

# United States Senate

SELECT COMMITTEE ON ETHICS  
HART SENATE OFFICE BUILDING, ROOM 220  
SECOND AND CONSTITUTION AVENUE, NE  
WASHINGTON, DC 20510-6425

June 8, 2011

Thomas Fitton, President  
Judicial Watch  
425 3<sup>rd</sup> Street, SW, Suite 800  
Washington, DC 20024

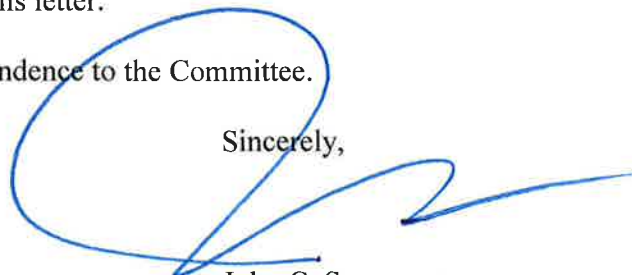
Dear Mr. Fitton:

The Select Committee on Ethics has received your correspondence requesting an investigation into possible violations of Senate Rule 39, which governs the use of foreign travel per diem by Senators and Senate employees. Your correspondence appears to have been prompted by an article in *The Wall Street Journal*, in which all of the Senators and staff mentioned are noted as having complied with the requirements of Senate Rule 39 and returned unused per diem funds. The Committee has not received any additional allegation or information that would suggest that members of the Senate community have violated Senate Rule 39.

The Committee has previously concluded that mere allegations, with no evidence or information to support their substantive merit, are insufficient to extend the Committee's investigative process. Thus, based upon review of the information that you have provided, it appears that your complaint lacks merit and further Committee action is not appropriate with respect to this matter. The Committee, however, has recently circulated a "Dear Colleague" letter to ensure that all Members and staff, especially those who are new to the Senate, understand and adhere to the rules on unused per diem. I have enclosed a copy with this letter.

Thank you for your correspondence to the Committee.

Sincerely,



John C. Sassaman  
Chief Counsel and Staff Director

Enclosure

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Dear Colleague:

There has been recent media attention regarding the use of foreign travel per diem by Members and staff of the Senate. We want to make sure that you and your staffs know that any unused portion of your foreign travel per diem must be returned to the United States Treasury after you return home. Specifically, Senate Rule 39.3 states:

A per diem allowance provided a Member, officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, officer, or employee receiving such allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

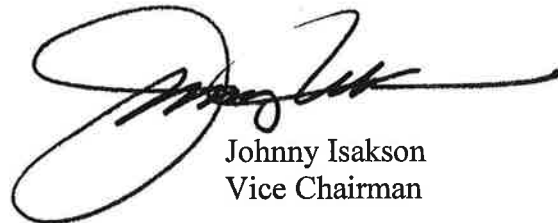
The Committee encourages Members and staff with questions about returning travel per diem to consult the Department of State's *Official Foreign Travel Guide for the U.S. Congress* (copies available from the Committee). According to the guide, travelers returning an unused per diem to the U.S. Treasury may do so by personal check or money order. The repayment, along with a memorandum about the trip and the amount returned, may be delivered to the Department of State's Senate Liaison Office in the Russell Senate Office Building. We also understand that the Department's Congressional Travel Office will arrange for the pick-up of unused per diem.

Thank you for your attention to this matter. If you have any questions, please feel free to contact Committee staff at 224-2981.



Barbara Boxer  
Chairman

Sincerely,



Johnny Isakson  
Vice Chairman