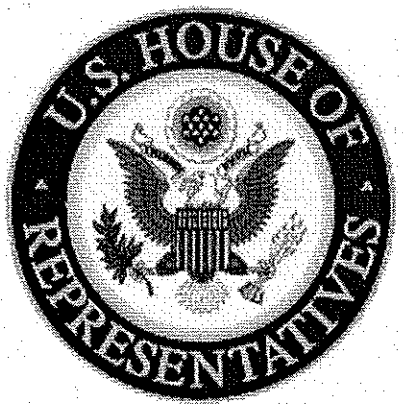
Highlights of the House Ethics Rules



This publication has been prepared as a convenience for Members, officers, and employees of the House of Representatives

For more information, and for advice on specific factual situations, contact the Committee on Standards of Official Conduct's Office of Advice and Education at **(202) 225-7103**

Detailed information is also available on the Committee's website at ***www.house.gov/ethics***

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Call or Write the Committee Before Acting:

Committee on Standards of Official Conduct
Suite HT-2, The Capitol
Washington, DC 20515

Phone: (202) 225-7103

Fax: (202) 225-7392
www.house.gov/ethics

All communications are confidential

Law states that no one is placed at risk by seeking Committee advice about future conduct

Good faith reliance on written Committee opinions protects you from sanctions under House rules

Gifts

APPLIES TO ALL MEMBERS, OFFICERS, AND EMPLOYEES

The House Gift Rule prohibits acceptance of anything having monetary value unless permitted by one of the exceptions stated in the rule. Gifts allowed by the exceptions include –

- Any gift, other than cash or cash equivalent, valued at less than $50, as long as the donor is not a registered lobbyist, foreign agent, or entity that retains or employs them
  - Subject to annual limit of less than $100 in gifts from any private source in a calendar year
- Any item of nominal value (*i.e.*, less than $10). Baseball caps and t-shirts are allowed
- Gifts from relatives (including in-laws)
- Gifts from other Members or employees (except from subordinates, unless a special occasion)
- Anything paid for by federal, state, or local government (includes federal agencies, cities, counties, towns, and public universities)
- Gifts based on personal friendship offered for a non-business purpose (but a gift over ***$250*** requires prior written permission from the Standards Committee)
- Informational materials (books, videotapes, DVDs) sent to House office. Includes periodicals if sent by publisher
- "Home state products" of nominal value for distribution by House office
- Commemorative items, such as a plaque, if presented at event and inscribed

MEMBERS AND STAFF MAY NEVER SOLICIT A GIFT, OR ACCEPT A GIFT THAT IS LINKED TO ANY ACTION THEY HAVE TAKEN OR ARE BEING ASKED TO TAKE.

Attendance at Events

APPLIES TO ALL MEMBERS, OFFICERS, AND EMPLOYEES

Several provisions of the gift rule permit House Members and staff to accept free attendance at certain types of events.

- Receptions offering only "food or refreshments of nominal value" that are not "part of a meal" (*e.g.*, light appetizers and drinks or soda and cookies)
  - Source of invitation and number of people in attendance is immaterial

In addition, where the free attendance comes from the sponsor of the event (not an entity that merely donated money or bought a table), free attendance is permitted at –

- "Widely attended" events. Must (1) have at least 25 non-Hill attendees, (2) be open to public or to a wide range of individuals, ***and*** (3) be connected to one's official House duties
  - May also accept free attendance for one accompanying individual
  - May accept a meal that is offered to all attendees as part of the event
  - May accept local transportation to event, if offered by event sponsor
  - May not accept a gift bag or souvenir unless otherwise permitted by gift rule
  - Sponsoring entity may employ lobbyists
- Charity events (*i.e.*, an event whose primary purpose is to raise money for a § 501(c)(3) nonprofit) if offered by the sponsor
  - May also accept free attendance for spouse *or* dependent child (but no other individual)
  - May accept local transportation to event, if offered by event sponsor
- Campaign or fundraising events sponsored by a § 527 organization (*e.g.*, a party organization or a PAC)
  - Travel and lodging also may be accepted in some circumstances

