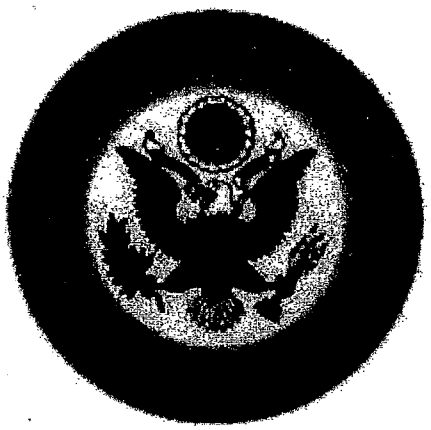
APPENDIX 3

EXHIBIT 1

Members' Congressional Handbook

Regulations
governing the
Members' Representational Allowance
of the
U.S. House of Representatives



Committee on House Administration
Bob Ney, Chairman
2001

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Committee on House Administration
107th Congress

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INTRODUCTION

During each session of Congress, each Member has a single Members' Representational Allowance (MRA) available to support the conduct of official and representational duties to the district from which elected. Ordinary and necessary expenses incurred by the Member or the Member's employees within the United States, its territories, and possessions in support of the conduct of the Member's official and representational duties to the district from which elected are reimbursable in accordance with the regulations contained in this Members' Congressional Handbook.

Ordinary and necessary means reasonable expenditures in support of official and representational duties to the district from which elected that are consistent with all applicable federal laws, Rules of the House of Representatives, and regulations of the Committee on House Administration.

Effective August 1, 1999 the following regulations of the Committee on House Administration, collectively known as the Members' Congressional Handbook (Handbook), govern all expenditures from the MRA.

The Handbook regulations are guidelines that assist Members in determining whether expenses are reimbursable. Therefore, the Handbook contains broad descriptions of reimbursable expenses, but is not an exhaustive list of such expenses.

Questions about reimbursement of an expense should be directed to the Committee on House Administration at x58281 prior to incurring the expense.

Reimbursement will not be allowed for expenses that are specifically prohibited.

For all questions relating to equipment and equipment-related issues, refer to the *User's Guide to Purchasing Equipment, Software, and Related Services*, available from the Committee on House Administration.

Routine administrative requests (equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov/) or call First Call/One Call at x58000.

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MEMBERS' REPRESENTATIONAL ALLOWANCE

General

When an expense is incurred, the Member must determine the primary purpose for the expenditure. Is the **primary** purpose for the expenditure official and representational? Or is it primarily related to personal, political, campaign, or committee activities? Only expenses the primary purpose of which are official and representational and which are incurred in accordance with the Handbook are reimbursable.

1. **The MRA may only be used for official and representational expenses.**
2. A Member **may** expend personal funds in support of his official and representational duties.
3. The MRA **may not** be used to pay for any expenses related to activities or events which are primarily social in nature.
4. The MRA **may not** pay for personal expenses.
5. The MRA **may not** pay for campaign expenses.
6. The MRA **may not** pay for political expenses.
7. The MRA **may not** pay for committee expenses.
8. Committee resources **may not** pay for a Member's official and representational expenses.
9. Campaign funds **may not** pay for a Member's official and representational expenses.
10. A Member **may not** maintain, or have maintained for his use, an unofficial office account for the purpose of defraying or reimbursing ordinary and necessary expenses incurred in support of a Member's official and representational duties.
11. A Member **may not** accept from any private source in kind support having monetary value for an official activity.
12. **Only** appropriated funds, **not** personal or unofficial funds, may be used to pay for mail sent under the frank.
13. Each Member is **personally responsible** for the payment of any official and representational expenses incurred that exceed the provided MRA or that are incurred but are **not** reimbursable under these regulations.
14. Unless specifically authorized by an applicable provision of federal law, House Rules, or Committee Regulations, no Member, relative of the Member, or anyone with whom the Member has a professional or legal relationship may directly benefit from the expenditure of the MRA.
15. The MRA is available for services provided and expenses incurred from January 3 of one year through January 2 of the following year. All expenses incurred will be charged to the allowance available on the date the services were provided or the expenses were incurred.
16. The MRA is **not** transferable between years.
17. Requests to obligate prior year's funds after January 2 of the succeeding year will be considered by the Committee when a Member provides documentation demonstrating a bona fide intent to obligate the prior year's funds during the applicable year.

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Budgeting and Disclosure

The Committee recommends that each Member establish an annual budget for the MRA. To assist in this process, the Office of Finance sends each Member monthly statements showing year-to-date expenditures and obligated amounts. The quarterly expenditures reflected in these statements are compiled and published as the Quarterly Statement of Disbursements, which is a public document.

Disbursements

Disbursements from the MRA are made on a reimbursable or direct payment basis and require specific documentation and Member certification as to accuracy and compliance with applicable federal laws, House Rules, and Committee Regulations.

Reimbursements and payments from the MRA may be made only to the Member, the Member's employees, or a vendor providing services to support the operation of the Member's offices.

See Disbursements (42).

Incidental Use

Incidental personal use of equipment and supplies owned or leased by, or the cost of which is reimbursed by, the House of Representatives is permitted only when such use is negligible in nature, frequency, time consumed, and expense.

For example, limited use of government resources to access the Internet, to send or receive personal e-mail, or to make personal phone calls is permissible, so long as the use meets the above criteria, and otherwise conforms with the Regulations of the Committee on House Administration and the Code of Official Conduct (House Rule XXIV).

A Member office may adopt a more restrictive incidental use policy.

Overspending

Each member is personally responsible for the payment of any official and representational expenses incurred that exceed the provided MRA. If a Member incurs an obligation to the U.S. House of Representatives and the amount of the obligation incurred exceeds the MRA, the Member shall pay the obligation from personal funds. If the Member fails to pay the obligation voluntarily, the CAO will deduct the amount owed from any pay, mileage, or expense money due to the Member in the case of a sitting Member or through an administrative offset or legal action in the case of a former Member. The Office of Finance will notify a Member if that Member is projected to overspend the MRA.

Contact the Office of Finance at x57474 or the Committee on House Administration at x58281 for assistance with accounting and budgeting.

Telecommuting

Ordinary and necessary telecommuting expenses incurred in compliance with the Committee on House Administration telecommuting policy are reimbursable. Offices may obtain a copy of the Telecommuting policy and agreement from the Committee's website at (http://www.house.gov/cha/publications/publications.html).

STAFF

General

Each Member is the employing authority; the Member determines the terms and conditions of employment and service for their staff. These terms and conditions must be consistent with applicable federal laws and House Rules.

1. ***Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), service in the military, disability, or age.***
2. ***A Member may not retain an employee on the Member's payroll who does not perform official duties commensurate with the compensation received for the offices of the employing authority. (House Rule XXIV, clause 8(a)).***
3. ***Employee means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or Furlough status.***
4. ***Staff means all individuals including employees, fellows, unpaid interns, and volunteers who serve in the office of a Member.***
5. ***Annual rates of pay may not exceed the amount specified in the Speaker's Pay Order.***
6. ***Total compensation in any month including any lump sum and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.***
7. ***Retroactive pay adjustments are not authorized.***
8. ***Government contributions to retirement, life insurance, Thrift Savings Plan, and health benefits programs are not charged to the MRA.***
9. ***Each month, Member Offices receive a Payroll Certification Form from the Office of Human Resources that lists the annual pay and gross pay earned for each employee. If an employee is a relative of a current Member of Congress, the nature of the relationship to the Member must be noted on the Payroll Certification Form. The Member must certify the information and return the form to the Office of Human Resources no later than the 15th day of the month. Contact Human Resources at x51435 for payroll forms.***

Categories of Staff

Employee Ceiling

Under 2 U.S.C. § 92 each Member of the House of Representatives may employ 18 permanent employees and 4 additional employees. The 4 additional employees must be appointed to one of the following categories:

1. ***Interns***
2. ***Part-time employees***
3. ***Shared employees***
4. ***Temporary employees***

5. *Employees on leave without pay*

Employees
The term employee means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or Furlough status.

Interns
Interns, paid or unpaid, must perform services for the Member as part of a demonstrated educational plan. Each Member is responsible for determining the activities of the Member's interns.

Paid interns may work for no more than 120 days in a 12-month period and are not employees for purposes of compliance with the minimum wage and overtime provisions of the Fair Labor Standards Act.

In regard to unpaid interns, Members must comply with the rules and regulations established by the Committee on Standards of Official Conduct (x57103).

Interns are ineligible for the following benefits:
1. ***Federal Employees' Retirement System***
2. ***Federal life insurance***
3. ***Federal health insurance***
4. ***Thrift Savings Plan***

Part-time Employees
The term part-time employee means an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month.

Temporary Employees
The term temporary employee means an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Administration.

Temporary employees are ineligible for the following benefits:
1. ***Federal Employees' Retirement System***
2. ***Federal life insurance***
3. ***Federal health insurance***
4. ***Thrift Savings Plan***

Shared Employees

The term shared employee means an employee who is paid by more than one employing authority of the House of Representatives.

1. *Two or more employing authorities of the House may employ an individual.*
2. *Such shared employees must work out of the office of an employing authority, but are not required to work in the office of each employing authority. The pay from each employing authority shall reflect the duties actually performed for each employing authority. The name, title, and pay of such an individual will appear on each employing authority's Payroll Certification. Such employees may not receive pay totaling more than the highest rate of basic pay in the Speaker's Pay Order applicable to the positions they occupy.*
3. *Employees may not be shared between a Member or Committee office and the office of an Officer of the House if the employee, in the course of duties for an Officer, has access to the financial information, payroll information, equipment account information, or information systems of either Member, Committee, or Leadership offices.*

See Dual Compensation (10).

Employees on Leave Without Pay

See Leave Without Pay (14).

Annuitants

Civilian Annuitant

If a Member employs a Federal civil service annuitant, the amount of the annual annuity, when added to the annual rate of pay at which the employee is to be paid by the Member, may not exceed the highest rate of basic pay as authorized by the Speaker's Pay Order. The combined total of the civil service annuity and the amount of the salary will be charged to the MRA.

Waivers

Member offices will not be granted waivers of applicable annuity reductions or pay reductions.

Consultants

Only committees are authorized, pursuant to 2 U.S.C. § 72a, to procure the temporary services of consultants.

Consultants are not authorized for Member Offices.

Contractors

Members may contract with firms or individuals only for general, non-legislative, office services (e.g. equipment maintenance, systems integration, data entry, staff training, photography, custodial services) for a specific, limited period not to exceed the Member's term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided benefits.

Contractors do not count against the Member's Employee Ceiling.

Members are advised to consult the Committee on House Administration when entering into such contracts.

See Custodial Services (23), Educational Expenses (16), Interpreting and Translation Services (18), Temporary Agencies (7), and Web Sites (36).

Detailees

The term detailee means a non-Congressional federal employee assigned to a committee for a period of up to one year.

Detailees may not be assigned to a Member office (2 U.S.C. §72a(f)).

Fellows

The term fellow means an individual performing services in a House office on a temporary basis as part of an established mid-career education program while continuing to receive the usual compensation from his or her sponsoring employer.

Fellows may be assigned to a Member office.

Fellows do not count against the Member's Employee Ceiling.

The use of fellows is subject to regulations established by the Committee on Standards of Official Conduct. Contact the Committee on Standards of Official Conduct at x57103.

Temporary Agencies

Ordinary and necessary expenses related to services provided by an individual employed by a temporary agency are reimbursable if the following conditions are met:

1. *Payment for such services is commensurate with the official duties performed by the individual.*
2. *Such an individual remains an employee of the agency and is not eligible for pay, benefits, rights, or privileges available to House employees.*
3. *The total of such individuals and employees may not exceed 22 individuals.*

See Contractors (7).

Volunteers

The term volunteer means an individual performing services in a House office without compensation from any source.

The voluntary service should be of significant educational benefit to the participant and such voluntary assistance should not supplant the normal and regular duties of paid employees.

Volunteers should be required to agree, in advance and in writing, to serve without compensation. (31 U.S.C. § 1342 & Comp. Gen. Op. B69907).

Volunteers do not count against the Member's Employee Ceiling.

The use of volunteers is subject to regulations established by the Committee on Standards of Official Conduct. Contact the Committee on Standards of Official Conduct at x57103.

Employment Law

Congressional Accountability Act

Pursuant to the Congressional Accountability Act House employing offices are accountable under the following laws:

1. *Fair Labor Standards Act of 1938*
2. *Title VII of the Civil Rights Act of 1964*
3. *The Americans with Disabilities Act of 1990*
4. *The Age Discrimination in Employment Act of 1967*
5. *The Family and Medical Leave Act of 1993*
6. *The Employee Polygraph Protection Act of 1988*
7. *Worker Adjustment and Retraining Notification Act*
8. *The Rehabilitation Act of 1973*
9. *Veterans' Reemployment Rights*
10. *Federal Labor-Management Relations*
11. *The public service and accommodations provisions of the Americans with Disabilities Act*
12. *The Occupational Safety and Health Act of 1970*

The Office of Compliance has published A Guide to the Congressional Accountability Act of 1995, which is available from the Office of Compliance, Room LA-200, John Adams Building, Library of Congress, Washington, D.C. 20540-1999, (202) 724-9250. The Office of Compliance also provides materials that employing offices can use to notify employees of their rights and protections under the CAA.

A Model Employee Handbook providing sample office policies to assist in developing an organization that complies with applicable laws and House Rules is available on the House Intranet Web Site: http://intranet.house.gov/

The Office of House Employment Counsel is available to provide advice and guidance on employment matters generally, and on establishing office policies consistent with these laws, x57075.

Nepotism

1. *Under the federal statute prohibiting nepotism (5 U.S.C. § 3110) the term public official includes: a Member, an employee and any other individual, in whom is*

vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

2. *Such a public official may not appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement in or to a position in the office in which that public official is serving or over which that public official exercises jurisdiction or control any individual who is a relative of that public official.*
3. *Every employee must certify relationship to any Member of Congress on a certificate of relationship form available from Human Resources. If, at any time, the relationship of an employee to any current Member of Congress changes the employee must file an amended certificate of relationship form with the employing office. Contact Human Resources at x51435 for such forms.*
4. *Individuals with the following relationship to the Member may not be employed by the Member:*

Aunt	Half-sister	Son-in-law
Brother	Husband	Stepbrother
Brother-in-law	Mother	Stepdaughter
Daughter	Mother-in-law	Stepfather
Daughter-in-law	Nephew	Stepmother
Father	Niece	Stepsister
Stepson	Father-in-law	Sister
First cousin	Sister-in-law	Uncle
Half-brother	Son	Wife

However, if a House employee becomes related to the employing Member (by marriage) the employee may remain on the Member's personal or committee payroll. Similarly, if a Member becomes the employing authority of a relative who was hired by someone else (e.g., the Member ascends to the chairmanship of a Committee or subcommittee for which the relative is already working) the relative may remain on the payroll. However, the Member may not then give that individual further promotions or raises, other than cost-of-living or other across-the-board adjustments.

The statute does not prohibit a Member from employing two individuals who are related to each other but not to the Member (See, House Ethics Manual, pp. 187 and 188).

Contact the Committee on Standards of Official Conduct at x57103 for further information.

Non-Disclosure Oath

House Rule XLIII, clause 13, requires Members and employees to execute an oath of non-disclosure before having access to classified information.

Post-Employment Restriction

Members, officers, and employees paid at an annual rate of $102,525 (1999) or more for at least 60 days in the one-year period prior to termination, are subject to post-employment restrictions. The restrictions on post-employment activities are outlined in the House Ethics Manual. Questions should be directed to the Committee on Standards of Official Conduct at x57103.

Working from Home due to a Disability

In accordance with the Americans with Disabilities Act (ADA), a Member may reasonably accommodate a qualified employee with a disability by allowing the employee to work at home. As a condition of such a request, the Member may require certification from a physician of the need for such accommodation.

See Congressional Accountability Act (8) and Telecommunications (21).

Pay

Appointment

The official appointment of each employee requires the Member's signature on the payroll authorization form. Required payroll forms must be received by Human Resources no later than the last business day of the month in which the appointment is effective. Subsequent adjustments to a payroll appointment (pay adjustments, title changes, furlough status, terminations, etc.) must also be made on the appropriate forms. Such forms are due at Human Resources by the 15th day of the month in which the adjustment is effective.

Dual Compensation

Aggregated gross annual salaries for those receiving payment from the House who are also receiving payment from the U.S. Senate, Architect of the Capitol, or any other department or agency of the U.S. Government, may not exceed $24,433 (1999). (5 U.S.C. §5533).

Financial Disclosure

Members and employees receiving basic pay of $89,728 (1999) or greater for at least 60 days during any calendar year must file a Financial Disclosure Statement upon appointment, termination, and annually. The threshold is subject to change.

Each Member's office that does not have an employee paid at or above the threshold must designate one employee as the "Principal Assistant" who must file a Financial Disclosure Statement.

Ordinary and necessary expenses incurred by Members and their employees, in support of the filing of reports consistent with the provisions of the Ethics in Government Act, are reimbursable.

Contact the Committee on Standards of Official Conduct at x57103.

Lump Sum Payments

A Member may authorize a lump sum payment to an employee for any purpose consistent with the following:

1. ***Payments must be consistent with House Rule XXIV, clause 8(a), which requires that employees perform official duties commensurate with the compensation received. Employees may not be compensated from public funds to perform non-official, personal, political, or campaign activities on behalf of the Member, the employee, or anyone else.***
2. ***A lump sum payment may not be more than the monthly pay of the employee receiving the lump sum payment.***
3. ***Lump sum payments may be for services performed during more than one month.***
4. ***Members may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave.***
5. ***Total compensation in any month including any lump sum payment and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.***
6. ***Lump Sum Payments will be disclosed separately in the Quarterly Statement of Disbursements.***
7. ***Lump sum payments are considered as part of "rate of pay" under the Speaker's Pay Order.***
8. ***Lump sum payments are considered "supplemental wages" for taxation.***
9. ***Lump sum payments are not considered as part of "basic pay" for calculating Thrift Savings Plan, life insurance, and federal pensions.***
10. ***Contact the Committee on Standards of Official Conduct at x57103 for information on the treatment of lump-sum payments with regard to financial disclosure, post-employment restrictions, and outside earned income limitations.***

See Pay Adjustments (12).

Overtime Wage Rate Compensation

Employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act ("non-exempt") must be compensated at time-and-a half for all hours worked in excess of 40 hours during any work week, either in pay or in time-off during the same pay period in accordance with consistently applied office personnel policies.

Overtime wage sheets must be received by Human Resources no later than the 15th day of the month following the month in which overtime wages were earned.

Contact Human Resources at x52450 for the appropriate forms.

Contact the Office of House Employment Counsel at x57075 for assistance in establishing overtime and time-off policies.

Pay Adjustments

Members may adjust, in any month, an employee's pay to reflect exceptional, meritorious, or less than satisfactory service.

Such adjustments must be received by Human Resources by the 15th day of the month in which the adjustment is to be effective.

Retroactive pay adjustments are not authorized.

See Lump Sum Payments (11).

Payroll Schedule

The monthly payroll is based on a 30-day pay period. (5 U.S.C. §5505).

Payment is made on the last business day of the month, except for the month of December when payment is made on the 20th day of the month or on the preceding business day when the 20th falls on a Saturday or Sunday. (5 U.S.C. §5505).

Rates of Compensation

Members are responsible for adhering to the applicable minimum wage provisions of the Fair Labor Standards Act ($5.15 per hour as of September 1, 1997).

Interns are not employees for purposes of compliance with the minimum wage and overtime provisions of the Fair Labor Standards Act.

The maximum rate of pay established for Member Offices by Order of the Speaker is $140,451 as of January 1, 2001.

Terminations

Terminations must be made on a Payroll Authorization Form and submitted to Human Resources as soon as the date of termination is known. If the termination notice is received by Human Resources after the 15th day of the month, the payroll check for that month may have already been processed. If an employee is overpaid, the Member is responsible for obtaining reimbursement.

Leave

General

The Member determines the terms and conditions of employment, including provisions for leave (e.g. Annual, Administrative, and Sick).

Contact the Office of House Employment Counsel at x57075 for model leave policies.

Family and Medical Leave (FMLA)

A person employed by the House for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of 12 weeks of unpaid leave during any 12-month period for the following family and medical reasons:

1. *For the birth of a child and to care for the newborn child.*
2. *To adopt a child or to receive a child in foster care.*
3. *To care for a spouse, son, daughter, or parent who has a serious health condition.*
4. *For the employee's own serious health condition which makes the employee unable to perform the functions of his or her job. (29 U.S.C. § 2601 et seq.)*

Employees on Family and Medical Leave remain eligible for all benefits.

Furlough

Furlough is an absence without pay initiated by the Member. Placement in Furlough status is at the discretion of the Member, unless statute otherwise requires placement in such status.

1. *To be eligible for appointment to Furlough status at the discretion of the Member, an employee must have been employed by the Member for the entire month prior to the effective date of Furlough status.*
2. *An employee placed in a Furlough status continues to fill an employee position. The name of such employees will be listed on the monthly payroll certification forms.*
3. *Continuation of employee benefits while in a Furlough status:*
   a. *Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a Furlough status is responsible for the payment of the employee's portion of the insurance premium for the period of the Furlough status, either by direct payment or by incurring a debt to the House. Employees should contact Human Resources for more information on applicable regulations.*
   b. *Life insurance continues for up to 12 months without employee contribution.*
   c. *Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.*
4. *The placement of an employee in a Furlough status must be made on the appropriate form provided by Human Resources and received no later than the 15th day of the month in which the placement is to be effective. Contact Human Resources at x52450 for such forms.*

Contact Human Resources at x52450 for information on employee benefits while on Furlough.

Jury and Witness Duty

Under 2 U.S.C. § 130b, the pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned as a juror; or as a witness on behalf of any party in connection with any judicial proceeding to which the United States or a State or local government is a party.

An employee may not receive fees for service as juror in a court of the United States or the District of Columbia; or as a witness on behalf of the United States or the District of Columbia. If an employee receives an amount (other than travel expenses) for service as a juror or witness in such a court the employee must remit such amount to the Office of Finance for deposit in the general fund of the Treasury.

Leave Without Pay (LWOP)

LWOP is an absence without pay. LWOP status is initiated by the employee and is subject to Member approval, unless statute otherwise requires placement in such leave status. To be eligible, an employee must have been employed by the Member for the entire month prior to the effective date of the LWOP status.

1. *As a basic condition for approval of LWOP status, there should be a reasonable assurance that the employee will return to duty at the end of the approved period. Members are encouraged to contact the Committee on Standards of Official Conduct at x57103 prior to approving a LWOP status request to confirm that no conflict of interest issues exist.*
2. *LWOP status should be requested in advance of the period of absence.*
3. *LWOP status may not exceed 12 months in a 24-month period.*
4. *When an employee has been appointed to LWOP status, he or she continues to fill a payroll position. The name of such employees will be listed on the monthly payroll certification forms.*
5. *Continuation of Employee Benefits while on LWOP status:*
   a. *Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a LWOP status is responsible for the payment of the employee's portion of the insurance premium for the period of the LWOP status, either by direct payment or by incurring a debt to the House. Employees should contact Human Resources for more information on applicable regulations.*
   b. *Life insurance continues for up to 12 months without employee contribution.*
   c. *Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.*
6. *The placement of an employee on LWOP status must be made on the payroll authorization form available from Human Resources and received by Human Resources no later than the 15th day of the month in which the placement is to be effective. Contact Human Resources at x52450 for such forms.*

Contact Human Resources at x52450 for information on employee benefits while on LWOP.

Military Leave

Employees who are members of a National Guard or Armed Forces Reserves unit are entitled to leave without loss in pay, time, or performance or efficiency rating for active duty or engaging in field or coast defense training as a Reserve of the armed forces or member of the National Guard. Leave accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year,

accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. (5 U.S.C. § 6323).

Contact the Office of House Employment Counsel for additional information on the rights, benefits, and obligations of individuals absent from employment for service in a uniformed service. (38 U.S.C. §§ 4317 – 4319).

OFFICIAL & REPRESENTATIONAL EXPENSES

General

Appliances

Ordinary and necessary expenses for small appliances (microwaves, coffee makers, etc.) for use in the Member's congressional offices are reimbursable.

Equipment that exceeds $500 in value must be added to the Member's office inventory.

Contact Office Systems Management at x53994 to revise an office inventory.

An Artistic Discovery, The Congressional Art Competition

Ordinary and necessary expenses, within a category of authorized official and representational expenses, related to the congressional art competition, An Artistic Discovery, are reimbursable.

A Member may not mail An Artistic Discovery entry under the Frank. Shipping An Artistic Discovery entry by means other than the Frank is reimbursable.

Certificates

Certificates of recognition to a person who has achieved some public distinction for distribution in connection with official and representational duties are reimbursable.

Certificates must comply with the Franking Regulations.

Contact the Franking Commission at x59337.

See Gifts and Donations (17).

Clipping Services

Ordinary and necessary expenses related to clipping services (newspapers, periodicals, magazines, etc.) are reimbursable.

See Publications (20).

Decorating Expenses

Decorations of nominal value (such as frames, bookends, flags, seals, etc.) for Congressional offices are reimbursable.

Contact the Committee on House Administration at x58281 for a list of government agencies that provide wall decorations free of charge.

See Framing (17) and Furniture (17).

Deposits

Security and other deposits are not reimbursable and must be paid from the Member's personal funds. Each Member should notify vendors that any return of deposits should be made to the Member.

See Advance Payments (42), District Office Leases (23), Booths (27), and Officially Leased Vehicles (40).

Drug Testing

Ordinary and necessary expenses related to drug testing, in accordance with the Member's written drug-testing policy, are reimbursable.

Offices should consult with the Office of House Employment Counsel at x57075 when establishing drug-testing policies.

Dues

Dues, membership fees, assessments, and annual fees are not reimbursable. (5 U.S.C. § 5946).

Educational Expenses

Ordinary and necessary expenses for Members or employees to attend conferences, seminars, briefings, professional training, and informational programs related to the official and representational duties to the district from which elected are reimbursable.

1. ***Members or employees may not be reimbursed for expenses to attend educational programs in order to obtain a primary, secondary, graduate, post-graduate, or professional degree.***
2. ***Expenses associated with acquiring or maintaining professional certification or licensing are not reimbursable.***

See Advance Payments (42) and Contractors (7).

Employment-Related Expenses

Ordinary and necessary expenses related to filling employment vacancies are reimbursable.

