

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 7353. Gifts to Federal employees

(a) Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or judicial branch shall solicit or accept anything of value from a person—

(1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by, the individual's employing entity; or

(2) whose interests may be substantially affected by the performance or nonperformance of the individual's official duties.

(b)(1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing for such reasonable exceptions as may be appropriate.

(2)(A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules or regulations established by such individual's supervising ethics office pursuant to paragraph (1).

(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of any official act.

(3) Nothing in this section precludes a Member, officer, or employee from accepting gifts on behalf of the United States Government or any of its agencies in accordance with statutory authority.

(4) Nothing in this section precludes an employee of a private sector organization, while assigned to an agency under chapter 37, from continuing to receive pay and benefits from such organization in accordance with such chapter.

(c) A Member of Congress or an officer or employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, and rules or regulations.

(d) For purposes of this section—

(1) the term "supervising ethics office" means—

(A) the Committee on Standards of Official Conduct of the House of Representatives or the House of Representatives as a whole, for Members, officers, and employees of the House of Representatives;

(B) the Select Committee on Ethics of the Senate, or the Senate as a whole, for Senators, officers, and employees of the Senate;

(C) the Judicial Conference of the United States for judges and judicial branch officers and employees;

(D) the Office of Government Ethics for all executive branch officers and employees; and

(E) in the case of legislative branch officers and employees other than those specified in subparagraphs (A) and (B), the committee referred to in either such subparagraph to which reports filed by such officers and employees under title I of the Ethics in Government Act of 1978 are transmitted under such title, except that the authority of this section may be delegated by such

committee with respect to such officers and employees; and

(2) the term "officer or employee" means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government, other than a Member of Congress.

(Added Pub. L. 101-194, title III, §303(a), Nov. 30, 1989, 103 Stat. 1746; amended Pub. L. 101-280, §4(d), May 4, 1990, 104 Stat. 158; Pub. L. 107-347, title II, §209(g)(1)(C), Dec. 17, 2002, 116 Stat. 2932.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (d)(1)(E), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. Title I of the Act, which was classified principally to chapter 18 (§701 et seq.) of Title 2, The Congress, was amended generally by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724, and as so amended, is set out in the Appendix to this title. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to this title and Tables.

AMENDMENTS

2002—Subsec. (b)(4). Pub. L. 107-347 added par. (4).

1990—Subsec. (a). Pub. L. 101-280, §4(d)(1)(A), substituted "branch" for "branches" in introductory provisions.

Subsec. (a)(1). Pub. L. 101-280, §4(d)(1)(B), substituted "by, the" for "by the" and "entity" for "agency".

Subsec. (c). Pub. L. 101-280, §4(d)(2), substituted "A Member of Congress or an officer or employee" for "An employee".

Subsec. (d)(1)(B). Pub. L. 101-280, §4(d)(3)(A)(i), substituted "officers," for "officers".

Subsec. (d)(1)(E). Pub. L. 101-280, §4(d)(3)(A)(ii), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: "the ethics committee with which the officer or employee is required to file financial disclosure forms, for all legislative branch officers and employees other than those specified in subparagraphs (A) and (B), except that such authority may be delegated; and".

Subsec. (d)(2). Pub. L. 101-280, §4(d)(3)(B), substituted "Government," for "Government".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107-347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS

Pub. L. 110-402, §2, Oct. 13, 2008, 122 Stat. 4255, provided that:

"(a) DEFINITIONS.—In this section:

"(1) GIFT.—The term 'gift' has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

"(2) JUDICIAL OFFICER.—The term 'judicial officer' has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

"(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than \$50 in any calendar year."

SUBCHAPTER VI—DRUG ABUSE, ALCOHOL ABUSE, AND ALCOHOLISM

§ 7361. Drug abuse

(a) The Office of Personnel Management shall be responsible for developing, in cooperation