Privately Sponsored Travel

- Each participant in officially-connected travel paid for by a private source must get approval in advance, in writing, from the Standards Committee
  - Traveler must provide to Standards Committee an approval request form together with a certification form completed by the trip sponsor. Staff also need advance authorization from employing Member
- All U.S. colleges and universities and any entity that does not employ or retain a federally-registered lobbyist or foreign agent may sponsor trips up to 4 days (domestic) or 7 days (international)
- Private entities that employ or retain a lobbyist or foreign agent may sponsor <u>only</u> one-day, one-night trips, provided lobbyist involvement in requesting or planning trip is *de minimis*
  - In limited circumstances, Standards Committee may authorize a second night
- Trip sponsor must have direct relationship to event or location being visited, and purpose of trip must be related to Member or employee's official duties
- May accept reasonable, necessary trip expenses (transportation, food, and lodging)
  - Transportation must be coach or business class, unless special circumstances shown
  - Food and lodging must be reasonable or selected without regard to congressional participation
  - Entertainment, recreational activity, and gifts may be accepted only as gift rule allows
- Except for university-sponsored trips, lobbyists may <u>not</u> travel with House attendees
- Must file post-trip disclosure form with Clerk of the House within ***15 days*** after return, attaching all pre-trip approval paperwork
- These rules do <u>not</u> apply to travel funded by:
  - U.S. government (*e.g.*, committee travel or CODELs)
  - State or local government (*e.g.*, trips paid for by a state university or a city)
  - Foreign government (*e.g.*, MECEA trips)
  - Political campaigns (but the travel must be reported as a campaign expense, *e.g.*, to FEC)

Campaign Activities

- Staff may do campaign work on own time (whether as volunteer or paid campaign employee), but no employee can be compelled to do campaign work

- No campaign activities allowed in any congressional office or room (including district offices)

- No use of congressional office resources (including equipment, supplies, or files) for any campaign purpose

- Criminal statute prohibits solicitation and acceptance of political contributions from or in any House building
  - Unsolicited contributions mistakenly sent to the House office may be forwarded to campaign within 7 days. May <u>not</u> use the Frank
  - Do <u>not</u> accept any contribution that is linked to any official action, past or prospective

- Campaign funds are to be used for bona fide campaign or political purposes
  - With limited exceptions, campaign funds and resources may <u>not</u> be used for official purposes
    - See Committee's advisory memorandum of July 26, 2006 for acceptable uses of campaign funds by Member office
  - Personal use or borrowing of campaign funds is prohibited

- No staff contributions to employing Member's campaign
  - No staff outlays for employing Member's campaign (other than for campaign-related travel taking place on employee's own time), even if the employee is promptly reimbursed

Constituent Casework

- Members have broad discretion in helping constituents before *federal* government agencies:
  - May make a status inquiry; urge prompt and fair consideration; ask for full and fair consideration consistent with applicable law and regulations; arrange appointments – or, when warranted by the merits of the case, express judgment or ask for reconsideration of a decision
- No preferential treatment for the Member's supporters, contributors, or friends in casework matters – treat all constituents fairly, and on the merits of their claims
- Avoid "ex parte" communications in cases before agencies or courts – *i.e.,* off-the-record communications to the decision-maker that are made without prior notice to all parties
- Members and employees may not contact an agency on a matter in which they have a personal financial interest
- May not directly or indirectly threaten reprisal against any agency official, or promise favoritism or benefit
- Job recommendations to federal agencies for regular civil service positions may include only statements that are based on personal knowledge of the applicant, or address the applicant's character (*e.g.,* honesty, integrity) or residence (*e.g.,* lives in district or state). See Committee's October 1998 advisory memorandum
  - Generally, recommendations to private entities may be made on official letterhead only when Member has worked with applicant in an official capacity

Official or Privately-Sponsored Events

- Member may not jointly sponsor a town hall, briefing, meeting, or other event with any private group or entity.