The following expenses are not reimbursable:

1. *Transportation to and from employment interviews.*
2. *Relocation expenses upon acceptance or termination of employment.*
3. *Relocation expenses incidental to a change in duty station.*

Flags

U.S. flags for purchase by individuals may be obtained by a Member from the Office Supply Service (OSS) (x53321). Initially, the costs of the flags will be charged to the MRA. Once payment for a flag is received by the Member office, the office may submit the check to OSS. OSS will credit the Member's account.

If a request is made to have a U.S. flag flown over the Capitol, an additional flag flying fee must be paid by the individual purchasing the flag. See Gifts and Donations (17).

Food and Beverage Expenses

Members and employees may be reimbursed for food and beverage expenses incidental to an official and representational meeting that includes a person(s) who is not a Member or employee of the House.

Members and employees may not be reimbursed for food and beverage expenses related to social activities or social events (e.g. hospitality, receptions, entertainment, holiday or personal celebrations, and swearing-in or inauguration day celebrations).

Members and employees may not be reimbursed for the cost of alcoholic beverages.

See Town Hall Meetings (21).

Framing

Framing services for items to be displayed in the Member's Congressional offices are reimbursable. In Washington, D.C., when a Member uses the in-House framing service provided by the CAO, charges will be automatically charged to the MRA.

See Decorating Expenses (16) and Gifts and Donations (17).

Furniture

Furniture (furniture, carpet, drapes, etc. (including repairs) for Washington, D.C., congressional offices are supplied and maintained by the CAO through the Furniture Resource Center (x62421) without charge to the MRA. Furniture for the Washington, D.C., congressional offices is not reimbursable.

Gifts and Donations

Only the following gifts and donations are reimbursable:

1. *Items purchased for official presentation when on official travel for the House of Representatives outside the United States, its territories and possessions. To purchase items from the House Gift Shop, select the item(s) and notify the sales clerk that it is for official presentation business in the course of overseas travel. Receipts for such items should be vouchered for payment to the Office Supply*

Service, and the voucher description should note that it is for official presentation in the course of overseas travel.

2. *U.S. flags flown over the Capitol for official presentation as a gift, including the flag flying fee, are reimbursable. Such flags must be for the personal use of or display by the recipient. Donations of flags purchased through the MRA for fundraising activities are prohibited.*
3. *Ordinary and necessary costs associated with the purchase of presentation folders or frames, which are of nominal value.*
4. *Informational and educational federal government publications of nominal value.*
5. *U.S. Capitol Historical society publications of nominal value (including calendars).*

No other gifts or donations are reimbursable.

See Flags (16), Certificates (15), Framing (17), Congressional Record (20), Printing and Production (33), Photography Expenses (20), and Postal Expenses (33).

Greetings

Expenses related to the purchase or distribution of greetings, including holiday celebrations, condolences, and congratulations for personal distinctions (wedding anniversaries, birthdays, etc.), are not reimbursable.

See the Franking Regulations, available from the Franking Commission at x59337 for information on recognition of public distinction.

See Certificates (15).

Insurance

A Member may be asked to provide a certificate of insurance for the purpose of entering into a lease for a district office or for securing space in which to conduct a town-hall meeting or other official and representational event. The House does not carry a private insurance policy and generally does not permit Members to use the MRA to pay for a private insurance policy.

Under the provisions of the Federal Tort Claims Act (28 U.S.C. § 2671-2680), the United States acts as a self-insurer and recognizes liability for the negligent and wrongful acts or omissions of its employees acting within the scope of their official and representational duties. The United States is liable to the same extent an individual would be in like circumstances.

Although the Federal Tort Claims Act is not the equivalent of private liability insurance, it does provide an aggrieved party with administrative recourse, and if that proves unsatisfactory, legal recourse for damage or injury sustained. Thus, to the extent negligent acts of Members or congressional staff, while conducting official and representational duties, result in either property damage or bodily injury, such damage or injury should be compensable under the Act in a manner that affords protection similar to private liability insurance.

However, if the provisions of the Federal Tort Claims Act are not considered adequate, the ordinary and necessary expenses for liability insurance to cover these risks are reimbursable. When a compensable event occurs, the deductible portion of a policy may be paid from the MRA.

The expenses of fire and theft insurance are <u>not</u> reimbursable.

Contact the Office of the General Counsel at x59700 for guidance regarding the Federal Tort Claims Act.

See Officially Leased Vehicles (40).

Interpreting and Translating Services

Ordinary and necessary expenses related to interpreting and translating services, including accommodations under the ADA, are reimbursable.

For events held in House Office Buildings contact the Congressional Special Services Office at x44048 and the Office of ADA Services at x53005 for assistance.

Late Fees

Ordinary and necessary fees related to late payments incurred beyond the control of the Member are reimbursable.

Mass Transit Benefit

Members and staff in Washington, DC or the district are eligible for a mass transit benefit not to exceed $21 per month. For information regarding this benefit, please contact CAO First Call at x58000.

Messenger Services

Ordinary and necessary expenses for messenger services related to the Member's official and representational duties are reimbursable.

Parking

1. *Each Member is provided one garage parking permit for the Member's use; at the prerogative of the Member, this permit may be assigned to staff. In addition, each Member is provided five indoor garage parking permits and two outdoor lot parking permits.*
   a. *Garage parking spaces may be reserved. If a space is reserved by an authorized permit holder, the permit holder incurs additional taxable income as a working condition fringe benefit. Under the tax code and IRS regulations, Members and their staff have imputed taxable income to the extent that the fair market value of Government-provided parking exceeds $175.00/month (the value of the parking space is subject to future adjustments).*
   b. *When a garage space is reserved, the Director of House Garages and Parking Security will notify Human Resources. Government-provided parking includes*

the combined value of parking spaces in Washington, D.C., and the district. Contact Human Resources at x52450 to make appropriate tax withholdings.

2. *At the beginning of each Congress, the Office of House Garages and Parking Security will send parking permit application forms to each Member's office. The Member should designate on the forms, to whom garage or outside parking space permits are to be issued, and with regard to a garage space, whether the space is to be assigned on a reserved or unreserved basis. The application forms must include the individual's name, House of Representatives ID number (where applicable), the model, color, and year of the individual's automobile, and the automobile license number and state.*
3. *All offices must retrieve parking permits from departing staff. Additionally, offices must notify House Garages and Parking Security of any transfers or changes in permit assignments. Notifications should be in writing on official letterhead and include the Member's signature.*
4. *The House of Representatives will not be liable for any damage caused to or theft of any motor vehicle or the contents thereof while parked on a House parking lot when that lot is not attended.*

Contact the Committee on House Administration at x58281.

Photography Expenses

Ordinary and necessary photography expenses related to a Member's official and representational duties, including but not limited to, the Member's official photo, official photographs for distribution to constituents, and photograph presentation folders and frames of nominal value, are reimbursable.

In Washington, D.C., contact the House Photography Studio at x52840 for services, charges, and availability.

Publications

Ordinary and necessary expenses related to purchasing or subscribing to publications, including but not limited to research materials, reference books, informational brochures, electronic services, or periodicals are reimbursable.

All invoices for subscriptions received by the Office of Finance through the close of business January 2, will be debited from the current MRA year. Subscriptions beginning on January 1 or 2, may be debited from either allowance year, as directed by the Member.

Subscriptions may exceed the Member's term. Subscriptions that exceed a Member's term in office will be assigned to the Member's successor.

See Advance Payments (42).

Congressional Record

Costs related to providing Congressional Record subscriptions to constituents, private entities, or public entities are not reimbursable.

Offices are authorized to purchase additional copies of the Congressional Record, as necessary for office use.

Staff Meetings

Members and staff may attend staff meetings at a Member-authorized location in the Member's State or in the Capitol Hill complex (U.S. Capitol, House and Senate Office Buildings, Library of Congress, U.S. Botanic Gardens, and the U.S. Supreme Court) for official and representational purposes, and may seek reimbursement for expenses relating to attendance at such meetings, provided that such expenses are otherwise consistent with all other Handbook regulations.

The MRA may not be used for social events or activities.

See Travel (37), Educational Expenses (16), Food and Beverage Expenses (17), and Contractors (7).

Supplies

Office supplies to support the conduct of the Member's official and representational duties are reimbursable.

The Office Supply Store (OSS) is located in Room B-217 Longworth at x53321. OSS issues each Member an Account Card for official purchases, which may only be used by the Member and/or staff. The cost of all items purchased with the Account Card is charged to the MRA.

Supplies for a Member's district office may be procured in the district through supply stores or through regional General Services Administration (GSA) supply centers.

House Gift Shop

OSS also operates a gift shop in B-217A Longworth which sells souvenirs and mementos to Members, staff, and the public. Gift Shop purchases may be made by cash, check or credit card. A Member Account Card may not be used to purchase items at the Gift Shop.

Contact OSS for inquiries on special orders, deliveries, and OSS statements at x53321.

See Gifts and Donations (17).

Telecommunications

Ordinary and necessary expenses related to the official use, including periodic or flat service fees, of telecommunications lines (voice and data) in the residence of a Member or employee are reimbursable. The cost of installation of such lines is not reimbursable.

See Advance Payments (42).

Town Hall Meetings

A town hall meeting is an official meeting a Member holds within the Member's district with their constituents to facilitate the exchange of information regarding the Member's official and representational duties.

Ordinary and necessary expenses related to town hall meetings are reimbursable.

Ordinary and necessary expenses include, but are not limited to, the following:

1. ***Advertisements***
2. ***Rental of rooms, chairs, audio systems***
3. ***Audio/Video Expenses***
4. ***Interpreting Services***
5. ***ADA Accommodations***
6. ***Reporting and transcription services***
7. ***Electronic Transmission (Not television)***
8. ***Custodial Services***
9. ***Signs/banners/leaflets/flyers that comply with the Franking Regulations***
10. ***Security***

Members may invite any Member of Congress to participate in their official town hall meeting. Travel expenses for a guest Member or Senator are reimbursable from the MRA of the host Member.

Town Hall Meeting notices should include a contact person to arrange for accommodations for persons with disabilities.

Members and employees may not accept, from any private source, in kind support having monetary value for a town hall meeting. Contact the Committee on Standards of Official Conduct at x57103.

Joint Town Hall Meetings

Members may be reimbursed for ordinary and necessary expenses associated with holding joint town hall meetings with Members of the House of Representatives, representing adjacent districts or United States Senators representing the same state, as specified below.

1. ***Joint town hall meetings can be held in one of the Members' districts, in order to facilitate the exchange of information regarding the Member's official and representational duties.***
2. ***Expenses (excluding mail) may be divided to reflect an accurate representation of each Member's expenses, and may be directly vouchered through the Office of Finance with supporting documentation (invitation, agenda, etc.) for the meeting.***

3. *39 U.S.C. § 2910 prohibits Members from sending any mass mailings outside of the district from which elected. Therefore, Franked mail expenses that relate to advertising Joint Town Hall meetings must be separately accounted for and charged to the MRA of the Member into whose District the Franked mail was delivered.*

See Advertisements (25), Food and Beverage Expenses (17), and Interpreting and Translation Services (18).

Radio Town Hall Meetings
Ordinary and necessary expenses related to the purchase of radio broadcasting time to hold an "electronic" town hall meeting are reimbursable.

The radio station broadcasting the town hall meeting must serve the Member's district.

District Office

Cable
Costs of cable television service in support of official and representational duties in the district office(s) are reimbursable.

See Deposits (16).

Custodial Services
Ordinary and necessary expenses for custodial services for district office(s) are reimbursable.

See Contractors (7).

Furniture
Furniture requests for district congressional offices are processed through Office Systems Management and charged to the MRA.

Offices should submit written requests to Office Systems Management, B-215 Longworth House Office Building prior to the purchase of any Furniture for district offices.

Leases
Rental expenses related to district offices, except for security deposits, are reimbursable. There is no limit on the number and size of district offices a Member may establish. No lease may extend beyond the Member's elected term. Members must notify the Office of Finance at x57474 in writing when a lease is terminated.

District offices may be located in:

1. *Federal buildings commercial buildings*
2. *State, county, or municipal buildings*
3. *Mobile district offices*

District office space must be located within a Member's district unless there is no suitable office space in a federal building in the Member's district. In that event, a district office may be located in a federal building serving the Member's district.

Members may not accept free office space from private entities. Private office space must be leased at a fair market value as the result of a bona fide, arms-length, marketplace transaction.

All leases must include a House lease attachment. Leases and lease attachments must be submitted to the Office of Administrative Counsel (x54899) for review and processing. The Committee recommends that Members submit such leases for review prior to being signed by the Member and lessor, because the Member is personally liable for payments under any lease not in compliance with House Rules and Committee regulations.

The House will authorize disbursement of funds under the terms of the lease agreement only if the lease agreement complies with the Rules of the House and the Regulations of the Committee on House Administration. The House will not authorize disbursement of funds to make payments under the terms of the lease agreement until the Administrative Counsel has reviewed the lease agreement and has signed the Attachment. Similarly, the Administrative Counsel must review any proposed substantive amendment and sign the Attachment for the amendment before the House will authorize any payment pursuant to such an amendment. Any amendment to a lease agreement must be in writing.

The Committee on Standards of Official Conduct has ruled that Members may accept free office space, located in their district, when such space is provided by a federal, state, or local government agency.

Contact the Administrative Counsel at x54899 for lease standards.

See Deposits (16).

Mobile District Offices

Mobile district offices must remain in the Member's district unless they are being stored, receiving maintenance and repair, or traveling between points in the district.

Parking

Parking should be negotiated as part of the district office lease. However, if parking is unavailable or insufficient through the district office lease, Members may negotiate a separate parking space lease and submit it to the Office of Administrative Counsel for review and processing.

Contact the Administrative Counsel at x54899 for lease standards.

Under the tax code and IRS regulations, Members and their staff have imputed taxable income to the extent that the fair market value of Government-provided parking exceeds $175.00/month (the value of the parking space is subject to future adjustments). Government-provided parking includes the combined value of parking spaces in Washington, D.C., and the district.

Contact Human Resources at x52450 to make appropriate tax withholdings.

Repairs

Ordinary and necessary expenses for minor office repairs that are the responsibility of the tenant, or cosmetic changes that are requested by the tenant and are not covered in the lease are reimbursable. The expenses of capital improvements to district offices are not reimbursable.

Contact the Office of Administrative Counsel at x54899 to determine if a repair qualifies as a minor office repair or cosmetic change.

Security

Ordinary and necessary expenses associated with security measures in a Member's district office are reimbursable.

Sharing Offices

A Member may share office space with Members of the United States Senate from the Member's state or with state and local officials, but all expenses (including rent, utilities, etc.) and space must be kept and billed separately. Members may not share district office space with other Members of the House of Representatives.

Contact Administrative Counsel at x54899 to submit such leases for review, and the Office of Finance at x57474 to establish billing arrangements.

Signs

Ordinary and necessary expenses related to purchasing sign(s) to identify the location of a district office are reimbursable Such signs may not include a picture or likeness of the Member and must state that the premises is a district congressional office. If a sign includes more than a Member's name and district, the content must comply with the Franking Regulations.

Storage

Storage should be negotiated as part of the district office lease. However, if storage space is unavailable or insufficient within the district office space, Members may negotiate a separate storage space lease and submit it to the Office of Administrative Counsel for review and processing.

Contact the Administrative Counsel at x54899 for lease standards.

Utilities

Utilities are reimbursable. They may be integral to the lease and included in the monthly rent, or may be vouchered separately, or processed through automatic payment.

Contact the Office of Finance at x57474 for information regarding automatic payment of utilities.

Communications

Advertisements

Ordinary and necessary expenses related only to the following types of advertisements are reimbursable:

1. ***Notice of town hall meetings.***
2. ***Personal appearance of the Member at an official event which the Member sponsors and hosts in support of the conduct of the Member's official and representational duties to the district from which elected.***
3. ***Notice relating to the nomination process to the U.S. Military Academies.***
4. ***Notice relating to the congressional art competition, "An Artistic Discovery."***
5. ***Notice of employee and internship openings.***

Advertisements may not include a picture or likeness of the Member.

Advertisement must receive an Advisory Opinion from the Franking Commission.

Advertisements for town hall meeting may only contain the Member's name, general title of subject matter addressed, germane graphics, guests (if applicable), time, date, location of the meeting (if applicable), and contact.

Contact the Franking Commission at x59337.

There are restrictions on mass communications within 90 days of an election.

See Unsolicited Mass Communication Restrictions (35), Audio and Video Expenses (27), Town Hall Meetings (21), Employment-Related Expenses (16), Newspaper Inserts (33), Television (26), and Radio (26).

Disclosure

Members must disclose, within the text of a television, radio and Internet advertisement, the source of payment for the official advertisements. Members may use any of the following:

1. ***"Paid for with official funds from the office of [Member's name]."***

2. *"Paid for by the funds authorized by the House of Representatives for the [district number] District of [name of state]."*
3. *"Paid for by official funds authorized by the House of Representatives."*

Internet

Members are authorized to purchase banner advertisements on web pages that serve the Member's district. The banner advertisement may contain only text. The banner may link to a secondary page that contains only text relating to a category of authorized advertisement, and the secondary page may contain a link to the Member's home page.

Radio

Ordinary and necessary expenses for a radio advertisement announcing a town hall meeting are reimbursable.

The radio station broadcasting the advertisement or meeting must serve the Member's district.

Television

Ordinary and necessary expenses of a television advertisement announcing a town hall meeting are reimbursable.

A television advertisement announcing a town hall meeting may only contain text and voiceover. Advertisements announcing town hall meetings are the only form of television broadcasting that is reimbursable. The television station broadcasting the advertisement must serve the Member's district.

Audio and Video Expenses

Ordinary and necessary expenses related to audio and video recording and materials, including but not limited to the following, are reimbursable:

1. ***Production of public service announcements for distribution to the stations serving the Member's district.***
2. ***Filming related to the appearance of a Member or the Member's employee at an official event.***
3. ***Videotapes and transcripts of commercial broadcasts related to the Member or the Member's district for in-office use.***
4. ***Videotapes that are produced by the Member or videotapes that are provided to a Member and authorized by the providing entity to be reproduced for official distribution.***
5. ***Video teleconferencing services incurred in support of the Member's official and representational duties.***

Except for town hall meeting announcements, the costs related to purchasing television broadcast time are not reimbursable.

In Washington, D.C., the House Recording Studio is available for audio and video services. Contact the House Recording Studio at x53941 for information on services, charges, and availability.

There are certain election-related restrictions on mass communications.

See Unsolicited Mass Communication Restrictions (35).

Booths

Ordinary and necessary expenses associated with renting or outfitting a booth to provide public information directly related to the Member's official and representational duties are reimbursable.

See Advance Payments (42).

Distribution of Publications

Private Publications

A Member may distribute a purely informational and instructional printed publication created by a private entity. If the private document is to be distributed under the Frank the document must comply with the Franking Regulations.

Contact the Franking Commission at x59337.

Government Publications

A Member may distribute government publications.

A report, document, or publication distributed by a Member may not contain a notice that it is sent with "the compliments" of the Member. (44 U.S.C. §1106).

Electronic Communications

Ordinary and necessary expenses related to electronic communications (Internet, fax machines, etc.) are reimbursable.

For 500 or less substantially identical communications the content of the communications must comply with the Franking Regulations.

For more than 500 substantially identical communications the content of the communication must receive an Advisory Opinion from the Franking Commission.

Franked Mail

Postage expenses of Frankable mail are reimbursable in accordance with the regulations contained in this Members' Congressional Handbook.

Contents of official mailings paid for through the MRA are subject to the regulations of the Commission on Congressional Mailing Standards (Franking Commission)(x59337).

Use of the Frank

1. ***Pursuant to the provisions of 39 U.S.C. §3210, each Member is entitled to the privilege of sending mail as Franked mail in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States. For information regarding the use of the Frank, refer to the Franking Regulations (available from the Franking Commission x59337).***
2. ***Mail to be delivered outside the United States, its territories and possessions (other than mail matter bearing an APO or FPO address for delivery through the United States military mail system), is not eligible for distribution under the Frank and may be sent with stamps. In applicable circumstances the Member may also use the following:***
   a. ***For official mail to U.S. Embassies and missions abroad, the Department of State provides diplomatic pouch service. For information regarding this service, contact House Postal Operations at x53856.***
   b. ***House documents (committee hearings, reports, and prints) which are not available for purchase from the Government Printing Office, and which are to be sent to foreign countries, may be sent to the Library of Congress for forwarding through the Exchange and Gifts Division. For information regarding this program, contact the Library of Congress, Exchange and Gifts Division at x75243.***

Accounting for the use of the Frank in the Washington, D.C., Congressional Office

1. ***The Office of Finance assigns a 5-digit billing account number to each Member.***
2. ***House Postal Operations assigns a bar code to each Member. The bar code must be printed on all letter-sized envelopes, postcards, Kraft envelopes and labels procured in support of the official and representational duties of the Member's Washington, D.C., office.***
3. ***Mail collected by House Postal Operations for distribution via the U.S. Postal Service (USPS) will be accounted for by House Postal Operations' automated system. House Postal Operations prepares a monthly statement of postal charges for Franked mail they have processed and provides a copy of this statement to the Office of Finance who forwards it to the USPS. An informational copy is provided directly to the Member.***
4. ***Direct District Office Pouch Service (DDOP) or orange bag is available to expedite mail between the Washington, D.C. and district congressional offices. The cost of DDOP service is charged at the Priority Mail rate and is accounted for by House Postal Operations.***
5. ***The Open and Distribute service is available to expedite the delivery of first class mail between the Washington, D.C. office and district addresses. Each piece of mail sent via the Open and Distribute service is charged at the First Class Mail rate and is accounted for by House Postal Operations.***
6. ***Non-permit mail processed by House Postal Operations for distribution via the USPS, (small packages, oversized envelopes, flags, etc.), will be accounted for by House Postal Operations. House Postal Operations prepares a monthly***

statement of postal charges for Franked mail they have processed and forwards it to the USPS. An informational copy is provided directly to the Member.

For information regarding the use of these services contact House Postal Operations at x53856.

Bulk Standard Mailings in the Washington, D.C., Congressional Office

1. *A bulk Standard Mailing (formerly third-class mail) is defined by the USPS as a mailing consisting of at least 200 pieces or weighing 50 or more pounds.*
2. *If bulk Standard Mailings are to be distributed directly by the Washington, D.C. office via the USPS, the Member must apply to use the G300 House mail permit number.*
3. *A bulk mailing distributed directly by the Washington, D.C., office via the USPS must be deposited at a U.S. Bulk Mail Acceptance Center and must be accompanied by a completed Statement of Mailing form (PS 3602R or PS 3605R Priority Drop Shipment) a copy of which should be retained by the Member's office.*
4. *Bulk mail processed by mail houses for distribution via the USPS will be accounted for on a Statement of Mailing form.*
5. *The mail houses will notify USPS of the charges incurred. Members should request that the mail houses provide an informational copy of these charges on PS 3602R forms directly to the Member. This will help in the completion of the quarterly mass mailing report Members submit to the Finance Office.*

Mass Mailings

A mass mailing is any unsolicited mailing of substantially identical content to more than 500 persons in a session of Congress.

Members may not send mass mailings outside of the district from which elected. (39 U.S.C. § 3210)

All mass mailings must receive an advisory opinion from the Commission on Congressional Mailing Standards (Franking Commission) prior to mailing.

Any printed material sent out as a mass mailing without a Franking Advisory Opinion is reimbursable only if the Franking Commission subsequently deems the mailing
Frankable.

Federal law requires each mass mailing sent by a Member of Congress to display the following disclaimer:

"This mailing was prepared, published, and mailed at taxpayer expense."

The notice must appear prominently on the front page of a letter, on the front of the envelope or near the mailing panel, or on the first page of a self-mailer. It must

appear horizontally and set apart from other text by lines of spacing and printed in type size not smaller than 7 point.

Member offices are required to submit a completed quarterly Mass Mail Reporting Form to the Office of Finance within 2 weeks after the closing of the reporting period. If the office did not send mass mail in that period, the form must still be submitted.
Mailing costs are disclosed in the quarterly Statement of Disbursements for the House. (2 U.S.C. §59h).

Contact the Franking Commission at x59337.

See Use of the Frank (28).

District Office(s) Monthly Reporting
Each Member must provide a monthly accounting of Franked mail costs sent out of each of their district offices.

Certification of Franked Mail

1. ***If a Member does not choose to use a postage meter to account for district office mail, the Member must account for Franked mail directly deposited to the USPS on the Member District Office Certification of Franked Mail form.***
2. ***The Member District Office Certification of Franked Mail form must be completed by each district office on a monthly basis and received by the Office of Postal Operations for processing by the second business day following the end of the month. The submitted form must have the Member's original signature certifying its accuracy. The Office of Postal Operations will forward this information to the USPS.***
3. ***If the Member District Office Certification of Franked Mail is 30 days delinquent the CAO will notify the Member. 30 days after notification of delinquency the Franked mail usage for the unreported month will be estimated and deducted from the MRA.***

Member District Office Certification of Franked Mail forms are available from Postal Operations, x53856.

Postage Meters

1. ***As an alternative to the Member District Office Certification of Franked Mail form, Members may account for their Franked mail via a postage meter.***
2. ***Members must contact Office Systems Management at x53994 prior to procuring a postage meter.***
3. ***At the end of each month, the postage meter vendor will forward a statement of the applicable postage charges for the month directly to the USPS and will provide an informational copy of this statement to the Member's Washington, D.C. Congressional office.***

Bulk Standard Mailings in the District Office

1. ***A bulk Standard Mailing (formerly third-class mail) is defined by the USPS as a mailing consisting of at least 200 pieces or weighing 50 or more pounds.***
2. ***A bulk standard mailing distributed directly by the district office via the USPS must be deposited at a U.S. Bulk Mail Acceptance Center and must be accompanied by a completed Statement of Mailing form (PS 3602R or PS 3605R Priority Drop Shipment) a copy of which should be retained by the Member's office.***
3. ***Bulk standard mail processed by mail houses for distribution via the USPS will be accounted for on a Statement of Mailing form.***
4. ***The mail houses will notify USPS of the charges incurred. Members should request that the mail houses provide an informational copy of these charges on PS 3602R forms directly to the Member. This will help in the completion of the quarterly mass mailing report Members submit to the Finance Office.***

See Mail Preparation (32).

USPS Franked Mail Monthly Statement

1. ***The Office of Finance completes a monthly summary of postage charges of Franked mail not otherwise reported on a PS 3605R or PS 3602R, and will forward this summary to the USPS by the seventh working day following the end of the month.***
2. ***Each month the USPS will prepare a USPS Franked Mail Monthly Statement listing the postage expenses of all Franked mail incurred in that month. The USPS will forward this statement directly to the Office of Finance for payment from the MRA and will provide an informational copy to the Member's Washington, D.C., congressional office.***
3. ***Members should immediately reconcile this USPS statement with their copies of bills. If any discrepancies exist, please contact the Finance Office.***

USPS Notice of Balance

On a monthly basis, the USPS will send the Member and Postal Operations a notice of the amount used for official mail.

