

United States Senate

SELECT COMMITTEE ON ETHICS

January 11, 2019

Dear Colleague:

The Foreign Gifts and Decorations Act (FGDA), 5 U.S.C. § 7342, requires that annually, the Select Committee on Ethics (the Committee) compile a list of certain gifts that Members, officers, and employees, as well as their spouses and dependents, received from foreign governments during the preceding calendar year. The Committee must send this list to the Secretary of State no later than January 31 of each year for publication in the *Federal Register*.

Pursuant to the FGDA, Members, officers, and employees, as well as their spouses and dependents, may only accept certain gifts from foreign governments.¹ First, they may accept and retain gifts valued at \$100 or less when offered and received as a souvenir or mark of courtesy. Second, they may accept tangible gifts valued at more than \$100 when it appears that refusal would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. Such gifts may only be accepted on behalf of the United States, must be reported to the Committee, and must be deposited with the Secretary of the Senate *within 60 days* of accepting the gift. Third, they may accept gifts of travel valued at more than \$100 that (1) takes place entirely outside the United States, or (2) is approved by the U.S. Department of State under section 108A of the Mutual Educational and Cultural Exchange Act of 1961, provided that such travel is consistent with the interests of the United States and is otherwise permissible. Reports concerning gifts of travel must be filed with the Committee *within 30 days* of accepting the gift.

If any Member, officer, or employee, or their spouse or dependent, accepted any reportable gift from a foreign government during calendar year 2018, and such gift has not yet been reported, the Member, officer, or employee must complete and return the enclosed form to the Committee by *January 25, 2019*. Please do not hesitate to contact the Committee at (202) 224-2981 if you have any questions.

Sincerely,



Johnny Isakson
Chairman



Christopher A. Coons
Vice Chairman

Enclosure: Foreign Gifts Reporting Form

¹ See 5 U.S.C. § 7342(a)(2) for the definition of "foreign government."

Filing Location

Select Committee on Ethics
220 Hart Senate Office Building
Washington, DC 20510
Telephone 224-2981

SELECT COMMITTEE ON ETHICS

Reporting Acceptance of Gifts from a Foreign Government or Multinational Organization

Required by 5 U.S.C. § 7342. The text of the relevant portions of the Foreign Gifts and Decorations Act is attached. This report is not applicable to foreign decorations or grants and other forms of assistance covered by section 108A of the Mutual Educational and Cultural Exchange Act of 1961.

Members, officers, or employees of the Senate must complete this form if they, or their spouse or dependents, have accepted from a foreign government a tangible gift or a gift of travel or expenses for travel taking place entirely outside of the United States (such as transportation, food, lodging or entertainment), of more than minimal value—defined as more than \$100.

Name(s) of Gift Recipient(s)—*Include Title and Employing Office for Staff:*

Signature of Individual Preparing Report—*Include Title and Phone No. if Prepared by Staff:*

Date of this Report: _____

Tangible Gifts of More Than \$100

Date Accepted (MMDDYYYY)	Description of Gift	Estimated U.S. Dollar Value When Accepted	Disposition or Location		Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
			Do you wish to retain gift for official use?	If "yes", where will gift be displayed?		
Feb. 24, 2016	Candelabrum handcrafted of a filigree design. Silver with gold plating.	\$300	Yes	SH 220	Defense Minister Moshe Ya'alon Govt. of Israel	Non-acceptance would cause donor embarrassment

Gifts of Travel or Expense of Travel of more than \$100 Taking Place Entirely Outside of the United States

Date(s) Accepted	Description (Transportation, Food, Lodging and Entertainment)	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
FEB. 23-24, 2016	Transportation within Israel via small military aircraft to military installations, including lodging and meals.	Defense Minister Moshe Ya'alon, Govt. of Israel	Official travel to view installations and to discuss Mideast security. No commercial transportation was available to these sites.

5 U.S.C. Sec 7342

Pertinent Portions of the Foreign Gifts & Decorations Act for the use in Reporting Acceptance of Gifts from a Foreign Government or Multinational Organization.

§ 7342. Receipt and disposition of foreign gifts and decorations.

(a) For the purpose of this section --

(1) "employee" means --

(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

(D) a member of a uniformed service;

(E) the President and the Vice President;

(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

(2) "foreign government" means --

(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

(C) any agent or representative of any such unit or such organization, while acting as such;

(3) "gift" means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

(4) "decoration" means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

(5) "minimal value" means a retail value in the United States at the time of acceptance of \$100 or less, except that --

(A) on January 1, 1981, and at 3-year intervals thereafter, "minimal value" shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

(B) regulations of an employing agency may define "minimal value" for its employees to be less than the value established under this paragraph; and

(6) "employing agency" means --

(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2),(d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

(D) the department, agency, office, or other entity in

which an employee is employed, for other legislative branch employees and for all executive branch employees.

(b) An employee may not --

(1) request or otherwise encourage the tender of a gift or decoration; or

(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

(c)(1) The Congress consents to

(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that --

(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall --

(A) deposit the gift for disposal with his or her employing agency; or

(B) subject to the approval of the employing agency, deposit the gift with that agency for official use.

Within 30 days after terminating the official use of a gift under

subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

* * *

(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

(2) Such listings shall include for each tangible gift reported --

(A) the name and position of the employee;

(B) a brief description of the gift and the circumstances justifying acceptance;

(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

(D) the date of acceptance of the gift;

(E) the estimated value in the United States of the gift at the time of acceptance; and

(F) disposition or current location of the gift.