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Travel Rules for Congress

Travel by Members and congressional staff are subject to specific requirements described in the Rules of the House of Representatives and the Standing Rules of the Senate. Travel regulations are similar for both houses of Congress.

According to the rules, travel expenses usually include transportation, lodging, food and refreshments, but not expenditures for entertainment or recreational activities.

Most travel expenses paid by a non-congressional source are considered to be gifts, which is why they are covered by Congressional gift rules. One of the important rules is that any travel expense reimbursements cannot be solicited.¹

Types of Travel

Seven types of travel are governed by congressional rules:

- Travel in connection with the individual's official duties that is paid for by a private source;
- Travel entirely unrelated to official duties that is paid for by a private source;
- Travel entirely unrelated to official duties that is paid for by a personal friend;
- Travel paid for by the Federal Government, or by a state or local government;
- Travel paid for by a foreign government or an international organization;
- Travel for a political purpose that is paid for by a political organization; and
- Official travel paid for or authorized by the House or Senate.

All seven types of travel are subject to different sets of regulations that are summarized below.

1. Officially Connected Travel Paid by a Private Source

A Member, officer or employee may accept travel expenses to attend a meeting, speaking engagement, fact-finding trip or similar event related to official duties, from a private source only if:

- a) **The private source is directly and immediately associated with the event or location being visited.** That's why Members or employees of Congress would violate the gift rule if they accept travel expenses from an organization that was not an immediate sponsor of the event. The rule is concerned with the organization or individual that actually pays for travel. Thus, for example, where a non-profit

organization pays for travel with donations that were earmarked, either formally or informally, for the trip, each such donor is deemed a “private source” for the trip and (1) must be publicly disclosed as a trip sponsor on the applicable travel disclosure forms and (2) may itself be required to satisfy the above standards on proper sources of travel expenses.

b) The private source is not a registered lobbyist or a registered foreign agent.²

- The prohibition against accepting travel expenses from a registered lobbyist, an agent of a foreign principal, or a lobbying firm applies even when the lobbyist, agent or firm will later be reimbursed for those expenses by a non-lobbyist client.³
- The ethics rules of both Houses don’t prohibit lobbyists from assisting in a travel event; the only restriction is that the lobbyist should work on behalf of the sponsoring organization.
- ‘Registered lobbyist’ is any person registered under the LDA.
- ‘Foreign agent’ covers any person registered under the Foreign Agents Registration Act, usually foreign governments or entities supported by foreign governments.⁴ However, the Members and employees of Congress may accept some specific travel expenses from foreign agents subject to regulations of other types of travel – travel paid for by a foreign government or an international organization outside the United States (described below).

c) Travel expenditures cover brief time periods.

- For the House it is limited to four days total for domestic trips and seven days for trips outside the United States, excluding days taken in whole or in part in traveling to and from the United States.⁵
- For the Senate the limits are three and seven days respectively (in both cases time of traveling is excluded).⁶
- A Member or employee can travel beyond the day limits if he or she is participating in consecutive but distinctive trips financed by different organizations, or he or she is willing to extend the trip at his or her own expense. In the latter case the Member or employee may still accept return transportation.⁷

d) The private source offers to cover only transportation, lodging and related expenses that are necessary to accomplish the purpose of the trip, and thus it may not always be proper to accept expenses for the full three-, four- or seven-day period.⁸

e) Members and employees may accept travel on private (e.g. corporate) aircraft provided by the sponsor of the travel event. The flight on private aircraft must be reported by the Member or employee and valued for reporting purposes at the price of a first-class ticket on a regularly scheduled flight or at the price of a charter if the flight was scheduled specifically for the Member or employee. Anyone invited by the sponsors, including their lobbyists, may join the Member or employee on the flight.⁹