The Postmaster general may not deliver official mail the cost of which is in excess of the authorized MRA.

Mail Preparation

Ordinary and necessary expenses associated with the printing and preparation of Member correspondence are reimbursable. Franking expenses associated with all mailings will be deducted from the MRA.

See Bulk Mailings (29 & 31).

Mailing Lists

Ordinary and necessary expenses related to the procurement and production of mailing lists may be reimbursed under the following circumstances: the list contains information about individuals within the Member's district; the list was procured or compiled as a result of a bona fide arms length marketplace transaction; and the list does not contain any campaign, campaign related, or political party information.

Members may not purchase or acquire mailing lists from their campaign offices unless the lists are available on the same terms to other entities through an arms length marketplace transaction. Official mailing lists may not be shared with a Member's campaign committee, any other campaign entity, or otherwise be used for campaign purposes.

39 U.S.C. § 2910 prohibits Members from sending any mass mailings outside of the district from which elected. Refer to the Franking Regulations.

Inside Mail

1. *Inside Mail is a delivery service for the transmittal of inter-office communications provided by House Postal Operations, pursuant to the regulations established by the Committee on House Administration. Inside mail service is available among offices in the Capitol, the House and Senate Office Buildings, the Library of Congress, the White House, the State Department, and the Social Security Administration.*
2. *Inside mail is provided to support the conduct of the official business of Members, committees, Officers of the House, and Congressional Staff Organizations.*
3. *Inside mail service may not be used to circulate letters which are personal or campaign-related, or which constitute commercial advertising except when postage is paid for with personal expenses.*
4. *All mail to be delivered via inside mail should be clearly marked Inside Mail and should be deposited in an Inside Mailbox.*
5. *Authorized items for circulation of inside mail include:*
   a. *A Dear Colleague or similar correspondence relating to the official and representational business of the Member. This correspondence must be on official letterhead and signed by the Member.*
   b. *A position paper, report, legislative analysis, or any material published or produced by another individual or organization that a Member wishes to circulate. This correspondence must be accompanied by a signed cover letter, on official letterhead. A copy of the cover letter must be attached to each item to be distributed.*
   c. *Franked mail.*
   d. *Stamped mail.*
   e. *Mail for which a delivery fee has been paid.*
   f. *Mail in a reusable blue U.S. House of Representatives Inside Mail envelope.*
   g. *Mail produced by Congressional Staff Organizations registered with the Committee on House Administration.*

Dear Colleague letters and similar correspondence must be transmitted to House Postal Operations, in the appropriate quantity, with a cover letter signed by the Member, indicating to whom the mailing should be distributed. For information regarding these procedures, contact House Postal Operations at x53856.

Newspaper Inserts

Ordinary and necessary expenses related to the production and distribution of newspaper inserts are reimbursable. The content must be in compliance with the Franking Regulations.

There are certain election-related restrictions on mass communications.

See Unsolicited Mass Communication Restrictions (35).

Postal Expenses

Postal expenses incurred only when the Frank is insufficient, such as certified, registered, insured, express, foreign mail, and stamped, self-addressed envelopes related to the recovery of official items, are reimbursable. Postage may not to be used in lieu of the Frank. All mailings initiated by a Member must be in compliance with the Franking Regulations.

Members must return unused postage stamps to the Office of Postal Operations at the end of a Member's service in the House.

Contact the Committee on House Administration at x58281.

Printing and Production

Printed materials produced by the Member are reimbursable when they are in compliance with the Franking Regulations. Reimbursable printing and production expenses include, but are not limited to:

1. *Newsletters, postal patron mailings, mass mailings, notices of town hall meetings or notices of personal appearance of the Member at an official event*
2. *Administrative papers (casework tracking forms, personnel record forms, etc.)*
3. *Legislative papers (bills, drafts, summaries, amendments, etc.)*
4. *Business cards for Members and their employees*
5. *Stuffing, sealing, and associated expenses relating to printing and sending official mail*

If printed materials are to be sent under the Frank, a written advisory may be required.

See Use of the Frank (28) and Unsolicited Mass Communication Restrictions (35).

Stationery

Ordinary and necessary expenses associated with the printing and production of official stationery are reimbursable. Official stationery may be procured from the Government Printing Office (44 U.S.C. §734).

Contact the Congressional Printing Management Division at 202-512-0224 and the Office of Publication Services at x51908 for stationery requests.

Additional stationery requests (writing paper, bond, etc.) are reimbursable.

Samples of such stationery are available from the Office of Publication Services.

Appearance

Official stationery must contain the following information:

1. *Member's name*
2. *Member's district and state*
3. *Congress of the United States, House of Representatives, or comparable language*

Official stationery may not contain the following information:

1. *Seals other than the Great Seal, Congressional Seal, or State Seal*
2. *Member's political party identification*
3. *Slogans*
4. *Private entity information or endorsement*
5. *Campaign contact information (e.g. address, phone number, e-mail address)*
6. *Greetings*

Use

Official stationery may be used only for a letter or other document the content of which complies with the Franking Regulations. Contact the Franking Commission at x59337 for information on content of official correspondence.

Contact the Committee on Standards of Official Conduct at x57103 for information on the use of official stationery.

Business Cards

Ordinary and necessary expenses for business cards for Members and employees are reimbursable. The content of business cards must comply with the Franking Regulations. Business cards must contain the name of the employing authority and accurately describe the position to which the employee has been appointed.

Business cards may be obtained through Office Supply Service x53321.

Unsolicited Mass Communication Restrictions

Unsolicited mass communication is defined consistent with Franking Regulations as any unsolicited communication of substantially identical content to 500 or more persons in a session of Congress.

Unsolicited mass communications, regardless of the means of transmittal, must receive an Advisory Opinion from the Franking Commission prior to dissemination.

Advisory Opinions may be obtained from the Franking Commission at x59337.

Expenditures from the MRA for unsolicited mass communications, regardless of the means of transmittal, are prohibited if such communication occurs fewer than 90 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member's name will appear on an official ballot for election or re-election to public office.

Examples of unsolicited mass communications are:

1. *Radio, TV, internet, or newspaper advertisements of town hall meetings*
2. *Radio or newspaper advertisements announcing a personal appearance of the*
3. *Member*
4. *Newspaper inserts*
5. *Electronic messages and mailings*
6. *Automated phone calls*
7. *Facsimiles*
8. *Mass mailings*
9. *Distributed posters, leaflets, handouts, etc.*
10. *Purchase of radio broadcast time*
11. *Production and distribution costs for video and audio services*

This restriction does not apply to the following:

1. *Direct responses to communications (i.e. solicited communications)*
2. *Communications to Members of Congress and other government officials*
3. *News releases*
4. *Web sites and other electronic bulletin boards that post information for voluntary public access*
5. *Advertisements for employee position and internship openings, U.S. Military Academy Days, and An Artistic Discovery*
6. *Member's appearance as a media guest, whether by newspaper interview, radio, television or other electronic means*
7. *Previously recorded shows and Public Service Announcements aired voluntarily by a media outlet, when no expenses are incurred by the Member*
8. *Purchases of research materials, including video or audio-tapes; and,*
9. *Video Teleconferencing*

Web Sites

World Wide Web sites paid for with official funds (Web sites) are a series of centrally maintained Web pages, accessible to the public via the Internet and stored on a specific host. The home page is the first accessible page for that site.

1. ***Ordinary and necessary expenses associated with the creation and continued operation of Web sites, in support of the Member's official and representational duties, are reimbursable.***

2. *Member's Web sites must be located in the HOUSE.GOV host-domain and may be maintained by either House Information Resources (HIR), the Member's congressional office, or a private vendor.*
3. *Member's Web sites may link to Committee Web sites, but Committee Web sites may not be located on Web sites paid for by the MRA.*
4. *Congressional Member Organizations (CMOs) may not create or operate independent Web sites. Members may include information within their Web site about CMO issues and activities. All CMO references within a Web site must relate to the Member's official and representational duties.*
5. *HIR will display an exit notice stating that users are leaving the House of Representatives prior to linking to a non-House of Representatives Web site. The exit notice will include a disclaimer that neither Members nor the House are responsible for the content of linked sites. Member offices maintaining their sites on the Public web server are required to incorporate the exit notice into their external links.*
6. *Web sites should be ADA compliant.*

See Contractors (7).

Content

The content of a Member's Web site:

1. *May not include personal, political, or campaign information.*
2. *May not be directly linked or refer to Web sites created or operated by a campaign or any campaign related entity including political parties and campaign committees.*
3. *May not include grassroots lobbying or solicit support for a Member's position.*
4. *May not generate, circulate, solicit, or encourage signing petitions.*
5. *May not include any advertisement for any private individual, firm, or corporation, or imply in any manner that the government endorses or favors any specific commercial product, commodity, or service.*

Name (URL)

The URL name for an official Web site located in the HOUSE.GOV domain must be recognizably derivative or representative of the name of the Member or the name of the office sponsoring the Web site.

The URL name for an official Web site located in the HOUSE.GOV domain may not:

1. *Be a slogan.*
2. *Imply in any manner that the House endorses or favors any specific commercial product, commodity, or service.*

Security

All House systems and devices with connections to the Internet must comply with network and security guidelines of the Committee on House Administration. These guidelines include the following:

1. *Offices must send a written request for access to Internet services to HIR. Technical requirements will be provided to each office by HIR.*
2. *All users authorized to access the Internet must have unique identifiers and password security.*
3. *Users must immediately report any unauthorized access or unusual system activities to HIR Security Office (x66448). HIR will investigate any breaches of the Internet security system.*
4. *Internet access will be installed only after determination by HIR that anti-virus software has been installed on the Member's computer system.*

Users with current anti-virus software provided by the House and installed on in-office computers may download software, patches, and fixes. Users are responsible for complying with any legal or contractual requirements from the owners of the software that is downloaded. Users should upgrade the anti-virus software as directed by HIR.

Equipment

For all questions relating to equipment and equipment-related issues, refer to the User's Guide to Purchasing Equipment, Software, and Related Services, available from the Committee on House Administration.

Routine administrative requests (equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov//) or call First Call/One Call at x58000.

Travel

General

Travel by Members, Members' employees, and vendors in support of the official and representational duties of that Member to the district from which elected is official travel.

Ordinary and necessary expenses associated with official travel are reimbursable.

Official travel includes local travel and travel away from home overnight to conduct official and representational duties, when returning to the duty station or residence is impractical.

Living expenses and commuting expenses are not reimbursable. Living expenses include meals, housing, and other personal expenses incurred at the Member or

employee's residence or duty station. Commuting expenses are transportation expenses incurred by the Member or employees between their residence and duty station.

Official travel, paid for with the MRA, may not be for personal, political, campaign, or committee purposes.

Official travel cannot originate from or terminate at a campaign event. Official travel may not be combined with or related to travel or travel-related expenses paid for with campaign funds.

Official travel may not exceed 60 consecutive days.

Members have two duty stations: their Congressional District and Washington, D.C.

Vendor Official Travel

Official travel also includes travel by a vendor when traveling to provide service or training to Member offices.

A vendor is an employee of a private company that provides maintenance and support for equipment and software (computer and non-computer) under a valid House contract or working on a time and material basis.

Unexpected Official Travel

Official travel includes travel to Washington or the Member's District from a location visited on personal travel if the travel to Washington D.C or the Member's District is necessitated by an unexpected official and representational duty. (e.g. previously unscheduled House vote, natural disaster, or civil disorder)

Combined Travel

Combined travel is travel by a Member or their employees for the primary purpose of supporting the official and representational duties of the member, but includes an intervening destination or an additional time period that is included for personal purposes.

Combined travel requires that:

1. *The primary purpose of the travel must be official and representational. The personal segment of the combined travel may not be purchased at a government rate or be purchased with a Government Travel Card.*
2. *The traveler seeks reimbursement for either the government rate of the direct route and means to the destination required for official and representational business, or the actually traveled fare, whichever is less.*
3. *The traveler personally pays any additional expenses incurred as a result of the personal travel.*
4. *The traveler attaches a brief memo to the voucher submitted for combined travel reimbursement, stating that the official travel and personal travel was combined for personal convenience.*

Official Travel Expenses

Official travel expenses including transportation, lodging, meals (excluding alcohol), fees (parking, tolls, ticket change fees, etc.), and other ordinary and necessary incidental expenses while on official travel status are reimbursable.

Shared Official Travel Expenses

Official travel expenses may be shared by more than one Member or Committee office. The division of expenses must accurately reflect each traveler's expenses, and offices may only pay for the expenses of the Member, staff, and authorized vendors.

See Government Travel Card (43). See Town Hall meetings (22).

Chartered Aircraft

Ordinary and necessary expenses related to chartering an aircraft for official travel are reimbursable when:

1. ***Passengers are restricted to Members, their employees, and their immediate family members (spouse, child, parent), the names of whom must be stated on the voucher.***
2. ***If an immediate family member uses a chartered aircraft the Member may seek reimbursement for the full cost of the chartered aircraft and the family member must submit a check to the Office of Finance payable to the U.S. Treasury equivalent to the cost of a comparable commercial first class fare. A letter explaining the reason for its submission must accompany the check.***

See Disbursements (42).

Corporate or Private Aircraft

A Member and/or their employees who travel via corporate, business, or privately owned aircraft in support of the conduct of official and representational duties must reimburse the entity providing the flight, for the fair market value of the flight. To determine the fair market value of such a flight, apply the following:

1. ***When the travel is via a previously or regularly scheduled flight by the corporation, business, or individual, the entity must be reimbursed based on the cost of a commercial first class flight to the nearest location served by a commercial passenger airline. If only coach rates are provided at the nearest location, the Member must reimburse the cost of a commercial coach rate.***
2. ***When the flight is scheduled specifically for Member use, payment will be made based on the cost of an equivalent commercial chartered flight to that location.***

Prior to scheduling travel provided by any corporation, business, or individual, a Member or employee must verify that the person has authority under its FAA certification to accept payment for travel as set forth above. Contact the Committee on Standards of Official Conduct at x57103.

See Privately-Owned Vehicles (42).

Government Rate Eligibility

Government rates are available to Members and employees to support the conduct of official travel.

To be eligible for Government rates when purchasing tickets for official travel, Members and employees may present:

1. ***The Government Travel Card.***
2. ***An Official Travel Authorization (OTA) coupon available from the Finance Office. (Some airlines only allow the government rate for tickets purchased with the government travel card.)***

Contact the General Services Administration (GSA) to obtain a listing of schedules and fares of the federal contract air, rail, and bus carriers, car rental companies, and hotels/motels.

Officially Leased Vehicles

Ordinary and necessary expenses related to the lease of a vehicle in support of the conduct of official and representational duties are reimbursable.

Non-governmental use of such a vehicle may be made only when such use is:

1. ***During the course of and generally along the route of a day's official itinerary.***
2. ***Incidental to the day's official and representational business.***
3. ***De minimis in nature, frequency, and time consumed.***
4. ***Does not otherwise constitute a significant activity or event.***

Short-Term

Ordinary and necessary expenses related to short-term vehicle rental are reimbursable. Rental may not exceed 60 consecutive days.

The government discount rates offered by some rental car companies include:

1. ***Unlimited free mileage.***
2. ***Collision damage waiver (CDW) at no additional cost.***

Cars rented at the government rate should include the CDW. Not all rental car franchises offer the government rate with CDW included. To ensure CDW coverage, offices can make their rental car reservations through the Combined Airlines Ticket Office (CATO). CATO is located at B-222 Longworth Building.

If an office does not use CATO then the Committee recommends the following:

1. ***At time of the reservation, indicate that the rental is for official government use at the government rate with CDW included.***
2. ***At the time of rental, use the Government Travel Card (or present official travel authorizations (OTA) to the rental company) and confirm that the car is being rented at a government rate with CDW included. The employee must verify that***

collision damage waiver is included, as simply receiving the government rate does not automatically ensure inclusion of this insurance.

Offices may obtain an Official Travel Authorization coupon from the Finance Office.

If the government rate is unavailable the cost of CDW is reimbursable.

Personal accident insurance (PAI), personal effects coverage (PEC), and equivalent insurance policies are not reimbursable.

If an employee on official and representational business is involved in an accident with a rental car, notify the Office of General Counsel at x59700.

Long-Term

Ordinary and necessary expenses related to a long-term rental or lease of a vehicle by a Member in the Member's District are reimbursable.

1. *A Member has two leasing options:*
   a. *A Member may lease a vehicle for a period that does not exceed the Member's congressional term.*
   b. *The Member may lease a vehicle for a period that exceeds the current Congressional term, but must submit a signed letter that acknowledges personal responsibility to fulfill any outstanding obligation stemming from such a lease in the event the Member's service to the House ends prior to the lease agreement. Such letters should be attached to the negotiated lease and submitted to the Office of Administrative Counsel (612 O'Neill House Office Building).*
2. *The Committee recommends that Members submit leases to the Administrative Counsel for review prior to being signed by the Member and lessor, since the Member is personally liable for payments under any lease not in compliance with House Rules and Committee regulations.*
3. *Termination notices should be forwarded to the Administrative Counsel.*
4. *Leases may not include a purchase option.*
5. *Lessor-required insurance may be reimbursed. Security deposits are not reimbursable.*
6. *The Committee recommends that long-term vehicle leases begin on the first day of the month.*
7. *Monthly payments for a long-term vehicle lease may be made in advance.*

The House will authorize disbursement of funds under the terms of the lease agreement only if the lease agreement complies with the Rules of the House and the Regulations of the Committee on House Administration. The House will not authorize disbursement of funds to make payments under the terms of the lease agreement until the Administrative Counsel has reviewed the lease and has signed the Attachment.

Expenses

Expenses related to leased vehicles (both short-term and long-term) including but not limited to the following are reimbursable:

1. ***The actual monthly cost of the lease (not applicable to short-term)***
2. ***The cost of insurance incurred pursuant to the terms of the lease (not applicable to short-term)***
3. ***Excess mileage charges incurred pursuant to the terms of the lease***
4. ***Incidental operating expenses (gasoline, oil, general maintenance, etc.)***
5. ***Wear and tear (not applicable to short-term)***
6. ***Registration fees (not applicable to short-term)***
7. ***Property tax during the term of the lease (not applicable to short-term)***

Security deposits, termination fees, traffic violations, depreciation loss based on premature return, and similar fees, penalties or charges may not be reimbursed.

See Advance Payments (42).

Privately-Owned Vehicles

Mileage incurred via a privately owned or privately leased vehicle while on official and representational business is reimbursable on a rate per mile basis. The maximum rates per mile are:
Automobile: $.345
Motorcycle: $.275
Airplane: $.965

Only mileage for use of an aircraft that is privately owned by either a Member or the Member's employee is reimbursable.

See Disbursements (42) and Corporate or Private Aircraft (39).

Travel Promotional Awards

Free travel, mileage, discounts, upgrades, coupons, etc., awarded at the sole discretion of a company as a promotional award may be used at the discretion of the Member or the Member's employee. The Committee encourages the official use of these travel promotional awards wherever practicable.

Disbursements

Advance Payments

There are instances in which advance payments may be required and may be paid from the MRA. Unless specifically authorized by the Committee, only the following advance payments are reimbursable:

1. ***Public information booth rental***
2. ***District office rent for space located in federal buildings***
3. ***Educational expenses***

4. *Authorized insurance premiums*
5. *Newspaper and periodical subscriptions*
6. *Telecommunications devices*
7. *Post-office box rentals*
8. *Original Equipment Manufacturers' warranties*
9. *Monthly payments of a long-term automobile lease*

Authorized Methods of Payment

Official travel-related expenses may be paid with cash, check, personal credit card, etc., or the Government Travel Card for Members and employees and reimbursed through the Finance Office.

See Government Travel Card (43), Dues (16), and Disbursements (3).

Reimbursement and Direct Payment

Disbursements from the MRA are paid on a reimbursable basis or by direct payment (to vendors) and require:

1. ***The Member's signature, certifying that the expense was incurred in support of the Member's official and representational duties to the district from which elected.***
2. ***Supporting documentation (receipt, lease, bill etc.).***

Government Travel Card

The Government Travel Card is available for Member and employee use for official travel and travel-related expenses. Such travel expenses incurred on this or any other credit/charge card, are directly reimbursable to the traveler or to the cardholder with a copy of the credit card statement, an accompanying voucher, and applicable receipts. When reimbursement is to be made to the cardholder for expenses incurred by someone other than the cardholder, the description of services stated on the voucher must clearly identify the traveler and the expense incurred.

Members and employees are reminded that the Government Travel Card is for official travel purposes only. Use of this card for any personal or non-official purchases is prohibited. The Government Travel Card may be used by the cardholder only. The cardholder may use the card to purchase travel-related services (airline tickets, hotel expenses, etc.) for other authorized travelers.

The Office of Finance will monitor the monthly aging report received from the vendor and alert offices of delinquencies. The Office of Finance will not intervene with the vendor in the event of a delinquency.

Seeking Reimbursement: Vouchers

Requests for reimbursement or payment from the MRA must be submitted on a completed voucher to the Finance Office.

Each voucher must include the following:

1. ***Member's original signature***

2. *Dates of service(s) provided, or date of purchase*
3. *Detailed description of the expenses incurred*
4. *Payee (the party to whom the payment or reimbursement is being made). For payment to individuals, the payee's tax identification number or Social Security number must be included on the voucher. The payee may be one of the following:*
   a. *Member*
   b. *Member's employee*
   c. *Designated vendor (this includes credit and charge card companies)*
5. *Supporting documentation (original invoices, original receipts, etc.)*
6. *Amount due*

Member offices must provide the Office of Finance with original receipts, unless original receipts are unavailable. In such cases, Members may submit the voucher with the available documentation (e.g., copy of original credit card statement) and a signed certification stating: "I certify that this is a true copy. This is my only submission for payment."

In instances where original receipts are not provided (bus fares, pay phone calls, etc.) or for taxi fares under $10.00 the information on the voucher is sufficient.

When submitting reimbursement for travel expenses, the voucher must also indicate the name of the traveler for whom the expenses were incurred.

The Committee strongly recommends that Member offices submit their vouchers for travel reimbursements at least fifteen days before the payment due date to assist the Office of Finance in providing timely reimbursements and prevent Members from incurring late fees or delinquency problems.

See Custodial Services (23), Educational Expenses (16), and Interpreting and Translating Services (18).

Expired Appropriations

The Salaries and Expenses appropriation for the House of Representatives, which includes MRA funds, is withdrawn on September 30 two years after the year for which the funds were originally appropriated.

If an office requests reimbursement for an official and representational expense incurred during a year for which the appropriation has been withdrawn, the Office of Finance will determine if an amount sufficient to pay the expense would have been available if the appropriation had not been withdrawn. If no funds would have been available, then the expense is the personal liability of the Member.

If the expense would have been payable had it been timely submitted, notwithstanding the expired appropriation, then the expense may be paid from a currently available allowance.

Congressional Member Organizations

General

Members of Congress may form a Congressional Member Organization (CMO) in order to pursue common legislative objectives.

Registration

CMOs must register with the Committee on House Administration.
CMOs must provide the following information:

1. ***Name***
2. ***Statement of Purpose***
3. ***Officers of the CMO***
4. ***Employee designated to work on issues related to the CMO***

This information must be updated when changes occur and at the beginning of each Congress.

Membership

Members of both the House and Senate may participate in CMO, but at least one of the Officers of the CMO must be a Member of the House. The participation of Senators in a CMO does not impact the scope of authorized CMO activities in any regard.

Funding and Resources

CMOs have no separate corporate or legal identity. A CMO is not an employing authority. The MRA may not directly support a CMO as an independent entity. A CMO may not be assigned separate office space.

Neither CMOs nor individual Members may accept goods, funds, or services from private organizations or individuals to support the CMO. Members may use personal funds to support the CMO.

A Member of a CMO, in support of the objectives of that CMO, may utilize employees (including shared employees) and official resources under the control of the Member to assist the CMO in carrying out its legislative objectives, but no employees may be appointed in the name of a CMO.

Communications

CMOs may not use the Frank, nor may a Member lend his or her Frank to a CMO.

A Member may use official resources for communications related to the purpose of a CMO. Any such communications must comply with the Franking Regulations.

Members may devote a section of their official Web site to CMO issues, but CMOs may not have independent Web pages.

A Member may use inside mail to communicate information related to a CMO.

Members may prepare material related to CMO issues for dissemination.

Official funds may not be used to print or pay for stationery for the CMO.

Members may refer to their membership in a CMO on their official stationery.

Congressional Staff Organizations

General

A Congressional Staff Organization (CSO) is an organization, a majority of whose members are House employees, that exists for the purpose of facilitating interaction among congressional staff.

At least one officer of a CSO must be an employee of the House, and all officers must be employees of the House or Senate.

A CSO should contact the Committee on Standards of Official Conduct at x57103 before accepting anything of monetary value from a private source.

Official Resources

Other than as specified in this section, House staff that participates in a CSO may make only incidental use of official resources for activities related to a CSO. A CSO is not an employing authority of the House and may not be assigned separate office space.

In order to use official resources of the House (i.e., inside mail, House Intranet, etc.), a CSO must register with the Committee on House Administration. A sponsoring Member must submit a letter, on official letterhead, to the Committee with the following information:

1. ***Name of the staff organization***
2. ***Statement of purpose of the staff organization***
3. ***Officers of the staff organization, including contact information***
4. ***Specify which of the following resources the CSO requests use of:***
   a. ***Inside mail***
   b. ***House Intranet site***
   c. ***Postbox at House Postal Operations***
5. ***Individuals designated to maintain web and mail services on behalf of the CSO (if applicable)***

After the CSO is registered, the sponsoring Member may submit, at any time, a letter requesting access to Inside Mail, a House postbox, or a presence on the House Intranet for CSO related activities.

CSOs shall provide updated information to the Committee at the beginning of each Congress.

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Regulations on the Use of the

CONGRESSIONAL FRANK

By Members of the House of Representatives

And

RULES OF PRACTICE IN PROCEEDINGS

Before the House Commission on

Congressional Mailing Standards

PREPARED BY

THE COMMISSION ON
CONGRESSIONAL MAILING STANDARDS
HOUSE OF REPRESENTATIVES

JUNE 1998

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PREPARED BY

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HOUSE OF REPRESENTATIVES

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Part I

INTRODUCTION

The House Commission on Congressional Mailing Standards, created by Public Law 93–191, is directed to issue regulations governing the proper use of the franking privilege.