- Member may not accept cash or in-kind support from any individual or private organization for an official event

- May use campaign funds (funds from a Member's principal campaign committee only) to pay certain expenses for an official House event. Permissible expenses include food and beverages, printed material distributed at the event, room rental, and travel expenses for guest speakers
  - May not use campaign funds to advertise an official House event

- Member may use official funds and the Frank to publicize an official House event

- Members may be listed as an "honorary co-host" or guest speaker at a private group's event, provided the invitation clearly identifies the sponsor of the event
  - Outside groups may not use Member's official letterhead or the House seal
  - May not use official resources (including the Frank, official press release, or House website) to advertise an event being sponsored by a private entity
  - May issue a "Dear Colleague" about a private group's event only after the event sponsor has issued its invitation, and only if the event is taking place in a House or Senate room

Involvement with Outside Entities

- Members and staff generally may be employed by or volunteer for an outside entity (including charities and for-profit companies), provided there is no conflict with official House duties
  - In work for an outside entity, Members and staff may not –
    - Use official House resources (including office space, equipment, e-mail, official mailing lists, official letterhead, or the House seal)
    - Perform work for an outside entity in House office space (including district offices)
  - Staff must also –
    - Obtain approval of employing Member
    - Perform work on employee's own time

- For paid employment by an outside entity, Members and "senior staff" (those paid above $114,468 by the House) must comply with the outside employment restrictions (*see* p. 12)

- Members and staff may solicit contributions for a § 501(c)(3) charity or other entities qualified under § 170(c) of the Tax Code, provided that no official resources are used, no official endorsement is implied, no direct personal benefit results to the individual, and registered lobbyists are not targeted.
  - Prior, written approval from the Committee is required for all other solicitations
  - Members may be identified by any of their personal titles (Representative, Congressman, Congresswoman, or Member of Congress). House staff may not list their House affiliation in solicitations on behalf of an outside entity
  - Solicitations featuring a Member's name may be subject to FEC restrictions

The Honoraria Ban

- An honorarium is a payment for any speech, appearance, or article

- Members, officers, and senior House employees (*i.e.*, those paid above ***$114,468*** for 2008) are prohibited from receiving any honoraria

- In lieu of an honorarium, the sponsor of an event or the publisher may donate up to ***$2,000*** per event to a charity qualified under § 170(c) of the Tax Code, provided that –
  (1) The event sponsor or publisher makes the donation directly to the charity; and
  (2) Neither the Member or employee, nor a relative of a Member or employee, receives any financial or tax benefit from the donation

- Charitable donations in lieu of honoraria must be reported on the annual Financial Disclosure Statement of those required to file them

- Employees paid below the "senior staff" rate (*i.e.*, ***below $114,468***) may accept an honorarium, ***unless*** any one of three conditions is true:
  (1) The subject matter is directly related to his or her official duties
  (2) The payment is made because of the individual's status with the House, ***or***
  (3) The payor has interests before the House that the employee may affect

Interns, Fellows, and Volunteers

- Member or House offices may accept temporary services of an unpaid **intern** if the intern is participating in a program that is primarily of educational benefit to the individual
  - "Educational benefit" test satisfied if the individual is receiving academic credit
  - Member office may establish its own internship program. Consult with Committee for further information
  - Members may not raise funds for programs that place interns in their office

- Member or House offices may accept temporary services of a **fellow** in a mid-career education program while the individual receives compensation from his or her employer

- Member or House offices may accept the temporary services of a **volunteer** not part of an outside program, provided the Member or office has a clearly defined program to assure that the voluntary service –
  - Is of significant educational benefit to the volunteer, and
  - Does not supplant the normal and regular duties of paid employees

- Member office may not use official resources to solicit or recruit volunteers

- Interns, fellows, and volunteers should not be assigned duties that will result in any direct or indirect benefit to the sponsoring organization, other than broadening the individual's knowledge