- f) **Travel expenditures regarding entertainment or recreational activities are generally not permitted.** However, Members and employees of Congress may accept such expenditures if they are provided to all attendees as an integral part of the event, or alternatively if they conform to the gift limits.¹⁰
- g) **A trip has a destination beyond the metropolitan Washington area and beyond the Member's district** – at least 35 miles from the U.S. Capitol and 35 miles from the office in the Member's congressional district. However, the occasional acceptance of travel expenses for giving a speech in any of those places is not regarded as a violation.
- h) **No more than one relative accompanies a Member or employee of Congress.** According to House rules, the relative can be either the spouse or a child only. The rules don't allow fiancés to accompany Members or employees of Congress. Further, the provision allows the acceptance of expenses for one relative only, not a spouse and a child. However, the Member or employee can be accompanied by other individuals at his or her own expense.¹¹
- i) **Staff travel is authorized in advance** by the individual's supervising Member or officer.¹²
- j) **After each trip taken by a Member, officer or employee a travel disclosure form that lists the expenses by the private source is completed, signed and filed** with the Clerk of the House or the Secretary of the Senate within 30 days of return.¹³ The forms must include good faith estimates of the transportation, lodging, meal and other expenses paid, set out separately, and a determination that such expenses were 'necessary' and related to the individual's official duties.¹⁴

Furthermore, Members and officers, as well as employees who file a Financial Disclosure Statement, must also disclose each such trip on Schedule VII of their annual statement.

2. Travel Unrelated to Official Duties and Paid by a Private Source

A Member or employee of Congress may accept transportation, lodging, meals and other benefits unrelated to official duties paid for by a private source if it is related to outside business or employment.¹⁵ This type of travel is not as strictly regulated as officially-connected travel – it is not subject to time limits, the limitation that only one relative may accompany, or the prohibition on recreational activities.

But two important restrictions still apply:

- a) The travel benefits may not have been offered or enhanced because of the official position of the Member or staff person.
- b) The benefits must be identical to those customarily provided to others in similar business circumstances.

Unlike officially-connected travel, the travel expenditures unrelated to official duties should not be reported on the 30-day travel disclosure forms filed with the Clerk of the House or the Secretary of the Senate. But unofficial travel funded by a private source that exceeds \$250 in value in a calendar year must be reported on Schedule VII of the annual Financial Disclosure Statements of Members and those employees required to file an annual statement.

3. Travel Unrelated to Official Duties and Paid by Personal Friend

This kind of travel is subject to regulations imposed on other unofficial travel paid for by a private source (see above). In addition, if travel expenditures exceed \$250 in value they may not be accepted on the basis of personal friendship unless the Ethics Committee issues a written determination that the personal friendship provision applies.¹⁶ Therefore, Members and congressional staff should submit an advance written request to the Committee. This request and the Committee's response are confidential.

Usually, travel paid for on the basis of personal friendship that exceeds \$250 in value should be reported on the annual Financial Disclosure Statement but under some circumstances the Committee may waive the reporting requirement.

4. Travel Paid for by Federal, State or Local Government

The gift rules of both Houses of Congress allow accepting travel from any governmental entity in the United States.¹⁷ This type of travel is not considered a gift and does not have any regulations regarding trip duration, spouses or children. Such trips don't have to be disclosed on either the 30-day Travel Disclosure Forms or on annual Financial Disclosure Statements.

5. Travel Paid for by a Foreign Government or International Organization

The U.S. Constitution prohibits Members and employees of Congress from receiving gifts, including travel, from a foreign state or its representative without the consent of Congress. That's why Congress has consented to the acceptance of travel by the officials only in limited circumstances – under the provisions of the Foreign Gifts and Decorations Act (FGDA) and the Mutual Educational and Cultural Exchange Act (MECEA). Both acts contain very complicated and distinctive sets of regulation. The basic features of them include:

Foreign Gifts and Decorations Act¹⁸:

- Any travel paid for by a foreign government under FGDA regulations must relate directly to the official duties of the Member, officer, or employee.
- That Act defines the term of 'foreign government' to include not only foreign governments per se but also international or multinational organizations whose

membership is composed of units of foreign governments, and any agent or representative closely affiliated with such a government or organization while acting as such.

- The trip must take place totally outside of the United States to be consistent with the interests of the United States and be permitted by the Standards Committee.
- Travel expenses for an accompanying spouse or dependent may be accepted.
- Travel is usually subject to the seven-day limit when it is taken in connection with a trip that is otherwise paid for with private funds.
- Such travel expenses should be disclosed within 30 days after leaving the host country in a special form filed with the Ethics Committee, but they should not be reported on the annual Financial Disclosure Statement.