These regulations govern the use of the frank under sections 3210, 3211, 3212, 3213(2), 3215, 3218, 3219, and 3220 of title 39, United States Code, which cover franked mail generally, public documents, Congressional Record and Congressional Record excerpts, U.S. Department of Agriculture seeds and reports, and the lending of the frank.

These regulations apply to any Member or Member-elect of the House, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, designated survivor of any of the foregoing, House officials, former Members and former House officials entitled to use the frank.

The law was amended on October 26, 1981, upon enactment of Public Law 97–69. The most significant changes were to enact major provisions of House Rule XLVI relating to mass mailings and to eliminate the authority to send letters of condolence and letters of congratulations for personal distinctions.

The law had also been amended in 1978, upon enactment of Public Law 95–521 and was again amended in 1982, upon enactment of Public Law 97–263, to authorize use of the frank for the Senate Legal Counsel and the Law Revision Counsel of the House, respectively.

Public Law 99–87, enacted in 1985, authorized the use of official mail to aid in the location and recovery of missing children. This Act was extended for a period of five years in December 1987.

Public Law 101–163, enacted in 1989, limited any mass mailing to two sheets of paper or their equivalent, and changed the numerical limitation on postal customer mail and restrictions on the timing of mass mailings prior to elections.

Public Law 101–520, enacted in 1990, established an "Official Mail Allowance" for each person in the House of Representatives authorized to use the frank; required that all mass mailings be submitted to the Commission

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for review prior to mailing; and limited the geographic distribution of mass mailings.

Public Law 102–392, enacted in 1992, eliminated the two sheets of paper restriction on mass mailings and prohibited Members from mass mailing outside of the congressional district from which they are elected.

Public Law 104–197, enacted in 1996, requires that all mass mailings bear the following disclaimer statement: "This mailing was prepared, published and mailed at taxpayer expense." and prohibits Members from mass mailing 90 days prior to any primary or general election in which such Member is a candidate for public office.

The Commission is also directed to provide guidance, assistance, advice, and counsel through advisory opinions or consultations in connection with the mailing or contemplated mailing of franked mail. The staff assigned to the Commission is delegated authority by the Commission to perform advisory and consultatory functions, subject to review by the Commission.

The examples of frankable or nonfrankable mail matter as set forth in these regulations are based on the guidelines for franked mail matter enacted under Public Law 93–191, as amended. Any violation of the franking privilege is determined by the Commission under the procedures prescribed by section 5 of Public Law 93–191, as amended.

All section references in the following guidelines and regulations are to chapter 32 of title 39, United States Code, unless otherwise noted.

References to Rules of the House, as such, are noted.

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CHAPTER ONE

WHO MAY USE THE CONGRESSIONAL FRANK

1. Entitlement To Use the Frank

The following Members of the House, officers of the House and survivors are authorized to use the frank:

(a) a Representative, Delegate, or Resident Commissioner;

(b) a Representative-elect, Delegate-elect, or Resident Commissioner-elect;

(c) the Clerk, Sergeant at Arms, CAO, and Chaplain;

(d) the Legislative Counsel of the House and the Law Revision Counsel of the House; [Note: Authority for all of the above is section 3210(b)(1).]

(e) any authorized person in the case of a vacancy in the offices of (c) or (d) above under authority of section 3210(b)(2);

(f) the designated survivor of a Representative, Delegate, or Resident Commissioner who died during his term of office, for not more than 180 days afterward, under section 3218.

2. Expiration of Franking Privilege

Under section 3210(b)(3), Representatives and others vested with the franking privilege (see paragraph 1 above) are entitled on a restricted basis to use the frank during the 90-day period immediately following the date on which they leave office.

During this period, use of the frank is limited to matters directly related to the closing of the official business of the congressional or other respective office.

A Representative may not use the franking privilege during this 90-day period to—

—mail matter with a simplified form of address (postal customer mailing);

—mail newsletters, questionnaires or other similar mass mailings;

—mail any general or other mass mailings of any nature unless such mailings are in direct response to inquiries or requests from persons to whom the matter is mailed.

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From the date a Member leaves office and until a successor is sworn in, all new official business of the Washington and District offices, as well as pending official business extending beyond the 90-day period described in the preceding paragraphs, shall be mailed under the franking privilege of the Clerk of the House pursuant to the Clerk's responsibility under 2 U.S.C. 92c.

Further, upon the death of a Member, all official business relating to the closing of the office, as well as new business, shall be mailed under the Clerk's franking privilege until a successor is sworn in.

3. Representative-Elect

For the purpose of the applicable franking statutes and these regulations and guidelines, the franking privilege of a Representative-elect, a Delegate-elect, or a Resident Commissioner-elect to the House of Representatives shall begin on the date on which a certificate of election in due form is filed with the Clerk of the House.

Representatives-elect have limited use of the frank, i.e., to respond to incoming mail (although thank you messages for election to office are not frankable), set up their congressional offices or file documents with the Clerk's office. Campaign stationery cannot be used with the frank. Mass mailings may not be sent by Representatives-elect because they do not receive official expense allowances until they are sworn in as Members of the House of Representatives. Pursuant to section 3210(f), all mass mailings must be prepared and printed with appropriated funds.

4. Committees

Mail matter of any standing, select, special, or joint committee of the House, or a subcommittee thereof, or commission, composed of Members of Congress, which is frankable under section 3210, may be sent under the frank of the chairman, ranking minority member, or any other member of such committee, subcommittee, or commission. In addition, the Democratic caucus and the Republican conference of the House, or a committee, subcommittee, or other body established thereunder, may use the frank of a Member under authority of section 3215.

Section 3215 permits use of the frank by "official" committees created by order of the Congress, composed only of Members of Congress (excluding informal "caucus" or "ad hoc" groups of Members) whose business relates to political, party policy, special interest, or regional matters.

5. Loan of Frank

Section 3215 states, "A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit

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its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate."

This section prohibits the use of the frank for the benefit of charitable organizations, political action committees, trade organizations, and so forth.

It should be pointed out that while the "penalty mail" provisions of law, which apply to Government agencies, permit penalty mail covers to be used by persons from whom official information is desired [39 U.S.C. 3202(b)], there is no such authority under the franking laws.[2] Therefore, attention is called to the following examples:

—A Representative may not provide a frank to a radio or television station for the return of a radio or television tape.

—A Representative may not permit his frank to be used for the return to him of responses to a questionnaire.

—A Representative may not use the frank to announce an event to be sponsored or cosponsored by an organization not eligible to use the frank.

—A Representative may not permit his frank to be used for the return of authorization forms from his constituents which may be required under the Privacy Act.

---

[2] Prohibitions concerning the receipt of return mail under the frank are expressed in *Cannon's Precedents of the House of Representatives,* vol. VI, secs. 217, 219 (1936). Section 217 provides:

> There is no provision of law under which a person receiving a request from a Member of Congress for information, official or otherwise, may send such information in the mails free of postage in an envelope bearing the frank of such Member of Congress furnished by the Member.

Section 219 provides:

> There is no provision of law under which the frank may be used for return reply.—On July 21, 1930, reply to an inquiry from the Clerk of the House, submitted at the instance of Mr. Conrad G. Selvig, of Minnesota, the Third Assistant Postmaster General rendered the following opinion:
>
> > It is improper under the law to furnish envelopes bearing frank for the use of individuals in reply to letters, and individuals receiving such envelopes cannot lawfully use them to mail matter free of postage under the frank of a Member of Congress. * * * Furthermore, there is no provision of law under which a person receiving a request from a Member of Congress for information, official or otherwise, may send such information in the mails free of postage in an envelope bearing the frank of such Member of Congress.

On May 8, 1975, the Commission held as frankable a petition by two Members, acting alone, to intervene in a rate case on behalf of constituents. The Commission held further that the same petition would not be frankable if another person not entitled to the franking privilege (such as the state attorney general) joined in the petition.

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6. Inside Mail

Matter which is processed and delivered as "Inside Mail" is not subject to the provisions of the franking laws. This is a messenger service of the House provided to Members for the transmittal of inter-office communications. Since this mail matter never enters into the system of the U.S. Postal Service and is not handled by employees of the U.S. Postal Service, it is not considered "franked mail" under the statute. Therefore, it is not necessary for Members to obtain advisory opinions on material sent as "Inside Mail."

7. International Mail

The congressional franking privilege may be used only for mail matter to be delivered within the United States, its territories and possessions and for mail matter bearing an APO or FPO address for delivery through the United States military mail system.[3]

The congressional frank may not be used for mail matter addressed for delivery in a foreign country. Under terms of the Universal Postal Union Convention, such mail matter must bear prepayment of postage.

For official mail addressed to U.S. Embassies and missions abroad, Members may consult the Department of State for use of diplomatic pouch service.

8. Responsibility of Member's Staff

The actual determination of whether or not to send a particular piece of mail under a Member's frank probably will be made by his staff who prepare his mail for delivery. An improper use of the frank by a staff member, ranging from an inadvertent mistake on a single letter to a willful abuse on a mass mailing, will be imputed to his Member under most circumstances. To help avoid these violations of the franking law, with all of their resultant possible penalties and reflections on the effective administration of his office, a Member should reasonably ensure that his staff knows what kinds of mail are frankable by providing for the training and supervision of these employees and their familiarization with these regulations. Members should encourage their staff, especially in the case of all mass mailings, to consult with and seek the advice of the Commission to the greatest extent possible.

[3] In October 1990, the Commission ruled that mail bearing an APO or FPO address must relate to the official business of the Congress. Personal items or personal messages are not frankable.

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CHAPTER TWO

CONTENTS OF FRANKABLE MAIL

1. Policy of Congress

Section 3210(a)(1) states, "It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States."

2. Intent of Congress

Section 3210(a)(2) states, "It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions."

3. Matters of Public Concern or Public Service

Section 3210(a)(3)(A) authorizes franking of mail matter "to any person and to all agencies and officials of Federal, state, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress." [1]

[1] Advisory opinion dated October 24, 1983, held as frankable a letter to residents advising them of a public meeting on contamination of waste disposal sites at a local Air Force Base.

Advisory opinion dated October 5, 1983, held as frankable a letter to businessmen concerning small business issues.

Advisory opinion dated December 27, 1983, held as frankable a letter to dairy farmers concerning new dairy legislation.

Commission ruling dated November 1974, held that Members may not project themselves into a future Congress, until after the November general election.

Continued

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Members may not make any mass mailings outside of the district from which they are elected. Members may respond directly to inquiries or requests from outside the district (See Chapter 3: Mass Mailing).[2]

4. Newsletter and News Release

Section 3210(a)(3)(B) authorizes franking of "the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on state and local governments and individual citizens; reports on public and official actions taken by Members of Congress and discussions of proposed or pending legislation or governmental actions and the position of the Members of Congress on, and arguments for or against, such matters" (See Chapter 3: Mass Mailing).

Guidelines for Personally Phrased References

Members are cautioned on the excessive use of personally phrased references (Member's name, "I", "me", "the Congressman", "the Representative") in newsletters or other mass mailings.

Personally phrased references contained in a mass mailing, for the most part, should not appear on the average more than eight times per page (the size of which is 8½" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in mail matter smaller than 8½" x 11"), except where such references:

—appear as the frank;
—appear in a masthead;
—consist of the signature and name following a letter, message, or the like;
—appear in any return, district, or Washington office address;
—identify a Member in a photo;
—appear in Congressional Record reprints, in most cases; or
—appear in reprints of articles from magazines, newspapers, and other periodicals, in most cases.

(The Commission points out that the guidelines set forth above do not carry the full force and effect of regulations. Thus, they are not outright limitations on the use of personally phrased references, but have been established to assist Members in preparing newsletters and other mass mailings. The use of personally phrased references in excess of these guidelines, when viewed as a whole and in the proper context, may not be in violation of the spirit and intent of the franking statutes or regulations thereunder.)

Commission ruling dated July 23, 1991, held that mass mailings to APO or FPO addresses are not frankable.

[2] Public Law 102–392 enacted in 1992.

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4(a). Examples of Nonfrankable Items

- **Personal or biographical Matter (See Paragraphs 8, 10, 14, 16)**

—Autobiographical or biographical material of a Member, staff, or constituent is not frankable. [NOTE: An official biography of the Member may be franked in response to a specific request or to media.]

—No reports on the Member's family or family life.

—No reports on how the Member spends time other than in the performance of official duties.

—Community service or workday activities performed by the Member or staff are not official.

—No thank you notes or messages regarding election or re-election to office.

—Birthday, anniversary, wedding, birth, retirement or condolence messages and holiday greetings are prohibited.

- **Political and partisan references (See Paragraphs 7, 17)**

—Avoid excessive use of party labels. A general guideline is two references per page for each party.

—No party labels in photo caption excepting leadership titles.

—No specific references to past or future campaigns or elections, including election or re-election announcements and schedules of campaign related events.[3]

—Political cartoons or graphics are prohibited.

—Materials (i.e. photos, logos, slogans)used in campaign literature as well as specific campaign pledges or promises are not frankable.

—Members may not project themselves through an election cycle into a future Congress.

—Members may not directly or indirectly solicit a constituent's party affiliation.

—Comments critical of policy or legislation should not be partisan, politicized or personalized.

- **Solicitations, promotions or endorsements (See Paragraphs 5, 6 and 17, and Chapter One, Paragraph 5)**

—No solicitations for funds for or on behalf of *any* organization or person.

—No grassroots lobbying or soliciting support for a Member's position on a legislative, public policy or community issue. Members cannot generate or circulate a petition under the frank.

—No material that advertises, promotes, endorses or otherwise provides a benefit to an individual or organization not entitled to use the frank. This would include commerical, charitable, non-profit and political organizations as well as Congressional Member Organizations

[3]The Commission on Nov. 25, 1974, by a unanimous vote, held as not frankable comment in newsletter expressing gratitude to constituents for election to the Congress.

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(CMO) and advisory boards or task forces. [NOTE: Leadership task forces or working groups are eligible for franking privileges under the Republican conference or Democratic caucus]

4(b). Examples of Frankable Items

- **Legislative duties (See Paragraphs 2, 3, 7)**

—Newsletters, reports, summaries or press releases on the Member's position on legislative or public policy issues.

—Discussions of official activities or meetings including participation in committee or subcommittee activities, official trips or tours, leadership roles.

—Tabulation of the Member's voting record or attendance record.[4]

—Follow-up letters or updates on a specific issue or to a targeted constituency are frankable.

—Members may discuss awards or honors presented in recognition of official or legislative efforts (no personal or politicial accomplishments).

—News articles, Congressional Record reprints, testimony and copies of official correspondence may be used as enclosures or excerpts provided the content complies with franking regulations.

—Questionnaires seeking public opinion on any law or proposed legislation. Opinion ballots on specific issues are permissible provided pro and con views are indicated.

—Editorial or issue-oriented cartoons which depict public issues (e.g., energy, inflation, defense) on a nonpolitical basis are frankable.

- **Official activities (See Paragraph 2)**

—Annoucements of town hall meetings, district office or neighborhood outreach hours, or constituent service events. [NOTE: Members cannot cosponsor events with an outside entity.]

—Notices of a visit to various sites in the district or a personal appearance by the Member to conduct official business. [NOTE: Members can only invite constituents to attend official events sponsored by the Member.]

—Military academy applications and appointment forums.

—Statements of financial disclosure when contained in a press release or newsletter are frankable.

- **Constituent service (See Paragraphs 8, 11, 12, 13, 23)**

—Federal laws and publications, copies of bills, the Congressional Record, Library of Congress documents, U.S. Capitol Historical Society calendars and publications purchased with federal funds. [NOTE:

[4]The Commission on Feb. 21, 1974, by a unanimous vote held as frankable a press release relating to the attendance record of a Member of the House.

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There are limited exceptions for enclosing public service materials in an otherwise frankable mailing (see Chapter 3, Paragraph 3).]

—Non-partisan voting registration or election information.

—Photos and biographies of missing children provided by the National Center for Missing and Exploited Children.

—Congratulations to a person who has achieved some public distinction.

4(c). Pictures in Newsletters, News Releases, or Other Mass Mailings

Mail matter consisting of newsletters, the usual and customary congressional questionnaire, or other general mass mailings, including covering letters in connection therewith, may include as a part thereof a single picture, sketch, or other likeness of the Member appearing alone which is in reasonable proportion to the size of the page.[5]

Additionally, mass mailings may contain pictures in which other *clearly visible* persons appear with the Member. Photos in which the Member appears are limited to a maximum of two per page.

Press releases which are frankable, if mailed to the communications media, may be accompanied by photographs which are directly related to the subject matter of the press release being so mailed.

Guidelines for Pictures and Sketches

—Mail matter consisting of newsletters, press releases, questionnaires, meeting notices, agriculture and consumer pamphlets, and certain other mass mailings may contain a picture of the Member.

—Calendars, business cards, academy posters, letterhead, note paper, labels, and newspaper advertisements or inserts may not contain a picture of the Member.

—A mass mailing may contain only one picture, sketch, or likeness in which the Member appears alone. Such a picture may be positioned anywhere on any page, and may cover 6 percent of the page, not to exceed 6 square inches. A masthead-type photo does not require a caption or accompanying text.

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[5] Advisory opinion dated July 1, 1974, held as frankable the U.S. Department of Agriculture Publications List together with an explanatory cover letter containing a masthead photograph.

Advisory opinion dated Sept. 27, 1974, held as not frankable a pocket calendar one side of which was imprinted with the photograph of the Member.

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Photo Measurements of a Member Appearing Alone

Masthead-Type Photo

Page Size	Maximum Photo Size
3.5 x 5	1 square inch
3.5 x 8	1.7 square inches
4 x 6	1.5 square inches
5.5 x 8.5	3 square inches
7 x 8.5	3.6–4 square inches
8.5 x 11	6 square inches
8.5 x 14 or larger	6 square inches

—Newsletters and other mass mailings should not include more than two pictures on any one page in which the Member appears (this includes the masthead), and the area covered by such pictures should not exceed 20 percent of such page.

Photo Measurements Totaling 20 Percent of Page

Page Size	Maximum Photo Size
3.5 x 5	3.5 square inches
4 x 6	4.8 square inches
5.5 x 8.5	9.35 square inches
7 x 8.5	12 square inches
8.5 x 11	19 square inches
8.5 x 14	24 square inches

—Except for an individual Member photo as described above, a picture which includes the Member must relate to the content of the accompanying text, or have a cutline or caption which explains the official activity rather than merely labels the picture.

—Members are cautioned on the use of pictures which contain a banner, poster, or other prominent display of a Member's name (such as mobile office). Such pictures, if they "lead to the conclusion that (their) purpose is to advertise the Member or Member-elect rather than illustrate accompanying text," could be the basis for filing a complaint. Therefore, Members are urged to exercise judgment and restraint in the use of such pictures.

—Subject matter of such photos is limited to the official business, activities, and duties of a Member of Congress.[6]

[6] Advisory opinion dated November 17, 1975, held as not frankable a photo of a Member performing a "work day" function in his congressional district unrelated to official duties. "Work day" functions include activities such as: assembly line work, farming chores, pumping gas, cashiering, etc.

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—A picture of a Member in the performance of legislative, representative, or other official duties, may include the spouse or other members of the family of such Member.[7]

—A picture of a Member may not be included with mail matter consisting solely of voting or election information.

—Members are encouraged to limit their use of photographs and text which depict them receiving awards, certificates of commendation, or the like.

(The guidelines, which are set forth above, are intended to assist Members of the House in determining the proper size, number, and content of such pictures.)

5. Size and Format

Mass mailings are not restricted in their length or number of pages.[8]

There shall be a clear and readable address panel consisting of a rectangular area approximately 3½" from top to bottom and 4¼" from left to right, in proportion to the size of the page. This space will be used for the frank in the upper right hand corner, the return address in the upper left hand corner, and addressee information in the center.

In any frankable mailing, the size on print type in which a Member's name appears is limited to not more than ¼" in height, except for the masthead where it may measure not more than ½".

Mail matter which contains any logo, masthead design, slogan, or photograph which is a facsimile of any matter contained in a Member's campaign literature is not frankable.[9]

All mass mailings must bear the following disclaimer statement: "This mailing was prepared, published and mailed at taxpayer expense." This notice must appear prominently on the front page of a letter, on the front of the envelope or near the mailing panel, or on the first page of a self mailer. It must appear horizontally and set apart from other text by lines of spacing and printed in type size not smaller than 7 point.[10]

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[7] In its decision in the case of *Lowenstein v. Wydler* (February 20, 1976), the Commission ruled nonfrankable a photograph appearing in a Member's newsletter depicting the Member and the Member's son meeting with the President in the Oval Office. The photograph was accompanied by the following caption: "LIFETIME THRILL: Right after Gerald R. Ford became President of the United States, Congressman Jack Wydler and 13-year-old son Chris were invited for a private visit with the President in the Oval Office. The casual meeting covered many topics, including the nation's number one problem, inflation. And for Chris, who sat in the President's chair, the visit became a thrill of a lifetime."

[8] Public Law 102–392, enacted in 1992, eliminated the two sheets of paper restriction on mass mailings.

[9] Adopted by the Commission in October 1988, effective January 1, 1989.

[10] Public Law 104–197 enacted in September 1996.

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6. Solicitation of Funds

The solicitation of funds for or on behalf of a private organization, for example, for the purpose of supporting any charitable, educational, religious or political program is not frankable.

A notice of or reference to a registration fee to cover the cost of participation (program materials, food and beverage) in an official event, conference, meeting or other such function, sponsored by the Member is not considered a solicitation.

7. Questionnaire Seeking Public Opinion

Section 3210(a)(3)(C) authorizes the franking of "the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject."

A tabulation of the results of these questionnaires received by the Representative may be included in a newsletter or other frankable mailing.

A Representative may not permit his frank to be used for the return to him of responses to the questionnaire.

The questionnaire may not include a question inviting the constituent to indicate his or her political affiliation, such as "Democrat," "Republican," or "Independent."

8. Congratulations

Section 3210(a)(3)(F) authorizes the franking of "mail matter expressing congratulations to a person who has achieved some public distinction."

The Commission emphasizes that these messages of congratulations are limited to matters of public distinction as opposed to matters of personal achievement. The following examples are illustrative, and not all-inclusive:

Examples of public distinction:	
Election or appointment to public office	Publicly notable awards and honors
	Eagle Scout/Gold Star
U.S. Citizenship	Heroism
High School Graduation	Appointment to a U.S. military academy

In the above examples, there is a public purpose to be served in establishing communication with newly elected or appointed public officials on a Federal, state or local level; with new citizens and graduates; and with honorees for outstanding public service to promote the public good.

Letters consisting solely of birthday, wedding, anniversary, retirement or condolence messages are not frankable.

COE.GUTIERREZ.08901

However, legislative correspondence, which otherwise is frankable, may contain an incidental statement of condolence or of congratulations for personal achievement. For example, a response to a constituent's request for assistance in obtaining survivor annuity benefits may contain an incidental statement of condolence. Similarly, a letter enclosing Federal publications may contain a brief congratulatory message for personal achievement, provided the substance of the letter focuses on the content of the publication or other officially related subject matter rather than on the congratulatory remark.

9. Letters of Recommendation

A letter of recommendation for a current or former employee or any individual that has worked with the Member in an official capacity is frankable as long as it relates to the duties performed by the individual. Members as part of their official duties can write recommendations for military academy and political appointees.

Members may write letters of general introduction, not endorsement or recommendation for organizations or individuals.

Letters of recommendation other than those described above are not frankable.[11]

10. Holiday Greetings

Section 3210(a)(5)(B)(iii) prohibits the use of the frank "for any card expressing holiday greetings from [a Representative]." Under precedents of the Commission, this has been interpreted to cover newsletters and all other mailings.[12] Holiday illustrations or the use of colors that give the impression of a holiday greeting are prohibited. Holiday greeting messages are prohibited on calendars. One recommendation for a calendar message is "Best Wishes."

11. Federal Laws and Publications

Section 3210(a)(3)(G) authorizes franking of "mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information."

Federal publications include the Congressional Directory, Department of Agriculture pamphlets and any other publications printed by order of Congress or by the Government Printing Office.

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[11] Adopted by Commission on Dec. 10, 1995.

[12] The Commission on Nov. 26, 1974, by a unanimous vote, held as not frankable a comment in newsletter expressing holiday greetings.

COE.GUTIERREZ.08902

Publications purchased with Federal funds would include the U.S. Capitol Historical Society calendar.

Section 3210(f) provides, "Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section."

The following are examples of materials which, if printed with non-appropriated funds, may be sent as enclosures in an otherwise frankable mass mailing:

—Voter registration or election information;
—Brochures listing educational institutions or opportunities;
—Brochures listing career opportunities;
—State or local government publications listing public services;
—Publications on energy, consumer, or conservation measures of an informational nature.

Surplus books and other publications from the Library of Congress are mailable under the frank to other libraries or persons.

Ordinarily a book which is printed privately under the authorship or editorship of a Representative is not mailable under the frank; however, if the book is substantially biographical, under the provisions of paragraph 14 of this chapter, it may be mailed under the frank in response to a specific request for biographical material.

12. Congressional Record and Congressional Record Reprints

Section 3212 authorizes the franking of the Congressional Record. That section also states, "Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 . . ."

In other words, a Congressional Record reprint or excerpt is subject to the test of frankability as set forth in section 3210 and applicable regulations.

Members are cautioned on mass mailing of Congressional Record reprints containing laudatory statements of one Member by another Member, and are urged to ensure that such material complies with the statutory provisions governing laudatory statements.

COE.GUTIERREZ.08903

13. Voting Information

Section 3210(a)(3)(H) authorizes the franking of "mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner."

A Representative may send under his frank material encouraging citizens to register and to vote or other material which provides information on voting. Care should be taken that such information is prepared in a nonpartisan manner and that it does not contain any political material which would cause it to be nonfrankable.[13]

If the matter mailed consists solely of voter information, it should not contain a picture of the Member (See paragraph 4(c) of this chapter, "Pictures in Newsletters, News Releases, or Other Mass Mailings").

14. Biographical Matter

Section 3210(a)(3)(I) authorizes franking of "mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege."

Biographical matter not in a Federal publication and sent in response to a request may be in the form of a book, or part of a book, a specially printed brochure, a newspaper or a magazine article, or any other available form.

The frankability of biographical matter would be impaired by the inclusion of personal matter for publicity, advertising, or political purposes.

The incidental inclusion of biographical material or the incidental reference to personal history in a newsletter article would not cause the entire newsletter to be nonfrankable. However, if a substantial part of the article was a recitation of the personal history of a Member, such material would come under the prohibition.

A Representative may mail biographical material under the frank to the news media, in the absence of a specific request, for the purpose of updating news media files.

