

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
Ranking Member

David P. Joyce, Ohio
John H. Rutherford, Florida
Andrew R. Garbarino, New York
Michelle Fischbach, Minnesota

Veronica Escobar, Texas
Mark DeSaulnier, California
Deborah K. Ross, North Carolina
Glenn F. Ivey, Maryland



ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

Thomas A. Rust
Staff Director and Chief Counsel

Keelie Broom
Counsel to the Chairman

David Arrojo
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

September 28, 2023

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Michael Guest, Chairman
Susan Wild, Ranking Member

SUBJECT: Ethics Guidance Related to Operations During a Lapse in Appropriations

As House offices consider the implications of a possible lapse in appropriations, the Committee wishes to reiterate prior related guidance concerning furloughed employees. As noted in the guidance issued by the Committee on House Administration, a furloughed (non-essential) employee may not perform official duties or provide services during the furlough period. While on furlough, employees should not return to the office or communicate about official matters with the office. For further discussion, please see the *Members' Congressional Handbook* and the guidance titled *Legislative Operations During a Lapse in Appropriations* issued by the Committee on House Administration.¹

We remind all House Members, officers, and employees, during a lapse in appropriations, you remain subject to all ethics rules and regulations. Accordingly, Members, officers, and employees may not accept any gift, except as provided in the House gift rule.² If you have received Committee approval to participate in privately-sponsored, officially-connected travel, **you may not travel** if a lapse in appropriations is in place at the time of your departure.³ If you plan to participate in a Mutual Educational and Cultural Exchange Act (MECEA) trip, please contact the Committee for further guidance.⁴

In addition, there are significant limitations on the use of volunteer services in place of paid services. For instance, fellows and detailees may be able to work during a lapse in funding, but they may not supplant the duties of a paid House employee. Executive branch employees detailed to a House committee should consult their agency to determine if they are deemed essential. Pursuant to the Committee on House Administration's guidance, paid and unpaid interns are not considered essential and may not work during a lapse in funding. For additional guidance, please see the *Members' Congressional Handbook* and pages

¹ Comm. on House Admin., *Legislative Operations During a Lapse in Appropriations* (Sept. 2023), available at https://cha.house.gov/_cache/files/8/a/8ae841a4-e2f1-4dfa-9546-bfc5d220dd76/7683E0995231C6439541C0D445263022.cha-lapse-in-funding-guidance-118th-asof-9-27-23-.pdf.

² House Rule 23, cl. 4 and House Rule 25, cl. 5.

³ "Departure" means the time when the private trip sponsor would begin paying for your travel expenses.

⁴ For questions regarding international congressional delegations, please contact the Office of Interparliamentary Affairs at (202) 226-1766. For questions regarding other official travel, please contact the Committee on House Administration at (202) 225-8281 (majority) or (202) 225-2061 (minority).

294 to 302 of the *Ethics Manual December 2022 Print*. All standard guidance and limitations should be followed.

Although there are permissible uses of campaign funds to support official activities, House Rule 24 does not permit offices to use campaign funds to compensate employees for services.⁵ Therefore, non-essential employees may not be paid with campaign funds to perform official duties. Additionally, all rules prohibiting the use of official resources for campaign purposes remain in effect. Although employees may work or volunteer for a campaign during a lapse in appropriations, campaign work may not be performed on House property, using official resources, or on House time. While on furlough, employees who work or volunteer for the campaign should not return to the office or communicate about official matters with the office (with the exception of scheduling coordination).

As always, House employees must never be required or coerced to perform campaign duties and past or future campaign service may not be a factor in determining which employees will be deemed essential or non-essential. Additionally, House employees may not use their personal funds to supplement official expenses, including salaries.⁶

Finally, any House employees who wish to undertake non-congressional employment while on furlough are reminded that they remain House employees and, therefore, all rules regarding outside employment remain in effect. Such rules include fiduciary prohibitions and the outside earned income limit for senior staff, and the prohibitions on using House resources or performing work that overlaps or conflicts with one's House duties for all staff.⁷

Although questions regarding pay status and employment procedures should be addressed to the Committee on House Administration or the office of Chief Administrative Officer, as appropriate, the Committee is available to assist offices in considering the implications of the ethics rules, laws, or standards of conduct on your efforts to address the financial needs of your office.

Committee staff will be available during any lapse in appropriations to provide advice to House Members and employees. Please direct questions to the Committee's Advice and Education staff at (202) 225-7103 or ethicscommittee@mail.house.gov.

⁵ House Rule 24, cl. 1(b)(2).

⁶ *Id.* at cl. 1(a).

⁷ See *House Ethics Manual December 2022 Print* at 195-256 ("Outside Employment and Income" chapter).