b)(1), Oct. 31, 1998, 112 Stat. 3189.)

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