Mutual Educational and Cultural Exchange Act¹⁹:

- That Act applies for travels related to cultural exchange programs that finance visits and interchanges between the United States and other countries.
- The Members and congressional staff may accept travel expenses from a foreign government in order to participate in MECEA programs approved by the Director of the United States Information Agency.
- Such travel expenses are not considered gifts are to be paid by the sponsoring government, not by any private source.
- Under MECEA, the traveling Member, officer or employee may not accept travel expenses for a spouse or dependent.
- Travel expenses associated with approved exchange cultural programs do not need to be disclosed within 30 days, but they must be reported on the annual Financial Disclosure Statement.

A Member or employee of Congress may also accept expenses for foreign travel from private organizations, unaffiliated with any government, subject to the gift rule limitations described above.

6. Travel Paid for by a Political Organization

A Member, officer or employee of Congress may accept travel expenses provided by a political organization in connection with a fundraising or campaign event sponsored by that organization.²⁰ The term ‘political organization’ is defined in this provision by reference to §527(e) of the Internal Revenue Code.²¹ The travel which is political in nature may also be paid by a campaign committee of the Member of Congress.

Such political travels should not be disclosed on the 30-day Travel Disclosure Forms and must be reported on the annual Financial Disclosure Statement only if that travel is not filed with the Federal Election Commission.

7. Official Travel Paid for or Authorized by the House or Senate

Official travel usually includes travel paid for out of Congressional funds, as well as the travel of Members or staff abroad as part of an official delegation. Every travel the primary purpose of which is to conduct official business must be paid for or authorized by the House or Senate. A private source generally may not pay any portion of the expenses of a trip having an official purpose.

The travel expenses of that kind should not be reported either on the 30-day Travel Disclosure Forms or on the annual Financial Disclosure Statement.

Charity Events – Subject to Special Regulations

In general, Members and employees of Congress may accept a sponsor's unsolicited offer of free attendance to charity events, with the following exceptions:

- The gift rules of both Houses explicitly prohibited the acceptance of transportation and lodging expenses related to charity meetings.²²
- But the House has an exception: Members and employees of Congress may accept reimbursement for transportation and lodging if all of the net proceeds of the event are for the benefit of a non-profit organization described in section 501(c)(3) of the Internal Revenue Code. The offer of free attendance and travel reimbursements must come from that non-profit organization as well.²³

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Endnotes

¹ 5 USC 7353.

² House Rule 25 5(c)(1); Senate Rule 35 3(a).

³ H. Rep. No. 337, 104th Cong., 1st Sess. 11 (1995).

⁴ House Rule 25 5(e)(2); Senate Rule 35 5(b).

⁵ House Rule 25 5(b)(4)(A).

⁶ Senate Rule 35 2(d)(1).

⁷ House Rule 25 5(b)(4)(B); Senate Rule 35 2(d)(2).

⁸ House Rule 25 5(b)(4); Senate Rule 35 2(d).

⁹ House Ethics Manual, "Use of Private Aircraft for Travel" (2004); Senate Interpretive Ruling, No. 412 (Aug. 11, 1986)

¹⁰ House Rule 25 5(b)(4)(C); Senate Rule 35 2(d)(3).

¹¹ House Rule 25 5(b)(4)(D); Senate Rule 35 2(d)(4).

¹² House Rule 25 5(b)(1)(A)(i); Senate Rule 35 2(a)(1)(A).

¹³ House Rule 25 5(b)(1)(A)(ii); Senate Rule 35 2(a)(1)(B).

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- ¹⁴ House Rule 25 5(b)(3); Senate Rule 35 2(c).
¹⁵ House Rule 25 5(a)(3)(G)(i); Senate Rule 35 1(c)(7)(A).
¹⁶ House Rule 25 (a)(5); Senate Rule 35 1 (e).
¹⁷ House Rule 25 5(a)(3)(O); Senate Rule 35 1(c)(16).
¹⁸ 5 USC 7342.
¹⁹ 22 USC 2458(a).
²⁰ 11 CFR 114.9(e).
²¹ House Rule 25 5(a)(3)(B); Senate Rule 35 1(c)(2).
²² House Rule 25 5(a)(4)(C); Senate Rule 35 1(d)(2).
²³ House Rule 25 5(a)(4)(C)(i-iii).