

§ 11. Acceptance of Foreign Gifts and Awards

The Constitution prohibits any person holding federal office from accepting a gift from a foreign state without the consent of the Congress.⁽¹⁷⁾ However, Congress has provided by statute for employees of the federal government

to accept or retain such a gift if of minimal value.⁽¹⁸⁾ In addition, an employee may accept a gift of more than minimal value when refusal would cause offense or embarrassment to the foreign relations of the United States; in that case, the gift is deemed to be property of the United States and not of the donee.⁽¹⁹⁾

B. NATURE AND FORMS OF DISCIPLINARY MEASURES

§ 12. In General; Penalties

The authority of the House of Representatives over the internal discipline of its Members flows from the Constitution, and the enforcement of disciplinary proceedings by the House against a

Member is carried out under its rulemaking power.⁽²⁰⁾

There are several different kinds of disciplinary measures that have been invoked by the House against one of its Members. These include (1) expulsion, (2) exclusion,⁽²¹⁾ (3) censure, (4) sus-

17. U.S. Const. art. I, § 9, clause 8.

18. 5 USC § 7342(c)(1). See also § 515 of Pub. L. No. 95-105 for revision of this statute. The Select Committee on Ethics [See CONG. REC. (daily ed.), 95th Cong. 1st Sess., May 18, 1977] and the Committee on Standards of Official Conduct have promulgated regulations and advisory opinions applicable to the acceptance of foreign gifts and decorations.

19. 5 USC § 7342(c)(2). "Employee" is defined for the purpose of this section to include a Member of Congress and members of his family and household [5 USC 7342(a)(1) (E) and (F)].

20. U.S. Const. art. I, § 5, clause 1 states: "Each House shall be the

Judge of the Elections, Returns, and Qualifications of its own Members. . . ."

U.S. Const. art. I, § 5, clause 2 provides: "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member."

21. Exclusion is apparently no longer a disciplinary procedure to be invoked in cases involving the misconduct of Members but is invoked only for failure to meet qualifications of Members as defined by the Constitution. The United States Supreme Court in