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[13] Advisory opinion dated July 17, 1974, held as frankable a mass mailing to constituents urging voter registration.

Advisory opinion dated July 26, 1974, held a Member may not use his franking privilege as honorary chairman of a group of state administrators of elections to mail organizational information to such administrators.

COE.GUTIERREZ.08904

15. Picture of a Representative

Section 3210(a)(3)(J) authorizes franking of "mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text."

The use of pictures in newsletters and accompanying news releases is described in paragraph 4(c) of this chapter.

A Representative may mail his photograph under the frank to the news media, in the absence of a specific request, for the purpose of updating their files.

A picture of the Member with a group of constituents may be sent individually to persons in the picture.

16. Personal Matter

Section 3210(a)(4) prohibits the use of the frank for "the transmission through the mails . . . of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials (who are authorized to use the frank)."[14] Letters of acceptance or regret to invitations may be sent under the frank only if a Member is invited to appear in an official capacity.

Section 3210(a)(5)(A) prohibits the use of the frank for "mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect."

Section 3210(a)(5)(B)(ii) prohibits the use of the frank for "reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect."

These prohibitions do not extend to the mailing under the frank of biographical matter, as authorized under paragraph 14 of this chapter.

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[14] Advisory opinion dated June 17, 1974, held as not frankable a signed copy of the Code of Fair Campaign Practices (being returned to the Fair Campaign Practices Committee, Inc.).

COE.GUTIERREZ.08905

Matter complimenting a Representative on a legislative achievement is frankable so long as it relates only to achievements concerned with official duties as a Member of Congress.

A thank you note or message regarding election to office is not frankable.

Section 3210(a)(5)(B)(i) prohibits the franking of mail matter which constitutes or includes "greetings from the spouse or other members of the family of such Member or Member-elect unless it is a brief reference in otherwise frankable mail."

17. Political Matter

Section 3210(a)(5)(C) prohibits the use of the frank for "mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office." [15]

This prohibited mail matter would include the forwarding or transmittal of any mail matter of private persons or associations which seeks to influence any public issue.

The use of the frank to mail matter constituting a petition is not authorized.

Mail, including newsletters or news releases, which mentions that the Representative or an employee of a Representative (or any other person) is a candidate for political office is not frankable.

18. Mail Between a Representative's Washington Office and District Offices

Section 3210(a)(3)(D) authorizes the franking of "mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district office."

This provision is subject to the restrictions on the frankability of personal and political material as set forth in this chapter, and is further subject to the size and weight limitations on mail as set forth generally in the postal statutes.

19. Mail to Other Legislators

Section 3210(a)(3)(E) authorizes the franking of "mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of state and local governments."

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[15] Advisory opinion dated July 15, 1974, held as not frankable a reprint from a national publication which reviewed the record of, and encouraged political support for, the incumbent Member of Congress.

COE.GUTIERREZ.08906

20. Restitution for Misuse of the Frank; Payment to the Treasury

A mistake exists when a Representative, or an assistant to a Representative acting within the scope of his employment, improperly or unlawfully uses the frank on mail under an erroneous conviction arising from ignorance, forgetfulness, or misplaced confidence. Intentional or negligent use of the frank in an improper or unlawful manner cannot be excused as a mistake.

A Representative may offer to pay for the cost of a mailing sent out under his frank and which is not authorized under franking statutes. Such an offer will be viewed as an act of good faith by the House Commission on Congressional Mailing Standards in deciding whether to conduct further proceedings in case of a complaint against the Representative because of the mailing.

Section 3216(d) provides, "Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury."

Representatives making reimbursements under this provision should make checks payable to: U.S. Treasury—Financial Management Services and mail to:

Finance Division
Room 257
401 14th Street, S.W.
Washington, D.C. 20227
Phone: (202) 874–7110

21. Advisory Opinions

Under its authority, the Commission has delegated to the Commission staff the initial authority to issue advisory opinions to Members on the frankability of mail matter. A Member of the House, acting in that Member's capacity as a representative of a congressional district, shall, before making any mass mailing, submit a sample or description of the mail matter involved to the Commission for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.[16]

An advisory opinion does not constitute approval by the Commission nor does it offer relief from the applicable statutes. Therefore, mail matter which is the subject of an advisory opinion should not bear the legend "Approved by the Commission on Congressional Mailing Standards" or any other such imprint indicating Commission approval.

No advisory opinion is final until it has been issued in writing.

[16] Public Law 101–520, enacted in 1990.

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22. Public Access

All written staff advisory opinions issued on or after January 3, 1996 are available for public review and photocoping. In addition, mass mailings issued prior to that date are available for inspection. The Legislative Resource Center will make these materials available to the public. The Legislative Resource Center is located at B–106 Cannon House Office Building, phone 225–1300.[17]

23. Missing Children

Under section 3220, a franked mailing may contain biographies and photographs of missing children. This material may appear on the envelope or any page of a newsletter, questionnaire, meeting notice, or similar mailing. However, caution should be exercised that this material does not impede the mailing panel of a self-mailer. Should Members or staff have any questions regarding placement of the information, they should contact the Commission staff.

Note to Section 3220 of title 39 provides that any guidelines, rules, or regulations prescribed pursuant thereto shall cease to be effective December 31, 2002.[18]

For information on obtaining appropriate biographies and photographs of missing children, Members may contact the Program Director, The National Center for Missing and Exploited Children, 1835 K Street, N.W., Suite 700, Washington, D.C. 20006, (202) 634–7161.

[17] Adopted by the Commission on December 10, 1995.

[18] Public Law 105–126 enacted December 1997.

COE.GUTIERREZ.08908

CHAPTER THREE

MASS MAILINGS

1. Definition

Section 3210(a)(6)(E) defines "mass mailing" as, with respect to a session of Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session. This term does not apply to (1) mailings in direct response to communications from persons to whom the matter is mailed; (2) mailings to colleagues in the Congress or to government officials whether Federal, state, or local; (3) mailings of news releases to the communications media.

Mass mailings, therefore, are determined by quantity. Any mailing, whether a newsletter, issue letter, Federal publication, meeting notice, etc., is deemed to be a mass mailing if it is to be distributed in a quantity of more than 500 pieces, regardless of form of address.

2. Funds Used in Preparation

Section 3210(f) provides that "any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section."

Cost of preparing and printing includes: stationery supplies, design and layout, printing and handling services, and mailing list compilation or acquisition costs.

Certain materials printed with nonappropriated funds may be exempted from this provision provided they are directly related to the Member's official representative function and are sent as enclosures or supplemental material to a mailing which is otherwise authorized by this provision. These materials must be instructional in nature on a public service basis rather than a general discussion of issues.

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The following are examples of materials which, if printed with non-appropriated funds, may be sent as enclosures in an otherwise frankable mass mailing:

—Voter registration and election information.

—Brochures listing educational institutions or opportunities.

—Brochures listing career opportunities.

—State or local government publications listing public services.

—Publications on energy, consumer, or conservation measures.

3. Forms of Address

Mass mailings are divided into three categories:

(a) Individually addressed mail, first class, which bears specific names and addresses in the standard address format of:

Name
Street
City, State, Zip Code

(b)Individually addressed, standard bulk rate which bears specific names and addresses in standard address format of:

Name
Street
City, State, Zip Code

The abbreviation "Blk. Rt. ECRWSS" should be printed on the address side of each piece directly beneath the Member's frank. A bulk mail permit (#G-300) is required to send franked bulk standard mailings from a congressional district. Application for use of permit should be made with local bulk mail facility.

(c) Simplified form of address for general distribution to postal customers. This mail is addressed as follows:

Postal Customer
(#) Congressional District
(State)

Franked mail mailed with a simplified form of address under this subsection—

(I) shall be prepared as directed by the Postal Service; and

(II) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

Section 3210(d)(4) provides that any franked mail which is mailed by a Member under section 3210(d) (simplified form of address or postal customer mail), shall be mailed at the equivalent rate of postage which assures that such mail will be sent by the most economical means practicable.

COE.GUTIERREZ.08911

All mass mailings, regardless of form of address, are subject to the same content requirements. (For further information on congressional mailings see Appendix 4.)

4. Advisory Opinions

Section 311(F), Title 2 U.S.C. provides that a Member entitled to mail franked mail, shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion on the frankability of such mail matter.[1]

Under regulations issued by the Commission, the staff of the Commission is authorized to issue advisory opinions on the frankability of mail matter.[2]

In order for the Commission staff to be responsive to the needs of Members in complying with this rule, each Member is asked to observe the following procedures:

—assign a staff member familiar with the franking laws and regulations to supervise preparation of the mailing so that obvious violations of the franking laws are avoided before submitting the material for an advisory opinion;

—submit copies of the material in its proof form, and required administrative forms (see Appendix 5). If possible suggest that staff resolve questions in advance by telephone or personal consultation; and

—allow at least three days for an advisory opinion to be processed.

5. Applicability

The provisions relating to mass mailings apply to mailings by any Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives, when such Member, Delegate, or Resident Commissioner is acting in his or her capacity as a representative of a congressional district.

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[1] Legislative Branch Appropriations Act, 1991 (Public Law 101–520) enacted 1990.

[2] Commission ruling dated July 23, 1991, held that correspondence specifically related to casework need not be submitted for review.

COE.GUTIERREZ.08912

CHAPTER FOUR

ELECTION YEAR MAILING RESTRICTIONS

1. Restriction on Mass Mailings Prior to Elections

Section 3210(a)(6)(A) provides that a Member may not frank any mass mailing less than 90 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member is a candidate for public office.[1]

The above restrictions on mass mailings by candidates do not apply to mass mailings by the chairman of any standing, select, joint, or other official committee of the Congress, or subcommittee thereof, and which relate to the normal business of the committee.

A. Definitions

(1) *Candidate.*—A Member of or a Member-elect to the House of Representatives is deemed to be a candidate for public office at an election if his or her name appears anywhere on any official ballot to be used in such election.[2]

(2) *Mass mailing.*—Means newsletters and other similar mailings of more than 500 pieces in which the content of the matter mailed is substantially identical but shall not apply to (a) mailings in direct response to communications from persons to whom the matter is mailed; (b) mailings to colleagues in the Congress or to government officials whether Federal, state, or local; or (c) mailings of news releases to the communications media. Mail matter will be deemed to fall within the prohibition of the subject rule when the total of such pieces of mail matter exceeds 500, whether in cumulative mailings or a single mailing during the 90-day period of the rule.

Federal publications, publications purchased with Federal funds, and publications containing items of general information, when individually addressed and not included in a planned mailing or one which can be reasonably anticipated, shall not be deemed "similar mailings" for the purpose

[1] Public Law 101–197, enacted September, 1996.

[2] Adopted by the Commission on February 21, 1974.

COE.GUTIERREZ.08914

of the subject statute or these regulations, unless such a mailing exceeds 500 pieces in a single mailing.

For example, information to new home owners would be frankable during the 90-day period, but certificates to high school graduates would not be frankable since such a mailing would be considered planned or reasonably anticipated.

B. Exceptions

Section 3210(a)(6)(E) provides three exceptions to the mass mail prohibition prior to elections:

(i) (mailings) which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) (mailings) to colleagues in Congress or to government officials (whether Federal, state, or local); and

(iii) (mailings) of news releases to the communications media.

The Commission believes the last two exceptions are self-explanatory.

In application of the first exception, the Commission stresses the phrase "*direct* response to inquiries or requests."[3] Therefore, response to a signed petition with a form or identical letter individually addressed to each of the signers of the petition is frankable. However, a follow-up letter to the same list of petitioners is not frankable under this section in that it would not be in direct response to an inquiry.

Similarly, follow-up letters to persons who had previously written and had been answered on a particular subject, if such letters by their form and volume constitute a mass mailing, are not frankable during the 90-day period prior to elections. Also, requests for questionnaire results or other material, when solicited by Members on questionnaire forms or newsletters, are not deemed to be in direct response to an inquiry or request.

Members may not send miscellaneous enclosures of "inserts" with direct response mail, during the 90-day cutoff period, if 500 or more of the inserts will be mailed in one session of Congress. However, you may include an enclosure or insert if it is *specifically germane* to the topic of the inquiry or request. Therefore, if someone specifically requests information about the topic of the enclosure or insert, you *may* include it with your mail. But if the topic of the insert is unrelated to the incoming inquiry, during the 90-day cutoff period, you *may not* include that insert in your response (if 500 or more will be mailed).[4] Section 3210(a)(6)(B) provides that any mass mailing which is mailed by the chairman of any standing, select, special or joint committee, subcommittee, or commission of the House of Representa-

[3] Advisory opinion dated Oct. 17, 1974, held as not frankable (during the 28-day period prior to the general election) approximately 2,000 letters to constituents who had completed a questionnaire since the proposed letter embodied an offer to meet with the addressee at some unspecified time and place and was not in direct response to an inquiry.

[4] Adopted by Commission on August 19, 1994.

COE.GUTIERREZ.08915

tives, which relates to the *normal and regular business* of the organization may be mailed without regard to the mass mailing cutoff provisions. The Commission emphasizes "normal and regular" committee business, i.e., press releases, schedules of hearings, or committee documents. Nothing in 3210(a)(6)(B) should be used to circumvent the pre-election mass mailing laws and regulations. A newsletter which is suddenly issued by a committee during a cutoff, for example, would not be deemed frankable material.

C. Caution on 90-day Cutoff Periods Prior to Elections

The 90-day cutoff prohibition on mass mailings applies to every Member whose name is to appear on an official ballot for election or reelection to public office.

State election laws vary considerably. For example, in some states, if a Member is unopposed in either the primary or general election, the Member's name *does not* appear on the ballot. The Member, therefore, would not be subject to the 90-day cutoff provision.

In other states, however, a Member's name may appear on the ballot *whether or not* the Member has an opponent. Even if a Member is unopposed, if the Member's name is to appear on the ballot, the 90-day mass mailing prohibition *would* apply.

Members should ensure that staff members responsible for mass mailings are knowledgeable concerning election laws as they affect mailing privileges during the period prior to primary and general election periods. Members' staff seeking advisory opinions from the Commission must certify that, to the best of their knowledge, the frankability of the proposed mailing is not adversely affected by applicable state election laws.

COE.GUTIERREZ.08916

Part II

RULES OF PRACTICE IN PROCEEDINGS before the HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

COE.GUTIERREZ.08918

FOREWORD

This part contains the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards which were adopted by the Commission on February 4, 1974, and as amended on June 27, 1974, and January 12, 1977, pursuant to section 5 of Public Law 93–191.

Also included in the introduction of this part is the notice printed in the Congressional Record on February 19, 1974, providing public notice of the rules.

The Commission has also included suggested forms (see page 42) which may be used by persons involved in proceedings before the Commission.

BILL THOMAS, *Chairman.*

COE.GUTIERREZ.08919

INTRODUCTION

NOTICE

RULES OF PRACTICE IN PROCEEDINGS BEFORE THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

Notice is hereby given that, pursuant to section 5 of the act of December 18, 1973 (87 Stat. 742; Public Law 93–191), the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards, as hereinafter set forth, have been prescribed and established by the House Commission on Congressional Mailing Standards at its organizational meeting held on February 4, 1974.

Subsection (e) of section 5 provides in part that the Commission "shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559, and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof."

In view of the fact that a commission of the legislative branch is not authorized to publish documents, such as these rules of practice, in the Federal Register (44 U.S.C. 1501), the Commission has determined to provide public notice thereof by printing them in the Congressional Record. In addition to the notice hereby given, copies of the rules will be made available to any person upon request to the Commission.

Due to the fact that the only remedy now available to persons who may wish to commence a proceeding on a violation of the franking privilege as it relates to the House of Representatives, is the filing of a complaint and proceedings before the Commission under section 5 of the act of December 18, 1973 (87 Stat. 742; Public Law 93–191), the Commission has determined that these rules shall take effect immediately.

Although the Commission does not anticipate any specific future changes in these regulations, the Commission would appreciate, and therefore invites comments or suggestions which might assist in future revision of the rules. Comments should be submitted with at least 10 copies and may be mailed to the Commission at 305 Cannon House Office Building, Washington, D.C. 20515.

COE.GUTIERREZ.08920

In consideration of the foregoing, the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards as hereinafter set forth are made effective immediately.

Issued in Washington, D.C., on February 19, 1974.

MORRIS K. UDALL,
Chairman, House Commission on Congressional Mailing Standards.

COE.GUTIERREZ.08921

RULES OF PRACTICE IN PROCEEDINGS BEFORE THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

ANALYSIS OF RULES

Rule 1. Authority for rules.
Rule 2. Scope of rules.
Rule 3. Informal dispositions.
Rule 4. Office; business hours.
Rule 5. Complaints.
Rule 6. Service.
Rule 7. Notice of hearing.
Rule 8. Filing documents for the record.
Rule 9. Answer.
Rule 10. Default.
Rule 11. Amendment of pleadings.
Rule 12. Continuances and extensions.
Rule 13. Hearings.
Rule 14. Change of place of hearings.
Rule 15. Appearances.
Rule 16. Hearing officers.
Rule 17. Evidence.
Rule 18. Subpoenas.
Rule 19. Witness fees.
Rule 20. Depositions.
Rule 21. Transcript.
Rule 22. Proposed findings and conclusions.
Rule 23. Decisions.
Rule 24. Motion for reconsideration.
Rule 25. Modification or revocation of orders.
Rule 26. Computation of time.
Rule 27. Official record.
Rule 28. Public information.

Rule 1. Authority for rules.

These rules of practice are issued by the House Commission on Congressional Mailing Standards of the U.S. House of Representatives, hereinafter referred to as the Commission, pursuant to authority under section 5 of the act of December 18, 1973 (87 Stat. 742; Public Law 93–191).

Rule 2. Scope of rules.

These rules of practice shall be applicable in all proceedings before the Commission.

Rule 3. Informal dispositions.

These rules do not preclude the disposition of any matter by the Commission prior to any proceeding or hearing, if it determines that there is no substantial reason to believe that a violation has or is about to occur

COE.GUTIERREZ.08922

as alleged in the complaint, or by agreement between the parties either before or after the filing of a complaint when time, the nature of the proceeding, and the public interest permit.

Rule 4. Office; business hours.

The offices of the Commission and the officials mentioned in these rules are located at the House of Representatives, 140 Cannon House Office Building, Washington, D.C. 20515, and are open Monday through Friday except holidays from 9:00 a.m. to 5:00 p.m.

Rule 5. Complaints.

(a) Any person who believes that a person authorized to use the frank is about to violate or, within the immediately preceding period of 1 year, has violated the use of the frank under section 3210, 3211, 3212, 3213(2) or 3218, or in connection with the operation of section 3215, of title 39, United States Code, may file with the Commission a signed complaint which names the person involved; states the legal authority and jurisdiction under which the proceeding is initiated; states the facts in a manner sufficient to enable the person named therein to make answer thereto; recommends the issuance of an appropriate order; sets forth the address of the complainant and the name and address of his attorney, if any.

(b) All allegations in the pleadings shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances, and a paragraph may be referred to by number in all succeeding pleadings. Each complaint founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(d) The person so named in the complaint shall be known as the respondent and the person filing the complaint shall be known as the complainant.

Rule 6. Service.

(a) The Commission shall cause a copy of the complaint to be served upon the respondent or his agent and it shall issue a notice stating the date for filing an answer, which shall not exceed 10 days from the service of the complaint, and a reference to the effect of failure to file an answer. (See rule 10.)

(b) Service of all papers shall be effected by mailing the same, postage prepaid registered, or certified mail, return receipt requested, or by causing said papers to be personally served on the parties or their respective agents, as appropriate, by an authorized representative of the Commission. In the case of personal service the person making service shall secure from the parties of their agents, a written acknowledgement of receipt of said papers, showing the date and time of such receipt. Said acknowledgement (or the return receipt where service is effectuated by mail) shall be made a part of the record of the proceedings. The date of delivery, as shown by the ac-

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knowledgement of personal service or the return receipt, shall be the date of service.

Rule 7. Notice of hearing.

Upon the filing of the respondent's answer, if the Commission determines that there is reasonable justification for a complaint filed under rule 5, it shall issue a notice of hearing stating the time and place of the hearing and a reference to the effect of failure to appear at the hearing (see rule 10). Except for good cause shown, the hearing date shall be within 30 days of the date of the filing of the complaint.

Rule 8. Filing documents for the record.

(a) Each party shall file with the Commission, pleadings, motions, orders, and other documents for the record. The Commission shall cause copies to be served promptly to other parties to the proceeding and to the hearing officer.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the hearing officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the title of the proceeding. Any pleading or other document required by order of the hearing officer to be filed by a specified date shall be delivered to the Commission on or before such date. The date of filing shall be entered thereon by the Commission.

Rule 9. Answer.

(a) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint.

(b) Any facts alleged in the complaint which are not denied or are expressly admitted in the answer may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(c) The answer shall be signed personally by the respondent except for good cause shown.

(d) The answer shall set forth the respondent's address and the name and address of his attorney.

(e) The answer shall affirmatively state whether the respondent will appear in person or by his attorney at the hearing.

(f) If the respondent does not desire to appear at the hearing in person or by his attorney he may request that the matter be submitted for determination pursuant to paragraph (b) of rule 10.

Rule 10. Default.

(a) If the respondent fails to file an answer within the time specified, he shall be deemed in default, and to have waived a hearing and further procedural steps. The Commission shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the hearing officer shall receive complainant's evidence and submit proposed findings of fact and conclusions of law to the Commission.

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(c) If the complainant or his attorney fails to appear at the hearing, the hearing officer shall receive the respondent's evidence and submit proposed findings of fact and conclusions of law to the Commission.

Rule 11. Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Commission. Amendments proposed thereafter shall be filed with the hearing officer.

(b) By consent of the parties, a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the complaint, the hearing officer shall make such ruling on the motion as he deems to be fair and equitable to the parties.

(c) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the complaint are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the hearing officer that an amendment of the pleadings would prejudice him on the merits, the hearing officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The hearing office may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

Rule 12. Continuances and Extensions.

Continuances and extensions will not be granted by the hearing officer except for good cause shown.

Rule 13. Hearings.

Hearings are held at the U.S. Capitol, Washington, D.C. 20515, or other locations designated by the Commission.

Rule 14. Change of place of hearings.

Not later than 7 days prior to the date fixed for the hearing, a party may file a request that a hearing be held to receive evidence on this behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify; and

(c) The reasons why such evidence cannot be produced in Washington, D.C.

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The Commission shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

Rule 15. Appearances.

(a) The parties may appear and be heard in person or by attorney.

(b) When a party is represented by an attorney, all pleadings and other papers subsequent to the complaint shall be mailed to the attorney.

(c) Parties must promptly file a notice of change of attorney.

Rule 16. Hearing officers.

(a) A hearing officer may be appointed by the Commission to preside over any proceeding or hearing hereunder.

(b) The hearing officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon offers of proof, admissibility of evidence, and matters of procedure;

(4) Order any pleadings amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorus manner;

(6) Require the filing of briefs or memoranda of law on any matter upon which he is required to rule;

(7) Order prehearing conference for the purpose of the settlement or simplification of issues by the parties;

(8) Order the proceeding reopened at any time prior to a final decision for the receipt of additional evidence; and

(9) Take any other action authorized by the Commission.

Rule 17. Evidence.

(a) Except as otherwise provided in these rules, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern. However, such rules may be relaxed to the extent that the hearing officer deems proper to insure a fair hearing. The hearing officer shall exclude irrelevant, immaterial, or repetitous evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) Authoritative writings of the sciences may be submitted in evidence, but only through the testimony of expert witnesses or by stipulation.

(f) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues that the witness shall testify under oath at the hearing, that the statement is in all respects true and in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(g) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the hearing officer are unnecessary.

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Rule 18. Subpoenas.

At the request of any party, subpoenas for attendance of witnesses at a hearing may be issued over the signature of the chairman of the Commission or of any member designated by him or by the Commission and may be served by such person or persons as may be designated by such chairman or member.

Rule 19. Witness fees.

Fees and expenses for witnesses for either party or for depositions requested by either party shall not be paid by the Commission.

Rule 20. Depositions.

(a) Not later than 5 days after the filing of respondent's answer, any party may file application with the Commission for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken, and any other necessary information.

(c) Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross examine. The questions and answers, together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. The deposition officer shall put the witness on oath. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony; or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties; and errors of any kind which might be obviated, cured, or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing, any part or all of the deposition may be offered in evidence by any party who was presented or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original

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and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

Rule 21. Transcript.

(a) Hearings shall be stenographically reported under the supervision of the hearing officer. Argument upon any matter may be excluded from the transcript by order of the hearing officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding at their own expense by the reporter. Copies of parts of the official record other than the transcript may be obtained by the parties from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or any part thereof, which have been filed with the record. Within 5 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Opposing counsel shall, within such time as may be specified by the hearing officer, notify the hearing officer in writing of his concurrence or disagreement with the requested corrections. Failure to interpose timely objection to a proposed correction shall be considered to be concurrence. Thereafter, the hearing officer shall by order specify the corrections to be made in the transcript. The hearing officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the hearing officer other than by agreement of the parties shall be subject to objection and exception.

Rule 22. Proposed findings and conclusions.

(a) Each party to a proceeding, except one who fails to appear at the hearing or indicates that he does not desire to appear, may, unless at the discretion of the hearing officer such is not appropriate, submit proposed findings of fact, conclusions of law, and supporting reasons either in oral or written form in the discretion of the hearing officer. The hearing officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally, the date set for filing of proposed findings of fact and conclusions of law shall be within 5 days after the delivery of the official transcript to the Commis-

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sion who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion shall be separately stated.

Rule 23. Decisions

(a) *Findings and conclusions by hearing officer.*—Within 20 days after any proceeding or hearing, as appropriate, has been concluded, the hearing officer shall submit to the Commission proposed findings of fact and conclusions of law, with the reasons therefor, upon all the material issues of fact or law presented on the record.

(b) *Final decision by the Commission.*—The Commission shall render a final decision within 30 days after any proceeding or hearing, as appropriate, has been concluded or, in the event that no hearing or other proceeding is held, within 30 days after the answer to a complaint is filed. Such decision shall include findings and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof.

Rule 24. Motion for reconsideration.

A party may file a motion for reconsideration of a final Commission decision within 10 days after receiving it or within such longer period as the Commission may fix. Each motion for reconsideration shall be accompanied by a brief clearly setting forth the points of fact and of law relied upon in support of said motion. The Commission shall transmit a copy of the motion and brief to the opposing party, who shall file a written reply brief within 10 days after filing or such other period as the Commission may fix. A copy of the reply brief shall be sent to the moving party by the Commission.

