

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, I hereby authorize the Secretary of Defense, with respect to members of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Homeland Security, with respect to members of the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations for the acceptance of medals and ribbons which are offered by multilateral organizations, other than the United Nations, to members of the Armed Forces of the United States in recognition of service conducted under the auspices of those organizations. A determination that service for a multilateral organization in a particular geographical area or for a particular purpose constitutes a justifiable basis for authorizing acceptance of the medal or ribbon offered to eligible members of the Armed Forces of the United States shall be made with the concurrence of the Secretary of State.

SUBCHAPTER V—MISCONDUCT

§ 7351. Gifts to superiors

- (a) An employee may not—
(1) solicit a contribution from another employee for a gift to an official superior;
(2) make a donation as a gift or give a gift to an official superior; or
(3) accept a gift from an employee receiving less pay than himself.

(b) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

(c) Each supervising ethics office (as defined in section 7353(d)(1)) is authorized to issue regulations implementing this section, including regulations exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other circumstances in which gifts are traditionally given or exchanged.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 527; Pub. L. 101-194, title III, §301, Nov. 30, 1989, 103 Stat. 1745; Pub. L. 101-280, §4(a), May 4, 1990, 104 Stat. 157.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 113. R.S. §1784.

The application of the section is confined to employees, since the President and Members of Congress, though officers, could not have been intended to be "summarily discharged", and members of uniformed services are not covered by this statute. In the last sentence, the word "removed" is substituted for "summarily discharged" because of the provisions of the Lloyd-LaFollette Act, 37 Stat. 555, as amended, and the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which are carried into this title.

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

Editorial Notes

AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101-280, §4(a)(1), inserted "or give a gift" after "donation as a gift".

Subsec. (c). Pub. L. 101-280, §4(a)(2), substituted "Each supervising ethics office (as defined in section 7353(d)(1))" for "The Office of Government Ethics" and "circumstances in which gifts are traditionally given or exchanged" for "similar circumstances".

1989—Pub. L. 101-194 designated existing provisions as subsec. (a), struck out "An employee who violates this section shall be removed from the service." at end, and added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

INAPPLICABILITY TO TRANSFERS OF UNUSED ACCRUED ANNUAL LEAVE BY FEDERAL EMPLOYEES; EXCEPTION

Pub. L. 100-284, Apr. 7, 1988, 102 Stat. 81, provided that section 7351 of this title would not apply to leave transfers under certain programs covering Federal employees during fiscal year ending on Sept. 30, 1988, except as the Office of Personnel Management may by regulation prescribe.

§ 7352. Excessive and habitual use of intoxicants

An individual who habitually uses intoxicating beverages to excess may not be employed in the competitive service.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 527.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 640. Jan. 16, 1883, ch. 27, §8, 22 Stat. 406.

The word "employed" is substituted for "appointed to, or retained in" because it includes both.

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 subchapter I of chapter 131 of this title are transmitted under such subchapter, 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; Pub. L. 117-286, §4(c)(9), Dec. 27, 2022, 136 Stat. 4354.)

Editorial Notes

AMENDMENTS

2022—Subsec. (d)(1)(E). Pub. L. 117-286 substituted “subchapter I of chapter 131 of this title are transmitted under such subchapter,” for “title I of the Ethics in Government Act of 1978 are transmitted under such title.”

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”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Standards of Official Conduct of House of Representatives changed to Committee on Ethics of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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, as amended by Pub. L. 117-286, §4(c)(10), Dec. 27, 2022, 136 Stat. 4354, provided that:

“(a) DEFINITIONS.—In this section:

“(1) GIFT.—The term ‘gift’ has the meaning given under section 13101(5) of title 5, United States Code.

“(2) JUDICIAL OFFICER.—The term ‘judicial officer’ has the meaning given under section 13101(10) of title 5, United States Code.

“(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 with the President, with the Secretary of Health and Human Services (acting through the National Institute on Drug Abuse), and with other agencies, and in accordance with applicable provisions of this subchapter, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among employees. Such agencies are encouraged to extend, to the extent feasible, such programs and services to the families of employees and to employees who have family members who are drug abusers. Such programs and services shall make optimal use of existing governmental facilities, services, and skills.

(b) Section 527¹ of the Public Health Service Act (42 U.S.C. 290ee-3), relating to confidentiality of records, and any regulations prescribed thereunder, shall apply with respect to records maintained for the purpose of carrying out this section.

(c) Each agency shall, with respect to any programs or services provided by such agency, submit such written reports as the Office may require in connection with any report required under section 7363 of this title.

(d) For the purpose of this section, the term “agency” means an Executive agency.

(Added Pub. L. 99-570, title VI, §6002(a)(1), Oct. 27, 1986, 100 Stat. 3207-157.)

Editorial Notes

REFERENCES IN TEXT

Section 527 of the Public Health Service Act, referred to in subsec. (b) and formerly classified to section

¹ See References in Text note below.