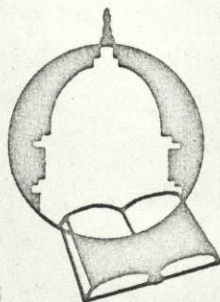


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[ACCEPTANCE OF FOREIGN GIFTS BY MEMBERS OF CONGRESS, 1968.]



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ACCEPTANCE OF FOREIGN GIFTS BY MEMBERS OF CONGRESS

The Constitution of the United States in Article I Section 9 declares that "...no person holding any Office of Profit or Trust under them, shall without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign state."

In 1964, Congress attempted to clarify that provision by statute. Section 7342 of Title 5 of the United States Code states that a Congressman may accept a foreign gift of minimal value which is received as a souvenir or mark of courtesy or when it appears that refusal of the gift would cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.

The above specifically relates to gifts and decorations of minimal value. Gifts of more than minimum value, if accepted at all, are to be accepted on behalf of the United States and deposited by the donee for use and disposal as the property of the United States.

Before a gift of minimal value is deemed acceptable, it must be cleared through the proper authorities. Public Law 89-673 states that a gift or decoration is deemed acceptable after approval by the department, agency, office or other entity in which such person is employed. The concurrence of the Secretary of State is also required. The Secretary of State's responsibility has been delegated to the Office of Protocol within the Department of State. The term "entity" refers to the United States Congress.

Until 1968, and in the absence of any internal regulations, the authority to approve foreign gifts for Senators was assumed by the President Pro tempore of the United States Senate. Senate Resolution 314, 90th Congress, altered the above, by officially authorizing the Senate Committee on Rules and Administration to approve the acceptance of foreign gifts and decorations. This transfer of power became effective as of July 19, 1968.

Within the House of Representatives, the authority to approve the acceptance of foreign gifts has been assumed by the Speaker of the House and to date remains under his jurisdiction.

When it is deemed necessary for a Congressman to refuse any decoration, gift, emolument, office or title, the refusal is to be made as soon and in as gracious terms as possible. The statute further states that attention should be invited to the fact that acceptance is prohibited by law or regulations. Where delivery of a gift or decoration was made under circumstances rendering refusal impossible, it should be returned promptly to the donor. (Section 10.735-203, Title 22, Code of Federal Regulations, January 1, 1967.)