Rule 25. Modification or revocation of orders.

A party against whom an order has been issued may file an application for modification or revocation thereof. The Commission shall transmit a copy of the application to the opposing party, who shall file a written reply within 10 days after filing or such other period as the Commission may fix. A copy of the reply shall be sent to the applicant by the Commission. Thereafter, an order granting or denying such application will be issued by the Commission.

Rule 26. Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless that last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

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Rule 27. Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs, and other documents filed in the proceeding shall constitute the official record of the proceeding.

Rule 28. Public information.

The Commission maintains for public inspection in its offices copies of all final decisions, including a record of the votes on any question on which a record vote is taken. The Commission also maintains a complete official record of every proceeding, all other records, data and files of the Commission which shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

INTRODUCTORY STATEMENT

The following forms are intended for illustration only. They are limited in number, since no attempt has been made to furnish a manual of forms.

These forms do not cover every possible situation involving an allegation of a violation of the franking laws. They may be used as a guide for the preparation of pleadings by prospective parties in proceedings before the Commission.

Each pleading, motion, or other paper should have a caption similar to that shown on the forms hereinafter set forth with the designation of the particular paper substituted for the word "complaint."

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Offset Folios 55 to 58 Insert here

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Appendix No. 1

LAWS RELATING TO THE USE OF THE CONGRESSIONAL FRANK

Title 2.—The Congress

§ Sec. 501 House Commission on Congressional Mailing Standards

(a) There is established a special commission of the House of Representatives, designated the "House Commission on Congressional Mailing Standards" (herein referred to as the "Commission").

Membership; political party representation; Chairman; vacancies; quorum

(b) The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, and three from the minority political party, in the House. The Speaker shall designate as Chairman of the Commission, from among the members of the Committee on House Oversight, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

Assistance and use of personnel, including chief counsel, of Committee on House Oversight

(c) In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on House Oversight, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on House Oversight shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

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Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations

(d) The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, 3219, or 3220, in connection with the operation of section 3215, of Title 39, and in connection with any other Federal law (other than any law which imposes any criminal penalty) or any rule of the House of Representatives relating to franked mail, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any former Member of the House or former Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of Title 39), or any other House official or former House official, entitled to send mail as franked mail under any of these sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

Complaint of franked mail violations; investigation; notice and hearing; conclusiveness of findings; decision of Commission; judicial review; reference of certain violations to Committee on Standards of Official Conduct of the House for appropriate action and enforcement; administrative procedure regulations

(e) Any complaint by any person that a violation of any section of Title 39 referred to in subsection (d) of this section (or any other Federal law which does not include any criminal penalty or any rule of the House of Representatives relating to franked mail) is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), shall contain pertinent factual material and shall conform to regulations prescribed by the Commission. The Commission, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The Commission shall afford to the person who is subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the Commission. The Commission shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the Commission. Such findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial

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challenge or review. Any judicial review of such decision, if ordered on any ground, shall be limited to matters of law. If the Commission finds in its written decision, that a serious and willful violation has occurred or is about to occur, it may refer such decision to the Committee on Standards of Official Conduct of the House of Representatives for appropriate action and enforcement by the committee concerned in accordance with applicable rules and precedents of the House and such other standards as may be prescribed by such committee. In the case of a former Member of the House or a former Member-elect, a former Resident Commissioner or Delegate or Resident Commissioner-elect or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of Title 39), or any other former House official, if the Commission finds in its written decision that any serious and willful violation has occurred or is about to occur, then the Commission may refer the matter to any appropriate law enforcement agency or official for appropriate remedial action. Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (d) of this section as entitled to send mail as franked mail, except judicial review of the decisions of the Commission under this subsection. The Commission shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559, and 701–706, of Title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

Procedural considerations; sessions, place and time; subpoenas, issuance and service; oaths and affirmations; testimony; printing and binding; expenditures; organizational and procedural regulations; majority assent

(f) The Commission may sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths and affirmations, take such testimony, procure such printing and binding, and make such expenditures, as the Commission considers advisable. The Commission may make such rules respecting its organization and procedures as it considers necessary, except that no action shall be taken by the Commission unless a majority of the Commission assent. Subpoenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or by the Commission, and may be served by such person or persons

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as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

Property of Commission; records; voting record; location of records, data, and files

(g) The Commission shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the Commission shall be kept in the offices of the Commission or such other places as the Commission may direct.

§ 311. Legislative Branch Appropriations Act, 1997

Sec. 311. (a) Each mass mailing sent by a Member of the House of Representatives shall bear in a prominent place on its face, or on the envelope or outside cover or wrapper in which the mail matter is sent, the following notice "THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE.", or a notice to the same effect in words which may be prescribed under subsection (c). The notice shall be printed in a type size not smaller than 7-point.

(c) The Committee on House Oversight shall pescribe such rules and regulations and shall take such other action as the Committee considers necessary and proper for Members to conform to the provisions of this subsection and applicable rules and regulations.

§ 311. Legislative Branch Appropriations Act, 1991

SEC. 311. (a) Except as otherwise provided in this section, funds appropriated by the Act or any other Act for expenses of official mail of any person entitled to use the congressional frank may be expended only in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives, as applicable. Such regulations shall require—

(1) individual accountability for use of official mail by each person entitled to use the congressional frank;

(2)(A) with respect to the House of Representatives, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session or to any other such person); and

(B) with respect to the Senate, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session, other than transfers from the first session of a Congress to the second session of that Congress, or to any other such person); and

(3) with respect to the House of Representatives, that in addition to any other report or information made available to the public (through the House Commission on Congressional Mailing Standards or other-

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wise) regarding the use of the frank, the Clerk of the House of Representatives shall include in the quarterly report of receipts and expenditures submitted to the House of Representatives a statement (based solely on data provided for that purpose by the Committee on House Oversight of the House of Representatives and the House Commission on Congressional Mailing Standards) of costs charged against the Official Mail Allowance for each person entitled to use the congressional frank.

(b) The Postmaster General, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives—

(1) shall monitor use of official mail by each person entitled to use the congressional frank;

(2) at least monthly, shall notify any person with an allocation under subsection (a)(2) as to the percentage of the allocation that has been used; and

(3) may not carry or deliver official mail the cost of which is in excess of an allocation under subsection (a)(2).

(c) Expenses of official mail of the Senate and the House of Representatives may be paid only from funds specifically appropriated for that purpose and funds so appropriated—

(1) may be supplemented by other appropriated funds only if such supplementation is provided for by law or by regulation under subsection (a); and

(2) may not be supplemented by funds from any other source, public or private.

(d) No Senator or Member of the House of Representatives may maintain or use, directly or indirectly, an unofficial office account or defray official expenses from—

(1) funds received from a political committee or derived from a contribution or expenditure (as such terms are defined in section 301 of the Federal Election Campaign Act of 1971);

(2) funds received as reimbursement for expenses incurred by the Senator or Member in connection with personal services provided by the Senator or Member to the person making the reimbursement; or

(3) any other funds that are not specifically appropriated for official expenses.

(e)(1) There is established in the House of Representatives an Official Mail Allowance for Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank. Regulations for use of the Official Mail Allowance shall be prescribed—

(A) by the Committee on House Oversight of the House of Representatives, with respect to allocation and expenditures relating to the Allowance; and

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(B) by the House Commission on Congressional Mailing Standards, with respect to matters under section 3210(a)(6)(D) of title 39, United States Code.

(2) The Official Mail Allowance—

(A) shall be available for postage for franked mail sent at a first class, third class, or fourth class rate;

(B) with respect to a Member of the House of Representatives, shall be available, in a session of Congress, in a total amount, as determined under paragraph (1)(A), of not more than the product of (i) 3 times the single-piece rate applicable to first class mail, and (ii) the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the congressional district, as such addresses are described in section 3210(d)(7)(B) of title 39, United States Code;

(C) with respect to any other person entitled to use the congressional frank in the House of Representatives (including any Member of the House of Representatives who receives an allocation under subsection (a)(2) with respect to duties as an elected officer of, or holder of another position in, the House of Representatives), shall be available, in a session of Congress, in a total amount determined under paragraph (1)(A); and

(D) shall not be available for payment of any nonpostage fee or charge, including any fee or charge for express mail, express mail drop shipment, certified mail, registered mail, return receipt, address correction, or postal insurance.

(3)(A) Subject to subparagraph (B), each Member of the House of Representatives may transfer amounts from the Member's Representational Allowance of the Member to the Official Mail Allowance of the Member.

(B) The total amount a Member may so transfer with respect to a session of Congress may not exceed $25,000.

(4) The Official Expenses Allowance shall be available to a Member of the House of Representatives for the payment of nonpostage fees and charges referred to in paragraph (2)(D) and for postage for mail for official business sent outside the United States.

(f) A Member of the House of Representatives shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.

(g) As used in subsection (a) through (f)—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

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(2) the term "person entitled to use the congressional frank" means a Senator, Member of the House of Representatives, or other person authorized to use the frank under section 3210(b) of title 39, United States Code.

* * * * * * *

(i) This section and the amendments made by this section shall apply with respect to sessions of Congress beginning with the first session of the One Hundred Congress, except that with respect to the Senate, subsection (d) shall apply beginning on May 1, 1992, and the funds referred to in paragraph (3) of such subsection shall not include personal funds of a Senator or Member of the House of Representatives.

* * * * * * *

Title 39.—Postal Service

§ 3201. Definitions.

As used in this chapter—

(1) "penalty mail" means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

(2) "penalty cover" means envelopes, wrappers, labels, or cards used to transmit penalty mail;

(3) "frank" means the autographic of facsimile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

(4) "franked mail" means mail which is transmitted in the mail under frank;

(5) "Members of Congress" includes Senators, Representatives, Delegates, and Resident Commissions; and

(6) "missing child" has the meaning provided by section 403(1) of the Juvenile Justice and Delinquency Prevention Act of 1974. (Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 751; Pub. L. 99–87, § 1(b), Aug. 9, 1985, 99 Stat. 291., November, 1997)

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§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

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(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, state, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on state and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of state and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal

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publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect unless it is a brief reference in otherwise frankable mail;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other

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action, as the Commission or Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailings as franked mail—

(i) if the mass mailing is postmarked fewer than 60 days (or, in the case of a Member of the House, fewer than 90 days) immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is postmarked fewer than 90 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is postmarked fewer[1] than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, state, or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered

[1] Section 318 of P.L. 101–163, 103 Stat. 1068, amended "subparagraph (c)" by striking out "is mailed fewer" and inserting "is postmarked fewer". Entered according to probable intent.

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to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) As used in this section, the term "mass mailing" means, with respect to a session of Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed;

(ii) from a Member of Congress to other Members of Congress, or to Federal, state, or local government officials; or

(iii) of a news release to the communications media.

(F) For purposes of subparagraphs (A) and (C) if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

(7) A Member of the House of Representatives may not send any mass mailing outside the congressional district from which the Member was elected.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailed as franked mail under subsection (a) (2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and

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shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a) (4) and (5) of this section.

(d)(1) A Member of Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district of the state from which the Member was elected.—

(2) A Delegate, or Resident Commissioner to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(3) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(4) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection.

(5)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(6) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large, the state from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

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(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, state, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, state, or local law or regulation, in connection with any campaign of such official for election to any Federal office.

§ 3211. Public documents

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

§ 3212. Congressional Record under frank of Members of Congress

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.

§ 3213. Reports from Department of Agriculture

Agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress.

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§ 3215. Lending or permitting use of frank unlawful

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.

§ 3216. Reimbursement for franked mailings

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, and Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives and the Senate Legal Counsel;

(B) by the survivors of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by appropriation for official mail costs of the Senate and the House of Representatives for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

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(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.

(e)(1) Not later than two weeks after the last day of each quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a report which shall contain a tabulation of the estimated number of pieces and costs of franked mail, as defined in section 3201 of this title, in each mail classification sent through the mail for that quarter and for the preceding quarters in the fiscal year, together with separate tabulations of the number of pieces and costs of such mail sent by the House and by the Senate.

(2) Two weeks after the close of the second quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, the Secretary of the Senate, and the Senate Committee on Rules and Administration, a statement of the costs of postage on, and fees and charges in connection with, mail matter sent through the mails as described in paraagraph (1) of this section for the preceding two quarters together with an estimate of such costs for the balance of the fiscal year. As soon as practicable after receipt of this statement, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, and the Senate Committee on Rules and Administration shall consider promulgating such regulations for their respective Houses as may be necessary to ensure that total postage costs, as described in paragraph (1) of this section, will not exceed the amounts available for the fiscal year.

* * * * * * *

§ 3218. Franked mail for survivors of Members of Congress

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member (or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk) may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member.

§ 3219. Mailgrams

Any Mailgram sent by the Vice President, a Member of or Member-elect of Congress, the Secretary of the Senate, the Sergeant at Arms of the Sen-

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ate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives or the Senate Legal Counsel, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title.

§ 3220. Use of official mail in the location and recovery of missing children

(a)(1) The Office of Juvenile Justice and Delinquency Prevention, after consultation with appropriate public and private agencies, shall prescribe general guidelines under which penalty mail may be used to assist in the location and recovery of missing children. The guidelines shall provide information relating to—

(A) the form and manner in which materials and information relating to missing children (such as biographical data and pictures, sketches, or other likenesses) may be included in penalty mail;

(B) appropriate sources from which such materials and information may be obtained;

(C) the procedures by which such materials and information may be obtained; and

(D) any other matter which the Office considers appropriate.

(2) Each executive department and independent establishment of the Government of the United States shall prescribe regulations under which penalty mail sent by such department or establishment may be used in conformance with the guidelines prescribed under paragraph (1).

(b) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take such other action as the Committee or Commission considers necessary and proper, in order that purposes similar to those of subsection (a) may, in the discretion of the congressional official or office concerned, be carried out by the use of franked mail sent by such official or office.

(c) As used in this section, "Office of Juvenile Justice and Delinquency Prevention" and "Office" each means the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, as established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974.

NOTE: The amendments made by section I (enacting this section and amending sections 3201 and 3204 of this title and section 733 of Title 44, Public Printing and Documents) and any guidelines, rules, or regulations presecribed to carry out such amendments shall cease to be effective after December 31, 2002. [2]

[2] Public Law 105–126, approved December 1, 1997, extended the authorization of use of official mailing to December 31, 2002.

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Title 44.—Public Printing and Documents

§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress

The Public Printer on order of a Member of Congress, on prepayment of the cost, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress.

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. United States Senate" or "House of Representatives U.S." and in the upper right-hand corner the letters "U.S.S." or "M.C." Franks may also contain information relating to misiing children as provided in section 3320 of title 39. But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

At the request of a Member of Congress or Resident Commissioner the Public Printer may print upon franks or envelopes used for mailing public documents the facsimile signature of the Member or Resident Commissioner and a special request for return if not called for, and the name of the state or commonwealth and county and city. The Member or Resident Commissioner shall deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of a Member or Resident Commissioner, print on envelopes authorized to be furnished, the name of the Member or Resident Commissioner, and state or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words.

The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done. He shall account for them in his annual report to Congress.

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§ 907. Congressional Record; extracts for Members of Congress; mailing envelopes

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or report in it, if such part, speeches,

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or reports are mailable as franked mail under section 3210 or title 39. Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record.", and in the upper right-hand corner the letters "U.S.S." or "M.C.", and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and state or commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress.

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Appendix No. 2

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XLVI—Limitations on the Use of the Frank

1. Any franked mail which is mailed by a Member under section 3210(d) of title 39, United States Code, shall be mailed at the equivalent rate of postage which assures that such mail will be sent by the most economical means practicable.

2. A Member shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.

3. Any mass mailing which otherwise is frankable by a Member under the provisions of section 3210(f) of title 39, United States Code, shall not be frankable unless the cost of preparing and printing such mass mailing is defrayed exclusively from funds made available in any appropriations Act.

4. A Member may not send any mass mailing outside the congressional district from which the Member was elected. [1]

5. In the case of any Representative in the House of Representatives, other than a Representative at Large, who is a candidate for any statewide public office, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is delivered to any address which is not located in the area constituting the congressional district from which any such individual was elected.

6. In the case of any Member, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is postmarked less than ninety days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member is a candidate for public office. If mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

[1] With the enactment of FY 1993 Legislative Branch Act (P.L. 102–392), House Members are prohibited from sending mass mailings outside their districts.

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7. For purposes of this rule—

(a) The term "mass mailing" means, with respect to a session in Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

(1) of matter in direct response to a communication from a person to whom the matter is mailed;

(2) from a Member to other Members of Congress, or to Federal, state, or local government officials; or

(3) of a news release to the communications media.

(b) The term "Member" means any Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives.

(c) The term "Members of Congress" means Senators and Representatives in, and Delegates and Resident Commissioners to, the Congress.

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Committees Congressional Handbook

Committee on House Administration
Printed From Website: July 10, 2003

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INTRODUCTION

Effective August 1, 1999, the following regulations of the Committee on House Administration, collectively known as the Committees' Congressional Handbook (Handbook), govern all expenditures from committee funds.

Committee funds are provided to pay ordinary and necessary expenses incurred by committee Members and employees in the United States, its territories, and possessions in support of official committee business, in accordance with the regulations contained in this Handbook.

The Handbook regulations are guidelines that assist Committee Chairs in determining whether expenses are reimbursable. Therefore, the Handbook contains broad descriptions of reimbursable expenses, but is not an exhaustive list of such expenses. The Handbook provides Committee Chairs with the authority and flexibility to manage the committee's budget.

As used in the Handbook, "ordinary and necessary" means reasonable expenditures in support of official committee business that are consistent with all applicable Federal laws, Rules of the House of Representatives, and regulations of the Committee on House Administration. The phrase "committee funds" means funds made available to a committee pursuant to primary and supplemental expense resolutions or allocated from the Reserve Fund.

Questions about reimbursement of an expense should be directed to the Committee on House Administration at x58281 prior to incurring the expense. Reimbursement will not be allowed for expenses that are specifically prohibited.

Routine administrative requests (requests for equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov/) or call First Call/One Call at x58000.

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For all questions relating to equipment and equipment-related issues, refer to the User's Guide to Purchasing Equipment, Software and Related Services, available from the Committee on House Administration.

COMMITTEE FUNDS

When an expense is incurred the Committee Chair must determine the primary purpose for the expenditure. Is the primary purpose for the expenditure official or is it related to personal, political, campaign, or Member office activities? Only official expenses the primary purpose of which are official and which are incurred in accordance with the Handbook are reimbursable.

General

All expenditures from committee funds are subject to the following general regulations:

1. Committee funds may only be used to support the conduct of official business of the committee. Committee funds may not be used to defray any personal, political or campaign-related expenses, or expenses related to a Member's personal office.

2. The Committee Chair is personally responsible for the payment of any official expenses incurred that exceeds the provided committee funds or is incurred but not reimbursable under these regulations.

3. No campaign resources may be used for official committee business.

4. The Committee Chair and Members of the committee may expend personal funds in support of official committee business. However, a Committee Chair or a Member of the committee may not expend personal funds to defray the committee's franked mail allocation.

5. Unless otherwise specifically provided by Federal laws, House Rules, or Committee on House Administration regulations, no Member of the committee, relative of a committee Member, or anyone with whom a committee Member has a professional or legal relationship may directly benefit from the expenditure of committee funds.

6. Committee funds are available for services provided and expenses incurred from January 3 of one year through January 2 of the following year. All expenses incurred will be charged to the funds available on the date the services were provided and the expenses were incurred.

7. Committee funds are not transferable between sessions.

8. Requests to obligate prior year's funds after January 2 of the succeeding year will be considered when a committee provides to the Committee on House Administration documentation demonstrating a bona fide intent to obligate the prior year funds during the applicable year.

9. At the beginning of a Congress, each committee is authorized a specific amount for franked mail which may not be used for other purposes. If the franked mail allocation is insufficient, additional funds provided to committees in the primary and supplemental expense resolutions may be transferred into a committee's franked mail account. Any funds so transferred may revert to use by the committee for other official purposes, if not spent on franked mail.

Biennial Funding

Standing and Select Committees of the House, excluding the Appropriations Committee, are funded on a biennial basis. At the beginning of each Congress, each committee must submit a budget request to the Committee on House Administration and introduce a primary expense resolution providing funds for the committee's activities for each session of that Congress.

The Committee on House Administration will provide each committee with forms and instructions for drafting a budget request and an expense resolution.

Once an expense resolution is introduced, the Chair of the committee requesting funds must submit an electronic and hard copy of the budget request with supporting documentation to the Committee on House Administration for consideration. The Chair and Ranking Minority Member of each committee will be invited to testify before the Committee on House Administration on behalf of the committee's budget request.

House Rule X, clause 7, provides for interim funding of committees for the period beginning on January 3 and ending at midnight on March 31 in each odd-numbered year. For each month during that period, committees are entitled to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolution for such committees in the preceding session.

Disbursements and Disclosure

Disbursements from committee funds are made on a reimbursable or direct payment basis and require specific documentation and Committee Chair certification as to accuracy and compliance with applicable federal laws, House Rules and Committee on House Administration regulations.

Reimbursement and payments from committee funds may be made only to Members and employees of the committee, consultants, detailing Government agencies, witnesses or vendors providing services to support the operation of the committee.

The Finance Office sends each committee monthly statements showing the year-to-date expenditures and obligated amounts. The quarterly expenditures reflected in these statements are compiled and published as the Quarterly Statement of Disbursements, which is a public document.

Monthly Reports

Each committee must submit to the Committee on House Administration, by the 15th of each month, an original and two copies of a report signed by the Committee Chair on the activities of the committee during the preceding month. The monthly report must include the following:

a. Summary of the progress of the specific investigations and studies for which funds were approved.

b. Statement of expenses for the month and year to date. Committees must reconcile their figures with the Monthly Financial Statement prior to submitting the monthly reports.

c. Report of travel performed.

d. List of committee employees, job titles and gross monthly salaries (a copy of the monthly Payroll Certification Form is acceptable).

e. Certification by the Chair of the reporting committee that the report is available to Members of the committee for examination.

Monthly reports for each committee will be available for public inspection at the Committee on House Administration.

Reserve Fund

Pursuant to House Rule X, clause 6(a), "A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by approval of the Committee on House Administration."

Forms and instructions for drafting a reserve fund request are available from the Committee on House Administration upon request. The request for allocation from the reserve fund must come from the full Committee Chair. Prior to any action, the Committee on House Administration will present the request to the Speaker for approval.

Any funds allocated to a committee from the reserve fund may only be used to pay for expenses associated with the project for which the funds are requested. The funds may not be used to supplement the funds that were authorized in a committee's primary expense resolution.

Any additional staff positions allocated to a committee by the Speaker as part of a reserve fund request are temporary and, at the end of the project, a committee's staff ceiling will revert back to the original level. Committees are not guaranteed additional parking spaces for temporary staff.

The Chair and Ranking Minority Member of each committee requesting an allocation from the reserve fund will be invited to testify before the Committee on House Administration.

Biennial Activities Report

House Rule XI, clause 1(d)(1) also requires that every committee, "submit to the House not later than January 2 of each odd-numbered

year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year".

Committee Staff, Consultants and detailees

General

The Committee Chair determines the terms and conditions of employment for committee staff. These terms and conditions must be consistent with applicable federal laws and House Rules.

1. Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), disability or age.

2. A committee may not retain an employee on the committee's payroll who does not perform duties commensurate with the compensation received for the offices of the employing authority (House Rule XXIV, clause 8(a)).

3. Annual rates of pay may not exceed the amount specified in the Speaker's Pay Order.

4. Total compensation in any month, including any lump sum payment and regular pay, may not exceed $1/12^{th}$ of the maximum rate specified in the Speaker's Pay Order.

5. Retroactive salary adjustments are not authorized.

6. Government contributions to retirement, life insurance, Thrift Savings Plan and health benefits programs are not charged to the committee.

7. The Speaker sets a staff ceiling for each committee which may not be exceeded unless specifically authorized by the Speaker.

Contractor

Committees may contract with firms or individuals only for general, non-legislative, office services (e.g. equipment maintenance, systems integration, data entry, staff training) for a specified limited period not to exceed a Congress. Contractors are not employees of the House and are ineligible for Government-provided benefits.

Contractors do not count against a committee's staff ceiling.

Committees are advised to consult the Committee on House Administration when entering into such contracts.

See Consultants (17), Educational Expenses (30), Interpreting and Translation Services (37), Temporary Agencies (8) and Websites (24).

Fellows
Fellows perform services in a House office on a temporary basis as part of an established mid-career education program, while continuing to receive the usual compensation from his or her sponsoring employer. Fellows do not count against a committee's staff ceiling.

Committees must comply with the rules and regulations established by the Committee on Standards of Official Conduct for fellows. Contact the Standards of Official Conduct, Office of Advice and Education, at x57103.

Interns
Interns, paid or unpaid, must perform services for the committee as part of a demonstrated educational plan. Committee Chairs are responsible for determining the activities of committee interns.

Paid interns may work for no more than 120 days in a 12-month period and are not employees for purposes of compliance with the minimum wage and overtime provisions of the Congressional Accountability Act. Paid interns are eligible for benefits.

Paid interns count against a committee's staff ceiling unless they earn no more than $1,430 a month ($17,160 annually). The Committee Chair must certify in a letter accompanying the Payroll Authorization Form that the intern meets the above criteria and must include "Intern" as the employee's job title.

In regards to unpaid interns, committees must comply with the rules and regulations established by the Committee on Standards of Official Conduct. Contact the Standards of Official Conduct, Office of Advice and Education, at x57103.

Replacement Employees
A committee may hire a replacement for an employee on leave as may be made necessary by applicable law (e.g., Family Medical Leave Act, military service, jury duty, response to court order). The employee on

leave continues to count against the committee's staff ceiling. The replacement employee does not count against the committee's staff ceiling.

The Committee Chair must certify in a letter accompanying the Payroll Authorization Form for the replacement employee the following:

a. Name and job title of permanent employee

b. Permanent employee leave status (e.g., FMLA, military service, jury duty)

c. Permanent employee leave period

d. Statement that the replacement employee will perform job duties of the employee on leave

Shared Employees
An individual may be employed by more than one employing authority of the House of Representatives.

1. Shared employees must work out of the office of an employing authority, but are not required to work in the office of each employing authority.

2. The pay from each employing authority shall reflect the duties actually performed for each employing authority. The name, title, and pay of such an individual will appear on each employing authority's Payroll Certification Form. Shared employees do count against the committee's staff ceiling.

3. Shared employees may not receive pay totaling more than the highest rate of basic pay in the Speaker's Pay Order applicable to the positions they occupy.