Conflicts of Interest

- Official position and confidential information may <u>not</u> be used for personal gain
- A Member must abstain from voting on a matter on the House floor only if the Member has a direct, distinct personal or pecuniary interest in the matter
  - Ownership of stock in a publicly-traded company generally will not present a conflict of interest requiring recusal from voting
  - Additional caution is required in deciding whether to sponsor legislation affecting personal financial interests, in view of the greater degree of advocacy involved in sponsorship
- Members must certify in writing to committee of jurisdiction that they and their spouse have no financial interest in any earmark or limited tax or tariff benefit requested by the Member
  - Members may not condition inclusion of an earmark on any vote cast by another Member
- Under criminal law, Members may not contract with a federal agency except in limited circumstances (relating primarily to participation in certain federal farm support programs)
  - Prohibition includes leasing or selling real property to a federal government entity
- Spouses and other family members have substantial discretion in employment and investments. However –
  - Members and staff should not do any special favors for family members
  - Members may not hire family members in their congressional offices
  - If Member or employee's spouse or immediate family member engages in lobbying or similar activity, contact Committee for guidance
- Criminal law generally prohibits federal employees, outside their official duties, from representing anyone before the federal government or in court on any matter in which the government is a party or has a direct and substantial interest – even on an unpaid basis

Outside Earned Income & Employment Limitations

APPLY ONLY TO MEMBERS, OFFICERS, AND "SENIOR STAFF"

"SENIOR STAFF" in 2008 is anyone paid at an annual rate of ***$114,468 or more*** for over **90 days**

OUTSIDE EARNED INCOME LIMIT FOR CALENDAR YEAR 2008 – *$25,830*

NO paid professional services involving a fiduciary relationship, including law, real estate or insurance sales, financial services, or consulting or advising (*see* 5 U.S.C. app. 4 § 502(a))

NO affiliation for compensation with any firm that provides such professional services

NO use of name by any firm that provides such professional services

NO paid service as officer or board member of any organization
- Unpaid board service is permitted

NO paid teaching without advance written approval of the Standards Committee

NO advances on copyright royalties in book contracts; royalties may be accepted only if contract is with an established publisher on customary terms and is approved by Standards Committee

Financial Disclosure

MEMBERS, OFFICERS, SENIOR EMPLOYEES, AND PRINCIPAL ASSISTANTS

- Annual reports due by May 15th of each year, covering the prior calendar year.
  - New senior employees must file within 30 days of beginning House employment
  - Termination reports required within 30 days of departure from House payroll

- Standards Committee may grant an extension of due date if a written, signed request is received before original due date

- Must disclose income (earned and unearned), assets, liabilities, transactions in securities and real property, certain gifts, travel expenses, outside positions, and agreements

- Financial information regarding spouse and dependent children must also be disclosed

- $200 late filing fee; possibility of additional Committee action for late, incorrect, or incomplete filing; civil action may be initiated by the Department of Justice

- Standards Committee reviews all reports, and upon request will pre-screen draft reports

- Staff paid at the "senior rate" (at or above ***$114,468***) for ***60 days*** or more in a year must file
  - A Member who does not have an employee paid at that rate must designate a "principal assistant" who files

Contact the Committee or the Legislative Resource Center for forms and detailed instructions on how to complete them

Post-Employment Restrictions

APPLY ONLY TO MEMBERS, OFFICERS AND "VERY SENIOR STAFF"

"VERY SENIOR STAFF" is any employee of a Member, committee, or leadership office who was, in the one year prior to leaving House employment, paid at an annual rate of ***$126,975 or more*** for at least ***60 days***

FOR ONE YEAR AFTER LEAVING OFFICE:

- **A MEMBER OR OFFICER** may not communicate with or appear before a Member, officer, or employee of either House of Congress or any Legislative Branch office with intent to influence official action on behalf of anyone else

- **VERY SENIOR STAFF** may not communicate with or appear before the individual's former employer or office with intent to influence official action on behalf of anyone else
  - Staff from a Member's personal office are barred from lobbying only that Member
  - Staff of a committee are barred from lobbying any Members who are currently on that committee or served on it during the employee's last 12 months of House employment
  - Leadership staff are barred from lobbying House leadership of both parties

- **A MEMBER, OFFICER, OR VERY SENIOR STAFF MEMBER:**
  - May not represent or advise a foreign government or a foreign political party
  - May represent oneself, a state or local government, or the U.S. government as an official or employee of a government agency or entity
  - May not lobby the staff of a Member in lieu of lobbying the Member directly

IMPORTANT NOTE: Violation of these prohibitions is a felony under 18 U.S.C. § 207. Penalties include fine and/or imprisonment. The Committee website contains advisory memoranda for both Members and staff with more detailed information on these restrictions and the rules regarding negotiating for future employment, including additional disclosures that may be required.