

§ 4725. Gifts and travel**(a) Gifts**

(1) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5 or \$250, whichever is greater¹ from any person, organization, or corporation unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(2) The prohibitions of this subsection do not apply to gifts—

(A) from relatives;

(B) with a value of \$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978; or

(C) of personal hospitality of an individual.

(3) For purposes of this subsection—

(A) the term “gift” means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals or beverages consumed or enjoyed, provided the meals or beverages are not consumed or enjoyed in connection with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

(B) the term “relative” has the same meaning given to such term in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).²

(4) If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph (1) such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

(5)(A) Notwithstanding the provisions of this subsection, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving

travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the select³ Committee on Ethics has determined that participation in such program by Members, officers, or employees of the Senate is in the interests of the Senate and the United States.

(B) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The chairman of the Select Committee shall place in the Congressional Record a list of all individuals,⁴ participating, the supervisors of such individuals where applicable;⁵ and the nature and itinerary of such program.

(C) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (A) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

(b) Limits on domestic and foreign travel by Members and staff of Senate

The term “necessary expenses”, with respect to limits on domestic and foreign travel by Members and staff of the Senate, means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for a continuous period in excess of 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse or child of such Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.

(Pub. L. 101-194, title IX, §901, Nov. 30, 1989, 103 Stat. 1778; Pub. L. 101-280, §8, May 4, 1990, 104 Stat. 162; Pub. L. 102-90, title III, §314(c), Aug. 14, 1991, 105 Stat. 470.)

REFERENCES IN TEXT

Section 102(a)(2)(A) of the Ethics in Government Act of 1978, referred to in subsec. (a)(2)(B), is section 102(a)(2)(A) of title I of Pub. L. 95-521. Section 102 was classified to section 702 of this title prior to the general amendment of title I of Pub. L. 95-521 by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724. Title I of Pub. L. 95-521, as so amended, is set out in the Appendix to Title 5, Government Organization and Employees.

³ So in original. Probably should be capitalized.

⁴ So in original. The comma probably should not appear.

⁵ So in original. The semicolon probably should be a comma.

¹ So in original. Probably should be followed by a comma.

² See References in Text note below.

Section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521), referred to in subsec. (a)(3)(B), was classified to section 707(2) of this title prior to the general amendment of title I of Pub. L. 95-521 by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724. Title I of Pub. L. 95-521, as so amended, is set out in the Appendix to Title 5, and the definition of “relative” is contained in section 109(16) of Pub. L. 95-521.

CODIFICATION

Section was formerly classified to section 31-2 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-90, §314(c)(1)–(3), redesignated par. (2) as (1), substituted “in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5 or \$250, whichever is greater” for “having an aggregate value exceeding \$300 during a calendar year”, and struck out former par. (1) which read as follows: “No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding \$100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.”

Subsec. (a)(2). Pub. L. 102-90, §314(c)(2), (4), redesignated par. (5) as (2) and, in subpar. (B), substituted “\$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978” for “less than \$75”. Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 102-90, §314(c)(5), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “the term ‘foreign national’ means a person acting directly or indirectly on behalf of a foreign corporation, partnership, or business enterprise, a foreign trade, cultural, educational, or other association, a foreign political party, or a foreign government;”.

Pub. L. 102-90, §314(c)(1), (2), redesignated par. (6) as (3) and struck out former par. (3) which read as follows: “In determining the aggregate value of any gift or gifts accepted by an individual during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in paragraph (5)) given by such individual to such person, organization, or corporation during that calendar year.”

Subsec. (a)(4). Pub. L. 102-90, §314(c)(1), (2), redesignated par. (7) as (4) and struck out former par. (4) which read as follows: “For purposes of this subsection, only the following shall be deemed to have a direct interest in legislation before the Congress:

“(A) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

“(B) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 441b of this title), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.”

Subsec. (a)(5) to (8). Pub. L. 102-90, §314(c)(2), redesignated pars. (5) to (8) as (2) to (5), respectively.

1990—Subsec. (a)(5)(D). Pub. L. 101-280, §8(1)(A), struck out subpar. (D) which read as follows: “from an individual who is a foreign national if that individual

is not acting; directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.”

Subsec. (a)(6)(A) to (C). Pub. L. 101-280, §8(1)(B), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

Subsec. (b). Pub. L. 101-280, §8(2), substituted “or child of such Member” for “of a Member” and struck out “(and 2 nights)” after “of 3 days” and “(and 6 nights)” after “or 7 days”.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-90, title III, §314(g), Aug. 14, 1991, 105 Stat. 470, as amended by Pub. L. 102-378, §4(c), Oct. 2, 1992, 106 Stat. 1358, provided that:

“(1) The amendments made by subsections (b) through (f) [amending this section, section 505 of the Ethics in Government Act of 1978, Pub. L. 95-521, set out in the Appendix to Title 5, Government Organization and Employees, and section 7701 of Title 26, Internal Revenue Code] shall take effect on January 1, 1992.

“(2) The amendment made by subsection (a) [amending section 102 of the Ethics in Government Act of 1978, Pub. L. 95-521, set out in the Appendix to Title 5] shall take effect on January 1, 1993.”

[Amendment by Pub. L. 102-378 to section 314(g) of Pub. L. 102-90, set out above, effective Dec. 31, 1991, see section 9(b)(1) of Pub. L. 102-378, set out as an Effective Date of 1992 Amendment note under section 6303 of Title 5.]

§ 4726. Guidelines relating to restrictions on registered lobbyist participation in travel and disclosure

(1) In general

Except as provided in paragraph (4) and not later than 60 days after September 14, 2007, and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

(A) guidelines, for purposes of implementing the amendments made by subsection (a),¹ on evaluating a trip proposal and judging the reasonableness of an expense or expenditure, including guidelines related to evaluating—

(i) the stated mission of the organization sponsoring the trip;

(ii) the organization’s prior history of sponsoring congressional trips, if any;

(iii) other educational activities performed by the organization besides sponsoring congressional trips;

(iv) whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics;

(v) whether the length of the trip and the itinerary is consistent with the official purpose of the trip;

(vi) whether there is an adequate connection between a trip and official duties;

(vii) the reasonableness of an amount spent by a sponsor of the trip;

(viii) whether there is a direct and immediate relationship between a source of funding and an event; and

(ix) any other factor deemed relevant by the Select Committee on Ethics; and

(B) regulations describing the information it will require individuals subject to the require-

¹ See References in Text note below.