4. Employees may not be shared between a committee office and the office of an Officer of the House if the employee, in the course of duties for an Officer, has access to the financial information, payroll information, equipment account information, or information systems either of Member, committee or Leadership offices.

See General (6) and Dual Compensation (9).

Temporary Agencies
Ordinary and necessary expenses related to services provided by an individual employed by a temporary agency are reimbursable, if the following conditions are met:

1. Payment for such services is commensurate with the duties performed by the individual.

2. Such an individual remains an employee of the agency and is not eligible for pay, benefits, rights, or privileges available to House employees.

Such individuals count against the committee's staff ceiling, unless the individual is a replacement employee.

See Replacement Employees (7).

Volunteers
Volunteers perform services in a House office without compensation from any source. The voluntary services should be of significant educational benefit to the volunteer and such assistance should not supplant the normal and regular duties of paid employees. Volunteers should be required to agree, in advance and in writing, to serve without compensation (31 USC § 1342 & Comp. Gen. Op. B69907).

Volunteers do not count against a committee's staff ceiling.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for guidelines for accepting services of volunteers.

Payroll

General
1. Committees are responsible for adhering to the minimum wage provisions of the Fair Labor Standards Act ($5.15 per hour as of September 1, 1997) as made applicable by the Congressional Accountability Act. Interns are not employees for the purpose of compliance with minimum wage and overtime provisions of the Fair Labor Standards Act.

2. As of January 1, 2003 , the Speaker's Pay Order is as follows:

· $149,728 maximum annual rate.

· $151,760 maximum annual rate for 9 employees, with three such employees to be designated by the Ranking Minority Member.

· $153,200 maximum annual rate for 3 employees, with one such employee to be designated by the Ranking Minority Member.

3. The monthly payroll is based on a 30-day period. Payment is made on the last business day of the month, except for the month of December when payment is made on the 20th day of the month, or on the preceding business day when the 20th falls on a Saturday or Sunday (5 U.S.C. § 5505).

4. Each month, committees will receive a Payroll Certification Form from Human Resources that lists the annual salary and gross pay earned for each committee employee. The Committee Chair must certify the information and return the form to Human Resources no later than the 15th day of the month. If an employee is a relative of a current Member of Congress, the nature of the relationship must be noted on the Payroll Certification Form.

Appointment
The appointment of committee employees requires the signature of the Committee Chair on the Payroll Authorization Form. Payroll Authorization Forms must be received by Human Resources no later than the last business day of the month in which the appointment is effective. Contact Human Resources for Payroll Authorization Forms at x52450.

Dual Compensation
Aggregated gross annual salary for those receiving payment from the House who are also receiving payment from the U.S. Senate, Architect of the Capitol, or any other department or agency of the U.S. Government, may not exceed $27,822 (2003) (5 U.S.C. § 5533).

Federal Civil Service Annuitant
If a committee employs a Federal civil service annuitant, the amount of the annual annuity, when added to the annual rate of pay at which the employee is to be paid by the committee, may not exceed the highest rate of basic pay as authorized by the Speaker's Pay Order. The combined total of the Federal civil service annuity and the amount of the salary will be charged to the committee.

Lump Sum Payments

A Committee Chair may authorize lump sum payments to employees of the committee (2 U.S.C. 60 o).

1. Payments must be consistent with House Rule XXIV, clause 8 (a), which requires that employees perform duties commensurate with the compensation received. Employees may not be compensated from public funds to perform non-official, personal, political or campaign activities on behalf of the Member, the employee or anyone else.

2. Lump sum payments may not exceed the monthly pay of the employee receiving the lump sum payment

3. Lump sum payments may be for services performed during more than one month..

4. Total compensation in any one month, including lump sum payments and regular pay, may not exceed $1/12^{th}$ of the maximum rate of pay specified in the Speaker's Pay Order.

5. Committee Chairs may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave.

6. Lump sum payments are considered as part of "rate of pay" under the Speaker's Pay Order.

7. Lump sum payments are considered "supplemental wages" for taxation.

8. Lump sum payments are not considered as part of "basic pay" for calculating Thrift Savings Plan, life insurance, and federal pensions.

9. Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for information on the treatment of lump sum payments with regard to financial disclosure, post-employment restrictions, and outside earned income limitations.

10. Lump Sum Payments will be disclosed separately in the Quarterly Statement of Disbursements.

Overtime Wage Rate Compensation

Employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act of 1938 (non-exempt) as

made applicable by the Congressional Accountability Act, must be compensated at time-and-a-half for all hours worked in excess of 40 hours during any work week, either in pay or time-off during the same pay period, in accordance with consistently applied office personnel policies.

Overtime Pay Sheet forms must be received by Human Resources no later than the 15th day of the month following the month in which overtime wages were earned. Contact Human Resources at x52450 for the appropriate form.

For assistance in establishing overtime and time-off policies, contact the Office of House Employment Counsel at x57075.

See Employment Law (11).

Pay Adjustments
The Committee Chair may adjust, in any month, an employee's pay to reflect exceptional, meritorious, or less than satisfactory service. Adjustments must be received by Human Resources by the 15th of the month in which the adjustment is to be effective.

Retroactive pay adjustments are not authorized.

Terminations
Terminations must be made on a Payroll Authorization Form and submitted to Human Resources as soon as the date of termination is known. If the termination notice is received by Human Resources after the 15th day of the month, the payroll check for that month may have already been processed. If an employee is overpaid, the committee is responsible for obtaining reimbursement.

Employment Law

The Congressional Accountability Act
Pursuant to the Congressional Accountability Act of 1995, Public Law 104-1, House employing offices are accountable under the following laws:

a. Fair Labor Standards Act of 1938

b. Title VII of the Civil Rights Act of 1964

c. The Americans with Disabilities Act of 1990

d. The Age Discrimination in Employment Act of 1967

e. The Family and Medical Leave Act of 1993

f. The Employee Polygraph Protection Act of 1988

g. Worker Adjustment and Retraining Notification Act

h. The Rehabilitation Act of 1973

i. Uniformed Services Employment and Reemployment Act of 1994

j. Federal Service Labor-Management Relations

k. The public service and accommodations provisions of the Americans with Disabilities Act of 1990

l. The Occupational Safety and Health Act of 1970

The Office of Compliance has published "A Guide to the Congressional Accountability Act of 1995," which is available from the Office of Compliance, Room LA-200, John Adams Building, Library of Congress, Washington, D.C. 20540-1999, phone (202) 724-9250. The Office of Compliance also provides materials that employing offices can use to notify employees of their rights and protections under the Congressional Accountability Act.

A Model Employee Handbook providing sample office policies to assist in developing an organization that complies with applicable laws and House Rules is available on the House Intranet Web Site: http://intranet.house.gov.

The Office of House Employment Counsel is available to provide legal advice and guidance with respect to employment matters generally and on establishing office policies consistent with applicable laws. Contact Office of House Employment Counsel at x57075.

Financial Disclosure

Employees receiving basic pay of $102,168 (2003) or greater for at least 60 days during any calendar year must file a Financial Disclosure Statement upon appointment, termination and annually. The annualized salary threshold is subject to change.

Ordinary and necessary expenses incurred by employees in support of the filing of reports consistent with the provisions of the Ethics in Government Act are reimbursable.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for applicable rules.

Nepotism

1. Under the federal statute prohibiting nepotism (5 U.S.C. § 3110) the term public official includes: a Member, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

2. Such a public official may not appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement in or to a position in the office in which that public official is serving or over which that public official exercises jurisdiction or control over any individual who is a relative of that public official.

3. Every employee must certify his or her relationship to any Member of Congress on a certificate of relationship form, available from Human Resources at x52450. If, at any time, the relationship of an employee to any current Member of Congress changes, the employee must file an amended certificate of relationship form. Completed certificates must be submitted to Human Resources, Chief Administrative Office (CAO) for retention in the employee's personnel files.

4. Individuals with the following relationship to the Chair or Ranking Minority Member of a committee or any of its subcommittees may not be employed by the committee:

- Aunt
- Half-sister
- Son-in-law

- Brother
- Husband
- Stepbrother

- Brother-in-law
- Mother
- Stepdaughter

· Daughter
· Mother-in-law
· Stepfather

· Daughter-in-law
· Nephew
· Stepmother

· Father
· Niece
· Stepsister

· Father-in-law
· Sister
· Stepson

· First cousin
· Sister-in-law
· Uncle

· Half-brother
· Son
· Wife

5. If a House employee becomes related to the Chair or Ranking Minority Member of the committee or any of its subcommittee (by marriage), the employee may remain on the personal or committee payroll. Similarly, if a Chair or Ranking Minority Member becomes the employing authority of a relative who was hired by someone else (e.g., the Member ascends to the Chairmanship of a committee or subcommittee for which the relative is already working) the relative may remain on the payroll. However, the Chair or Ranking Minority Member of the committee or any of its subcommittee may not then give that individual further promotions or raises, other than cost-of-living or other across-the-board adjustments.

6. The statute does not prohibit a Chair or Ranking Minority Member of the committee or any of its subcommittees from employing two individuals who are related to each other, but not to the Chair or Ranking Minority Member. (See, House Ethics Manual, pp. 187 and 188).

7. If an employee is related to a current Member of Congress, the nature of the relationship must be stated on the monthly Payroll Certification Form.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for additional information.

Non-Disclosure Oath
House Rule XXIV, clause 13, requires a Member, Delegate, Resident Commisioner, officer or employee of the House to execute an oath of non-disclosure before having access to classified information.

Post-Employment Restriction
Members and employees paid at an annual rate of $116,025 (2003) or more for at least 60 days in the one-year period prior to termination are subject to post-employment restrictions. The restrictions on post-employment activities are outlined in the House Ethics Manual. Questions should be directed to the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103.

Working from Home due to a Disability
In accordance with the American with Disabilities Act, a Committee Chair may reasonably accommodate a qualified employee with a disability by allowing the employee to work at home. As a condition of such a request, the Committee Chair may require certification from a physician of the need for such accommodation.

See Congressional Accountability Act (11) and Telecommuting (35).

Leave

The Committee Chair determines the terms and conditions of employment, including provisions for leave (e.g. Annual, Administrative, and Sick) consistent with applicable Federal laws and House Rules. Contact the Office of House Employment Counsel at x57075 for information about model leave policies.

Family and Medical Leave (FMLA)
A person employed by the House for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of 12 weeks of unpaid leave during any 12-month period for the following family and medical reasons:

1. For the birth of a child and to care for a newborn child.

2. To adopt a child or to receive a child in foster care.

3. To care for a spouse, son, daughter, or parent who has a serious health condition.

4. For the employee's own serious health condition which makes the employee unable to perform the functions of his or her job (29 U.S.C. § 2601 et seq.).

Employees on Family and Medical Leave remain eligible for all benefits.

Furlough

Furlough is an absence without pay initiated by the Committee Chair. Placement in a Furlough status is at the discretion of the Committee Chair, unless statute otherwise requires placement in such status.

1. To be eligible an employee must have been employed by the committee for the entire month prior to the effective date of Furlough status.

2. An employee placed in a Furlough status continues to fill a committee position. The name of such committee employee will be listed on the monthly Payroll Certification Form.

3. Continuation of employee benefits while on furlough status:

a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain enrollment and coverage, an employee placed in a furlough status is responsible for the payment of the employee's portion of the insurance premium for the period of the furlough status, either by direct payment or by incurring a debt to the House.

b. Life insurance continues for up to 12 months without employee contribution.

c. Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.

4. The placement of an employee in a Furlough status must be made on the form provided by Human Resources and received no later than the 15th day of the month in which the placement is to be effective.

Contact Human Resources at x52450 for such forms and additional information on employee benefits while on Furlough status.

Jury and Witness Duty
Under 2 U.S.C. § 130b, the pay of an employee may not be reduced during a period of absence with respect to which the employee is summoned as a juror; or as a witness on behalf of any party in connection with any judicial proceeding to which the United States or a State or Local government is a party.

An employee may not receive fees for service as juror in a court of the United States or the District of Columbia; or as a witness on behalf of the United States or the District of Columbia. If an employee receives an amount (other than travel expenses) for service as a juror or witness in such a court, the employee must remit such amount to the Finance Office for deposit in the general fund of the Treasury.

Leave Without Pay (LWOP)
LWOP is an absence without pay initiated by the employee subject to the approval of the Committee Chair, unless statute otherwise requires placement in such leave status.

1. To be eligible an employee must have been employed by the committee for the entire month prior to the effective date of the LWOP status.

2. As a basic condition for approval of LWOP status, there should be a reasonable assurance that the employee will return to duty at the end of the LWOP period. Committee Chairs are encouraged to contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 prior to approving a LWOP status request to confirm that no conflict of interest issues exist.

3. LWOP status should be requested in advance of the period of absence.

4. LWOP status may not exceed 12 months in a 24-month period.

5. When an employee has been appointed to LWOP status, he or she continues to fill a payroll position. The name of such employees will be listed on the monthly Payroll Certification Form.

6. Continuation of Employee Benefits while on LWOP status:

a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in LWOP status is responsible for the payment of the employee's portion of the insurance premium for the period of the LWOP status, either by direct payment or by incurring a debt to the House.

b. Life insurance coverage continues for up to 12 months without employee contribution.

c. Retirement coverage continues without contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.

7. The placement of an employee on LWOP status must be made on the Payroll Authorization Form and received no later than the 15th day of the month in which the placement is to be effective.

Contact Human Resources at x52450 for such forms and additional information on employee benefits while on LWOP status.

Military Leave
Employees who are members of a National Guard or Armed Forces Reserves unit are entitled to leave without loss in pay, time, performance or efficiency rating for active duty or engaging in field or coast defense training as a Reserve of the Armed Forces or member of the National Guard. Leave accrues for an employee at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year (5 USC § 6323).

Contact the Office of House Employment Counsel at x57075 for additional information on the rights, benefits, and obligations of individuals absent from employment for service in an uniformed service (38 U.S.C. § 4317 - 4319).

See Replacement Employees (7).

Consultants

Pursuant to 2 U.S.C. § 72a(i) each committee is authorized, with the prior approval of the Committee on House Administration, to obtain temporary or intermittent services of individual consultants or organizations, to advise the committee with respect to matters within its jurisdiction.

1. The term of the contract agreement may not exceed 12 months or the end of a Congress, whichever occurs first.

2. The consultant is to act as an independent contractor and is not an employee of the committee. The Committee on House Administration will not approve a contract if the services to be provided by the consultant are the regular and normal duties of committee staff.

3. Individual contract agreements may not exceed the per diem equivalent of the highest gross rate of compensation that may be paid to a regular employee of the committee.

4. If the consultant receives federal retirement benefits during the term of the contract, the sum of all money paid to that consultant plus the federal retirement benefits for the calendar year may not exceed the maximum gross rate of annual compensation allowed for an employee of the committee.

5. A consultant may be reimbursed for the cost of transportation and travel-related expenses in accordance with the rates and regulations established for Members and employees of the committee. Consultants may travel at the government rate when traveling on official committee business.

6. Pursuant to clause 14(b) of House Rule XXIV, consultants are subject to certain provisions of the House Code of Official Conduct, including the gift rule, the prohibition against use of one's official position for private gain, and the requirement to conduct oneself at all times in a manner that reflects creditably on the House. For information relative to the House Rules, contact the Committee on Standards of Official Conduct, Office of Advice and Education at x57103 for further information.

7. Committee Chair must submit a letter requesting approval of the Committee on House Administration along with a signed contract agreement and resume of the proposed consultant, including, but not limited to, details of Federal Service either as an employee or pursuant to contract agreement with any committee of the Congress.

8. The letter must specify that the proposed contract has been approved by a majority of the Members of the committee and that no services pursuant to the proposed contract will commence prior to approval of the contract by the Committee on House Administration.

The Committee on House Administration will make available for public inspection a copy of the qualifications of each consultant.

Detailees

Pursuant to 2 U.S.C. § 72a(f), a committee may acquire on loan, with the prior written authorization of the Committee on House Administration, experts or other personnel from a Government department or agency.

1. Committee Chair must submit a letter to the Committee on House Administration requesting approval of the detailing agreement. The request must include the following:

a. Letter from the Committee Chair to the head of the particular Government department or agency explaining the need for the detail, the estimated period of the assignment, and the terms of reimbursement, if any, of the detail.

b. Written response from the Government department or agency agreeing to the detail request.

2. Detailing agreements may not exceed a 12-month period or the end of a Congress, whichever occurs first.

3. Committees are not required to reimburse for detailees, except for detailees from the Government Printing Office (GPO). Detailees assigned from GPO require full reimbursement from committee funds. The total number of non-reimbursable detailees, at one time, must remain at or below 10% of the committee's staff ceiling.

4. Detailees remain employees of the detailing department or agency, and are not employees of the House. Therefore, any travel by detailees will be undertaken pursuant to the authority of the detailing department or agency. Reimbursement of travel to the department or agency will be from committee funds and subject to the detailing agreement.

5. Personnel from the Congressional Research Service (CRS) may only be detailed to accompany an official committee delegation in the conduct of official committee business. CRS staff may only serve in a technical, nonpartisan capacity, and all travel costs are the responsibility of the committee.

6. Pursuant to 31 U.S.C. § 734 the Comptroller General may assign or detail an officer or employee of the General Accounting Office to full-time continuous duty with a committee of Congress for not more than one year.

COMMUNICATIONS

Advertisements

General
Ordinary and necessary expenses related only to the following types of advertisements are reimbursable:

a. notice of committee employee and internship openings

b. notice of official committee events (i.e., forums, field hearings)

Advertisements may not include the name, picture or likeness of any Member of the committee.

Advertisements must receive an Advisory Opinion from the Commission on Congressional Mailing Standards (Franking Commission). Contact the Franking Commission at x59337.

Disclosure
Committees must disclose, within the text of a television, radio and internet advertisement, the source of payment for the official advertisements. Committees may use any of the following:

a. "Paid for with official funds from the Committee on [committee name]."

b. "Paid for by funds authorized by the House of Representatives for the Committee on [committee name]."

c. "Paid for by official funds authorized by the House of Representatives."

Internet
Committees are authorized to purchase banner advertisement on Web pages. The banner advertisement may contain only text. The banner may link to a secondary page that contains only text relating to a category of authorized advertisement, and the secondary page may contain a link to the committee's home page.

Radio
Ordinary and necessary expenses for a radio advertisement only announcing an official committee event (e.g., field hearing, forum) are reimbursable.

Television
Ordinary and necessary expenses of a television advertisement only announcing an official committee event (e.g., field hearing, forum) are reimbursable. Television advertisements may only contain text and voiceover.

Booths

Ordinary and necessary expenses associated with renting or outfitting a booth to provide public information directly related to official committee business are reimbursable.

Electronic Communications

Ordinary and necessary expenses related to the distribution of electronic communications (e.g., the Internet, fax machines, etc.) are reimbursable.

Franked Mail

Use of the Frank
1. Pursuant to 39 U.S.C. § 3210, committees are entitled to the privilege of sending mail as Franked mail in order to assist and expedite the conduct of official committee business. The content of committee mail must relate to the normal business of the committee. For information regarding the use of the Frank, refer to the Regulations on the Use of the Congressional Frank.

2. At the request of the Committee Chair, a separate mail accounting system can be provided to the minority of the committee.

3. Any mass mailing mailed by the committee that relates to normal and regular business of the committee may be mailed without regard to election year mass mailing cut off provisions.

4. Mail to be delivered outside the United States, its territories and possessions (other than mail matter bearing an APO or FPO address for delivery through the United States military mail system) is not eligible for distribution under the Frank and may be sent with stamps.

In applicable circumstances, the committee may also use the following:

a. For official mail to U.S. Embassies and missions abroad, the Department of State provides diplomatic pouch service. For information regarding this service, contact House Postal Operations at x53856.

b. Committee hearings, reports and prints which are not available for purchase from the Government Printing Office, and which are to be sent to foreign countries, may be sent to the Library of Congress for forwarding through the Exchange and Gifts Division. For further information regarding this program, contact the Library of Congress, Exchange and Gifts Division at x75243.

Contact the Franking Commission at x59337 for additional information.

Franked Mail Monthly Statement
Each month the United States Postal Service (USPS) will prepare an USPS Franked Mail Monthly Statement listing the postage expenses of all Franked mail incurred in that month. The USPS will forward this statement directly to Postal Operations for payment from the committee's franked mail allocation and will provide an informational copy to committees.

Inside Mail

1. Inside mail is a delivery service for the transmittal of inter-office communications provided to congressional offices by House Postal Operations, pursuant to regulations established by the Committee on House Administration. Inside mail service is available among offices in the Capitol, the House and Senate Office Buildings, the Library of Congress, the White House, the State Department, and the Social Security Administration.

2. Inside mail service is provided to support the conduct of official business of Members, committees, Officers of the House, and Congressional Staff Organizations.

3. Inside mail service may not be used to circulate letters that are personal or campaign related, or which constitute commercial advertising except when postage is paid for with personal expenses.

4. All mail to be delivered via inside mail should be clearly marked "Inside Mail" and deposited in an inside mailbox.

5. Authorized items for circulation of Inside Mail include:

a. A Dear Colleague or similar correspondence relating to the official business of the committee. This correspondence must be on official letterhead and signed by the Committee Chair, Ranking Minority Member, or Member(s) of the committee.

b. A position paper, report, legislative analysis, or any material published or produced by another individual or organization a committee wishes to circulate. This correspondence must be accompanied by a signed cover letter, on official letterhead, endorsing the material. A copy of the cover letter must be attached to each item to be distributed.

c. Franked Mail.

d. Stamped Mail.

e. Mail for which a delivery fee has been paid.

f. Mail in reusable blue U.S. House of Representatives inside mail envelope.

g. Mail produced by Congressional Staff Organizations registered with the Committee on House Administration.

Dear Colleague letters and similar correspondence are transmitted to House Postal Operations, in the appropriate quantity, with a cover letter signed by the Committee Chair, Ranking Minority Member, or committee Member, indicating to whom the mailing should be distributed. For information regarding the distribution figures and procedures, contact House Postal Operations at x53856.

Non-Franked Mail

Ordinary and necessary expenses incurred only when the Frank is insufficient, such as certified, registered, insured, express, foreign mail, and stamped, self-addressed envelopes related to the recovery of official items, are reimbursable. Postage may not be used in lieu of the frank. Such mailings must be in compliance with the Franking Regulations.

See Regulations on the Use of the Congressional Frank (available from the Franking Commission at x59337).

Printing and Production of Committee Publications

Services required in support of the printing and production of committee hearings and prints are provided to each committee by the Government Printing Office (GPO). The following services are authorized pursuant to Title 44 of the U.S. Code:

a. The printing of up to 150 copies of committee hearings or prints on matters germane to the committee's jurisdiction. Additional copies, the total cost of which does not exceed $700, may be printed when authorized and approved by the Joint Committee on Printing. Any additional copies may be subject to the adoption of a House resolution authorizing such printing.

b. The binding of a maximum of four sets (two sets each for the Majority and the Minority) of each committee publication for retention and permanent use by the committee.

c. A committee may hire an individual or acquire a detailee on loan from GPO to provide assistance in support of the printing requirements of the committee. To request the detailing of a GPO employee, the Committee Chair should submit a request in writing to the Public Printer, c/o Congressional Printing and Management Division, GPO, Room C730, Washington, DC 20401.

See Detailees (18).

Stationery

1. Official stationery (official committee letterhead, envelopes, roll call forms, etc.) is procured from the GPO (44 U.S.C. § 734). Contact the Congressional Printing and Management Division of GPO at (202) 512-0224 and the Office of Printing Services (OPS) at x51908 for stationery requests.

Official stationery may not contain the following information:

a. Seals other than the Great Seal, Congressional Seal, or State Seal

b. Any Slogan

c. Private entity information or endorsement

d. Campaign contact information (e.g. address, phone number, e-mail address)

e. Greetings

2. Ordinary and necessary expenses related to the purchase of stationery (writing paper, press or news release letterhead, etc.) are reimbursable. Committees may purchase the stationery from OPS or an outside vendor.

3. Official stationery may be used only for a letter or other document the content of which complies with the Franking Regulations.

4. Ordinary and necessary expenses for business cards for committee employees are reimbursable. Cards must contain the name of the committee and accurately describe the position to which the employee has been appointed.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for guidelines on the use and appearance of official stationery. Contact the Franking Commission at x59337 for information on content of official correspondence.

Web Site Regulations

General

Web sites are a series of centrally maintained Web pages, accessible to the public via the Internet and stored on a specific host paid for with official funds. The home page is the first accessible page for that site.

1. Ordinary and necessary expenses associated with the creation and continued operation of Web sites in support of official committee business are reimbursable.

2. The minority and subcommittees shall be entitled to a separate page that is linked to and accessible only from the committee's Web page. For any Web pages created under this policy, the Chair (committee or subcommittee) or Ranking Minority Member (committee or subcommittee) responsible for its content must be identified on the introductory page.

3. Web sites must be located in the HOUSE.GOV host-domain and may be maintained either by House Information Resources (HIR), the committee office, or a private vendor.

4. Committee Web sites may link to Member Web sites, but Member Web sites may not be located on Web sites paid for by committee funds.

5. HIR will display an exit notice stating that users are leaving the House of Representatives, prior to linking to a non-House of Representatives Web site. The exit notice will include a disclaimer that neither the committee nor the House is responsible for the content of linked sites. Committees maintaining their sites on the Public web server are required to incorporate the exit notice into their external links.

Content
The content of a committee Web site may not:

a. Include personal, political, or campaign information.

b. Be directly linked or refer to Web sites created or operated by campaign or any campaign related entity, including political parties and campaign committees.

c. Include grassroots lobbying or solicit support for a Member's position.

d. Generate, circulate, solicit or encourage signing petitions.

e. Include any advertisement for any private individual, firm, or corporation, or imply in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

Name (URL)
1. The URL name for an official Web site located in the HOUSE.GOV domain must be recognizably derivative or representative of the name of the committee.

2. The URL name may not be a slogan or imply in any manner that the House endorses or favors any specific commercial product, commodity, or service.

Security

1. All House systems and devices with connections to the Internet must comply with network and security guidelines of the Committee on House Administration. These guidelines include the following:

a. Offices must send a written request for access to Internet services to HIR. Technical requirements will be provided to each office by HIR.

b. All users authorized access to the Internet must have unique identifiers and password security.

c. Users must immediately report any unauthorized access or unusual system activities to HIR Security Office (x66448). HIR will investigate any breaches of the Internet security system.

d. Internet access will be installed only after determination by HIR that anti-virus software has been installed on the committee's computer system.

2. Users with current anti-virus software provided by the House installed on in-office computers may download software, patches, and fixes. Users are responsible for complying with legal or contractual requirements from the owners of the software at least every six months.

Disbursements

Advance Payments

There are instances in which advance payments may be required and may be paid. Only the following advance payments are reimbursable, unless otherwise specifically authorized:

a. Facility rentals

b. Public information booth rental

c. Educational expenses

d. Newspaper and periodical subscriptions

e. Original Equipment Manufacturers' Warranties

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f. Telecommunication devices

Reimbursement and Direct Payment

Disbursements from funds available to committees are paid either on a reimbursement or direct payment basis and require the Committee Chair's signature, certifying that the expense was incurred in support of official committee business, and supporting documentation (i.e., receipt, invoice, etc.).

Seeking Reimbursement: Vouchers

Requests for reimbursement or payment from committee funds must be submitted on a completed voucher to the Finance Office.

Each voucher must include the following information:

1. Committee Chair's original signature.

2. Date(s) of service provided or date of purchase.

3. Payee (the party to whom the payment or reimbursement is being made) may be one of the following:

a. Committee Chair

b. Members and employees of the committee

c. Witnesses

d. Consultants

e. Government detailing agency

f. Designated vendor

For payment to individuals, the payee's tax identification number or Social Security number must be included on the voucher.

4. Description of the expenses incurred.

5. Supporting documentation (original invoices, original receipts, etc.).

6. Amount due.

Committees should provide the Finance Office with original receipts. If original receipts are unavailable, the Committee Chair may submit the voucher with the available documentation (e.g., copy of receipt or original credit card statement) with signed certification stating "I certify that this is a true copy. This is my only submission for payment."

In instances where original receipts are not provided (bus fares, pay phone calls, etc.) and for taxi fares under $10.00, the information on the front of the voucher will be recognized as sufficient.

General Expenses

Appliances

Ordinary and necessary expenses for small appliances (microwaves, coffee makers, etc.) for use in the committee offices are reimbursable.

Any equipment that exceeds $500 in value must be added to the committee's inventory. Contact Office Systems Management at x53994 to add such items to the inventory.

Clipping Services

Ordinary and necessary expenses related to clipping services (newspapers, periodicals, magazines, etc.) are reimbursable.

Decorating Expenses

Decorations of nominal value (such as frames, bookends, flags, seals, etc.) for committee offices are reimbursable. Contact the Committee on House Administration for a list of Government agencies that provide wall decorations free of charge.

Drug Testing

Ordinary and necessary expenses related to drug testing, in accordance with the committee's written drug testing program, are reimbursable.

Offices should consult with the Office of House Employment Counsel at x57075 when establishing drug-testing policies.

Dues

Dues, membership fees, assessments, and annual fees are not reimbursable (5 USC § 5946).

Educational Expenses

Ordinary and necessary expenses for Members or employees of the committee to attend conferences, seminars, briefings, and informational programs related to official committee business are reimbursable.

1. Reimbursement may not be made for expenses to attend educational programs in order to obtain a primary, secondary, graduate, post-graduate, or professional degree.

2. Expenses associated with acquiring or maintaining professional certification or licensing are not reimbursable.

See Advance Payments (27) and Contractors (6).

Employment-Related Expenses

Ordinary and necessary expenses related to filling employment vacancies are reimbursable. Transportation to and from employment interviews and relocation expenses upon acceptance or termination of employment are not reimbursable.

Equipment

For all questions relating to equipment and equipment-related issues, refer to the User's Guide to Purchasing Equipment, Software and Related Services, available from the Committee on House Administration.

Routine administrative requests (requests for equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov) or call First Call/One Call at x58000.

Food and Beverage Expenses

Members and employees of a committee may be reimbursed for food and beverage expenses incidental to an official meeting that includes persons who are not Members or employees of the House.

Members and employees of a committee may not be reimbursed for food and beverage expenses related to social activities or social events (e.g. receptions, entertainment, holiday or personal celebrations, etc.).

The cost of alcoholic beverages is not reimbursable under any circumstances.

See Representational Funds (34).

Framing

Framing services for items to be displayed in the committee offices are reimbursable. When committees use the in-House framing service provided by the Furniture Resource Center at x62421, charges will be automatically debited from committee funds.

Furnishings

Furniture, carpet, drapes, etc. for committee offices are supplied and maintained by the CAO through the Furniture Resource Center, without charge to the committee.

Incidental Use

Incidental personal use of equipment and supplies owned or leased by, or the cost of which is reimbursed by, the House of Representatives is permitted only when such use is negligible in nature, frequency, time consumed, and expense.

For example, limited use of government resources to access the Internet, to send or receive personal e-mail, or to make personal phone calls is permissible, so long as the use meets the above criteria, and otherwise conforms with the Regulations of the Committee on House Administration and the Code of Official Conduct (House Rule XXIV).

A Member office may adopt a more restrictive incidental use policy.

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Interpreting and Translating Services

See Interpreting and Translating Services (37).

Late Fees

Ordinary and necessary fees related to late payments incurred beyond the control of a Member or employee of the committee are reimbursable.

Mass Transit Benefit

Each office is authorized to provide to its qualified employees a transit fare benefit of a value not to exceed $100 per month on a qualified mass transit system. Each office may establish a salary limit for participation in this program. This transit fare may only be used by qualified employees for travel to and from their official place of work.

Employees may not simultaneously use a House parking permit and receive the mass transit benefit. Contact the First Call / One Call at x58000 for information related to this program.

Messenger Services

Ordinary and necessary expenses for messenger services related to official committee business are reimbursable.

Parking

1. A committee is provided parking permits for up to 80% of the committee staff level. Of the permits provided, 60% are indoor garage spaces and 40% are for outdoor lot spaces.

a. Garage parking spaces may be reserved. If space is reserved, the permit holder incurs additional taxable income as a working condition fringe benefit. Under the tax code and IRS regulations, Members and employees have imputed taxable income to the extent that the fair market value of Government-provided parking exceeds $175.00/month (the value of the parking space is subject to future adjustments).

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b. When a garage space is reserved, the Director of Garages and Parking Security will notify Human Resources.

c. Contact Human Resources at x52450 to make appropriate tax withholdings.

2. At the beginning of each Congress, the Director of Garages and Parking Security will send parking permit application forms to each committee. The Committee Chair should designate on the forms to who garage or outside parking space permits are to be issued, and with regard to garage space, whether the space is to be assigned on a reserved or unreserved basis. The application forms must include the individual's name, House of Representatives ID number (where applicable), the model, year and color of the individual's automobile, and the automobile license number and state.

3. All offices must retrieve parking permits from departing employees. Additionally, offices must notify House Garages and Parking Security of any transfers or changes in permit assignments. Notifications should be in writing on official letterhead and include Committee Chair's signature.

4. The House of Representatives will not be liable for any damage caused to or theft of any motor vehicle or contents thereof while parked on a House parking lot when that lot is not attended.

Contact the Committee on House Administration at x58281 for more details regarding the parking policy.

Photography Expenses

Ordinary and necessary expenses for photographic services related to official committee business are reimbursable. An in-House source is the Office of Photography at x52840.

Publications

Ordinary and necessary expenses related to purchasing or subscribing to publications, including but not limited to research materials, reference books, informational brochures or periodicals, for official committee business use are reimbursable.

All invoices for subscriptions received by the Finance Office through January 2 will be processed using funds from that session, including

subscriptions for service dates in the following session. Beginning on January 3, all subscriptions must be processed with the funds available on the beginning date of the subscription.

Records Maintenance and Archiving

1. House Rule XI, clause 2 (e)requires that each committee keep a complete record of all committee actions, including, but not limited to, the following:

· roll call votes

· committee publications (e.g., committee hearings, committee prints, legislative calendars)

· transcripts of unprinted hearings

2. For detailed information regarding archiving, contact the Legislative Resource Center at x51300 for a copy of Archiving Committee Records for Committees of the U.S. House of Representatives: A Handbook of Archival Practices and Procedures.

3. House Rule VII requires that at the close of each Congress, the Clerk shall obtain all non-current records of each committee and transfer them to the National Archives for preservation subject to the order of the House. The Clerk will provide, at the close of each Congress, each committee with the necessary instructions and forms to be used in retiring the committee's records to the Office of Records and Registration for transfer to the National Archives.

4. Archived records may be retrieved, when necessary, upon request submitted by authorized committee staff to the Office of Records and Registration. The Committee Chair must provide to the Clerk a list of staff authorized to request the retrieval of archived records.

Representational Funds

Ordinary and necessary expenses related to the purchase of items for official presentation when on official travel for the House outside the United States, its territories and possessions is reimbursable. Food and beverage expenses and the purchase of items for official presentation

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in connection with visits to the United States by foreign heads of State and other foreign officials are reimbursable.

To purchase items from the House Gift Shop, select the item(s) and notify the sales clerk that it is for official committee business. Receipts for such items should be vouchered and must be supported by a listing of the name, title or position, and country represented of all individuals attending the event and/or to whom an official presentation is made.

Specialized Training

Each committee is authorized, with the approval of the Committee on House Administration, to provide assistance to employees of the committee in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities.

1. Such assistance may be in the form of continuance of pay during the periods of training, or grants of funds to pay tuition or other expenses of training, or both.

2. Committees must obtain reasonable assurance from the employee of his or her intent to return to work so that the employee may convey the benefits of such training upon the committee.

The Committee Chair must submit a letter to the Committee on House Administration, prior to any expenses being incurred, explaining the need for the specialized training, the cost, the duration, and any other pertinent information.

Supplies

Ordinary and necessary expenses for office supplies in support of the conduct of official committee business are reimbursable. Supplies may be procured through Office Supply Store (OSS) located in B-217 Longworth or through an outside vendor.

OSS issues each committee an Account Card. The cost of all items purchased with the Account Card is charged directly to committee funds. Committee Chairs may request additional account cards for use by subcommittees and the minority.

Each month, OSS will provide each committee with a statement of all transactions charged to the committee's account card(s). Committees should reconcile their records with this statement to ensure accuracy. Discrepancies should be resolved immediately with OSS.

OSS also operates a gift shop in B-217A Longworth which sells souvenirs and mementos to Members, employees and the public. Committee Account Card(s) may not be used to purchase items at the Gift Shop.

For information regarding special orders, deliveries and monthly statements, contact OSS at x53321.

See Representational Funds (34).

Telecommunications

Ordinary and necessary expenses related to the official use, including periodic or flat service fees, of telecommunications lines (voice and data) in the residence of Members and employees of the committee are reimbursable. The cost of installation of such lines is not reimbursable.

TELECOMMUTING

Ordinary and necessary expenses incurred in compliance with the Committee on House Administration telecommuting policy are reimbursable. Offices may obtain a copy of the Telecommuting policy and agreement from the Committee's website at (http://www.house.gov/cha/publications/publications.html).

Hearings and Meetings

Committees must adhere to House Rules with respect to preparing for and holding hearings, mark-ups and meetings.

Notices of committee hearings and meetings should include a contact person to arrange for accommodations for persons with disabilities. For suggested language and assistance in meeting accommodations, contact the Office of ADA Services at x53005.

Audio and Video Expenses

Ordinary and necessary expenses including but not limited to the following, are reimbursable:

a. Audio and video taping of meetings and hearings.

b. Audio and video dissemination of committee meetings and hearings.

c. Video teleconferencing for official committee business.

Except for notices of official committee events, the costs related to purchasing television broadcast time are not reimbursable.

Note: In Washington, Communications Media, an in-House source for audio and video services, is available. Contact Communications Media at x53941 for information on services, charges and availability.

Charts / Presentation Materials

Ordinary and necessary expenses for the production of charts or other materials for official committee business are reimbursable. Committees may use the in-House service, House Information Resources (HIR), or an outside vendor for the production of charts. Contact HIR at x63799 for services and charges.

Field Hearings

Procurement of Rental Space
Committees are authorized to procure commercial space when federal, state, municipal or other public space is not available or not suitable.

Insurance for Rental Space
Committees may be asked to provide a certificate of insurance for the purpose of entering into a lease for securing space for a field hearing or other official events. The House does not carry a private insurance policy and generally does not permit the use of committee funds to pay for a private insurance policy.

Under the provisions of the Federal Tort Claims Act (28 U.S.C. § 2671-2680), the United States acts as a self-insurer and recognizes its liability for the negligent and wrongful acts or omissions of its employees acting within the scope of their official duties. The United

States is liable to the same extent an individual would be in like circumstances.

Although the Federal Tort Claims Act is not the equivalent of private liability insurance, it does provide an aggrieved party with administrative recourse, and if that proves unsatisfactory, it provides legal recourse for damage or injury sustained. Thus, to the extent negligent acts of congressional employees, while conducting official duties, result in either property damage or bodily injury, such damage or injury should be compensable under the Act in a manner which affords protection similar to private liability insurance.

However, if the provisions of the Federal Tort Claims Act are not considered adequate, the ordinary and necessary expenses for liability insurance to cover these risks are reimbursable. When a compensable event occurs, the deductible portion of a policy may be paid from committee funds.

Expenses for the purchase of fire and theft insurance are not reimbursable.

For advice and guidance regarding the Federal Tort Claims Act, contact the Office of the General Counsel at x59700.

Interpreting and Translating Services

Ordinary and necessary expenses related to procuring interpreting and translating services needed in conducting official committee business are reimbursable.

The Office of ADA Services (x53005) can assist committees in locating sign language interpreters for the public attending committee meetings and hearings.

The Congressional Special Services Office (x44048) will provide free interpreting services for hearing-impaired witnesses testifying before a committee in Washington, DC.

Stenographic Reporters

All transcription services covering a hearing, mark-up or other bipartisan meeting of Members of the committee called by the Chair of a committee or subcommittee, must be arranged through the Office of

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Official Reporters to Committees. Such transcription services are provided at no cost to committees.

1. For field hearings, the Official Reporters will either send an official reporter or arrange for a stenographic reporter from a commercial firm at the location of the field hearing. If an official reporter is assigned to cover a field hearing, travel expenses of the official reporter will be paid for by the Office of the Clerk.

2. When in-house stenographic reporters are not available, the Office of Official Reporters to Committees will arrange for an outside vendor. The vendor will submit to the committee a completed voucher along with a copy of the hearing transcript. The Committee Chair must sign the voucher and forward to the Office of Official Reporters to Committees for processing. There is no cost to committees.

3. The Committee Chair may authorize the use of an outside stenographic reporter, at direct cost to the committee, for meetings other than those that the Office of Official Reporters to Committees is required to cover. All expenses related to these services will be paid from committee funds. The invoice from the vendor should be vouchered directly to the Finance Office for payment.

Contact the Office of Official Reporters to Committees at x52627 for information on how to request a stenographic reporter.

Witnesses

The reimbursement of travel expenses incurred by a witness is an extraordinary measure.

Reimbursement will be made only when authorized by the Committee Chair. Reimbursement will be made only to an individual called to appear as a witness before a duly constituted meeting or hearing under House Rules or a duly constituted staff deposition.

Witnesses may travel at the government rate when the committee is reimbursing for travel expenses.

If a witness is a minor or requires medical assistance, reimbursement may be made to the parent or guardian of the minor or nurse or aide accompanying the witness.

If a witness resides outside the United States, its territories and possessions, reimbursement may be made to the witness for transportation expenses to and from the United States.

Travel

Travel in support of official committee business, is official travel. Official travel includes local travel and being away from home overnight when returning to the primary duty station is unduly burdensome or impractical.

The Committee Chair must approve all official travel. The Committee Chair may establish internal committee procedures for authorization of travel.

Domestic Travel

General
1. Ordinary and necessary expenses associated with official travel, including transportation, lodging, meals (excluding alcohol), and incidentals (parking, ticket change fees, etc.) are reimbursable.

2. Only Members and employees of the committee, consultants, vendors and witnesses may be reimbursed from committee funds for travel expenses (unless otherwise authorized, in writing, by the Speaker).

3. Any travel by detailees will be undertaken pursuant to the authority of the detailing department or agency. Reimbursement of travel to the department or agency will be from committee funds and subject to the detailing agreement.

4. Official travel may not be for personal, political, campaign or Member personal office purposes.

5. Official travel cannot originate from or terminate at a political or campaign event. Official travel may not be combined with or related to travel or travel related expenses paid for with campaign funds.

6. Living and commuting expenses are not reimbursable. Living expenses are meals, housing, and other personal expenses incurred at a committee Member or employee's residence or primary duty station. Commuting expenses are transportation expenses incurred by the

Members or employees between their residence and primary duty station.

7. Official travel may not exceed 60 consecutive days.

8. Only ordinary and necessary charges associated with failure to cancel reservations incurred beyond the control of the Members and employees of the committee are reimbursable.

9. The cost of alcoholic beverages is not reimbursable.

10. The Committee on House Administration encourages committees to establish a limit on reimbursement of travel related expenses and suggests the use of the locality based per diem rates as a guideline. The locality based per diem rates are located on the General Services Administration Web page at http://www.gsa.gov/search.htm.

11. No Member of the committee may be reimbursed for transportation or travel-related expenses after the date of the general election in which the Member has not been elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or after the adjournment sine die of the last regular session of the Congress (House Rule XXV, clause 10).

Combined Travel (Personal and Official)
Combined travel is travel by a Member or employee of the committee for the primary purpose of official committee business that includes an intervening destination or additional time period for personal purposes.

Combined travel requires that:

a) the primary purpose of the travel must be official

b) the personal segment of the combined travel may not be purchased at the government rate or purchased with a Government Travel Card.

c) the traveler seeks reimbursement for either the government rate of the direct route and means to the destination required for official committee business, or the actually traveled fare, whichever is less;

d) the traveler personally pays any additional expenses incurred as a result of the personal travel

e) the traveler attaches a brief memo to the voucher submitted for combined travel, stating that the official travel and personal travel was combined for personal convenience

Unexpected Travel
Travel expenses are reimbursable in the event that unexpected official business requires Members or employees of the committee to travel to Washington, D.C. or location of official committee business from a location within the United States, its territories and possessions. Travel to and from campaign or other political activities is not reimbursable. Travel may be booked at the government rate.

Committee funds may be used to return committee Members and employees to a location for personal business after fulfilling their official duties.

Methods of Travel
Subject to these travel regulations, all official travel by way of common carrier, chartered, leased, or privately-owned vehicle (airplane, automobile, etc.) is reimbursable.

Chartered Aircraft
Ordinary and necessary expenses related to chartering an aircraft are reimbursable when passengers are restricted to Members, their immediate family (spouse, child, parent) and employees of the committee, the names of whom must be stated on the voucher.

The full cost of the chartered aircraft must be paid for by committee funds.

If an immediate family member is a passenger, the Member must submit a check to the Finance Office payable to the US Treasury equivalent to the cost of a comparable commercial first class fare with an explanatory letter.

Corporate or Private Aircraft
Members and employees of the committee who travel via corporate, business or privately owned aircraft in support of the conduct of official committee business must reimburse the entity providing the flight for the fair market value of the flight. To determine the fair market value of such a flight, apply the following:

a. When the travel is via a previously or regularly scheduled flight by the corporation for its business, or individual, the entity must be

reimbursed based on the cost of a commercial first class flight to the nearest location served by a commercial passenger airline. If only standard (coach) rates are available at the nearest location, the committee must reimburse the entity for the standard (coach) rate.

b. When the flight is scheduled specifically for committee use, payment will be made based on the cost of an equivalent commercial chartered flight to that location.

Prior to scheduling travel provided by any corporation, business, or individual, the committee must verify that the person has the authority under its FAA certification to accept payment for travel as set forth above. Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for guidance.

Department of Defense
The Department of Defense will support approved travel of Members and employees of the Congress upon request of the Congress, pursuant to law or where necessary to carry out the duties and responsibilities of the Department of Defense.

The Department of Defense Directive number 4515.12 prescribes the policy of the Department of Defense with respect to support for travel of Members and employees of Congress. For additional information, contact the Congressional Liaison Office of any branch of the Armed Services.

Officially Leased Vehicle
Ordinary and necessary expenses related to the short-term lease of a vehicle in support of the conduct of official business are reimbursable.

1. Non-governmental use of a vehicle may be made only when such use is:

a) during the course of and generally along the route of the day's official itinerary

b) incidental to the day's official committee business

c) de minimis in nature, frequency, and time consumed

d) does not otherwise constitute a significant activity or event

2. The Committee recommends that cars be rented at the government rate with unlimited mileage and full and comprehensive collision damage waiver (CDW) coverage. Not all rental car franchises include CDW coverage with the government rate. To ensure CDW coverage, offices should make their rental car reservations through the Combined Airline Ticket Office (CATO). CATO is located at B-222 Longworth, (703) 522-2286.

3. If the government rate is unavailable or the government rate does not include CDW coverage, the cost for CDW coverage is reimbursable.

3. Personal accident insurance, personal effects coverage, and equivalent insurance policies are not reimbursable.

4. Security deposits, advance payments, termination fees, traffic violations, etc., are not reimbursable.

If an employee on official business is involved in an accident with a rental car, notify the Office of General Counsel at x59700.

Privately Owned or Leased Vehicle
Mileage incurred via a privately-owned or privately-leased vehicle while on official business is reimbursable on a rate per mile basis. The maximum rates per mile are (rates are subject to change):

Automobile: $ .36

Motorcycle: $ .275

Airplane: $ .955

Only mileage for use of an aircraft that is privately owned by either a Member or employee of the committee is reimbursable.

See Corporate or Private Aircraft (41).

Travel Expenses
The Committee on House Administration strongly recommends that committees submit their vouchers for travel reimbursement at least fifteen days before the payment due date to assist the Finance Office in providing timely reimbursements and prevent committee Members and employees from incurring late fees or delinquency problems.

Government Rate

Government rates are available to Members and employees of the committee to support the conduct of official travel. To be eligible for government rates when scheduling official travel, Members and employees of the committee may present:

a. Government Travel Charge card

b. Government Travel Cardless Account

c. Government Travel Request form

d. Official Travel Authorization coupon

Contact the Finance Office at x56514 for account information and forms.

Government Travel Card

1. The Government travel card is available for Member and employee use for official travel and travel-related expenses. Such travel expenses incurred on this or any other credit/charge card, are directly reimbursable to the traveler or to the cardholder with a copy of the credit card statement, an accompanying voucher, and applicable receipts.

2. Each Government travel card is individually issued, and each employee to whom the card is issued is personally liable for making payments on the card and remaining current on any unpaid balance.

3. When reimbursement is to be made to the cardholder for expenses incurred by someone other than the cardholder, the description of services stated on the voucher must clearly identify the traveler and the expense incurred.

4. The Government travel card is for official travel purposes only and may be used by the cardholder only. Use of the card for any personal or non-official purchases is prohibited. The cardholder may use the card to purchase travel-related services (airline tickets, hotel expenses, etc.) for other authorized travelers, although the vendor does not encourage this practice.

5. The Finance Office will monitor the monthly aging report received from the vendor and alert offices of delinquencies. The Finance Office will not intervene with the vendor in the event of a delinquency.

Government Travel Cardless Accounts

1. The Government travel cardless account is available for committees to use to purchase airline tickets through CATO.

2. The Committee Chair must appoint an employee of the committee to act as manager of the account and specify which employees are authorized to use the account.

3. Reimbursement for expenses incurred with the cardless account is made directly to the credit card company. Committees must submit the original credit card statement and airline ticket receipt to the Finance Office along with the voucher.

Shared Travel Expenses

Official travel expenses may be shared by more than one committee office or with a Member office. The division of costs must accurately reflect the expenses incurred by each office.

Travel Promotional Awards

Free travel, mileage, discounts, upgrades, coupons, etc. accrued by Members or employees as a result of official travel awarded at the sole discretion of the company as a promotional award, may be used at the discretion of the Members and employees of the committee. The Committee on House Administration encourages the official use of these travel awards whenever practicable.

Foreign Travel

The authority to incur expenses for foreign travel is contained in the House Rule X, clause 8, 22 U.S.C. § 1754, and in other provisions of law.

General

1. Travel is coordinated through the State Department Travel Office. The State Department will issue a Government Travel Request form that is processed through CATO. Each committee should obtain a copy of the State Department's "Guide to Official Foreign Travel" for information concerning what paperwork is required. For other travel questions regarding arrangements, contact the State Department at (202) 647-1882. Information regarding per diem while on foreign travel is located at www.state.gov/www/perdiems/index.html.

2. Members and employees should use American carriers whenever possible, unless such service is not reasonably available.

3. No appropriated moneys or local currencies owned by the United States may be used to pay foreign travel expenses of committee Members after the date of the general election in which the Member has not been elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress (House Rule XXV, clause 10).

Authorization
Speaker of the House
The Speaker has the authority to designate any Member or employee of the House to travel on business of the House outside the United States, its territories and possessions (22 USCS § 1754 (b)(1)(B) and House Rule I, clause 10).

Committee Chair
Committee Chairs have the authority to designate any Member or employee of the committee to travel on official committee business, outside the United States, its territories and possessions (22 U.S.C. § 1754 (b)(1)(B)).

Foreign Travel Reports
Individuals
House Rule X, clause 8(b)(3) requires each Member and employee who performs official foreign travel to submit, no later than 60 days following the completion of travel, an itemized report to the Committee Chair under whose authority the travel was performed. The report should contain the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, other funds expended for official purposes and summarize in these categories the total foreign currencies and/or appropriated funds expended.

Committee Chair
22 U.S.C. §1754 (b)(2) requires the Chair of each committee, on a quarterly basis, to prepare a consolidated report of amounts expended for foreign travel by each Member and employee of the committee. The report should include the amounts expended in foreign currency (in dollar equivalent values), amounts expended in appropriated funds, the purpose of each expenditure (including per diem and transportation), and the total itemized expenditure by each Member or employee of the committee.

The Clerk of the House will provide each committee with a "Report of Expenditures for Official Foreign Travel" form that must be completed,

signed, and returned to the Clerk of the House. The report will be published in the Congressional Record and be open to public inspection at the Legislative Resource Center at x51300.

Speaker Authorized Travel
22 U.S.C. § 1754 (b)(3)(A) requires each individual authorized by the Speaker to travel outside the United States to file a report with the Clerk of the House within 30 days after the completion of the travel. The report should include the amounts expended in foreign currency (in dollar equivalent values), amounts expended in appropriated funds, the purpose of each expenditure (including per diem and transportation), and the total itemized expenditure.

For groups authorized by the Speaker, the Chairman or if there is no designated Chairman, the ranking Member or senior employee of the group, is required to submit a report for all Members of the group.

The report will be published in the Congressional Record and be open to public inspection at the Legislative Resource Center at x51300.

Interparliamentary Group or Delegation
22 U.S.C. § 276c-1 requires each Committee Chair or senior Member of an interparliamentary group or delegation traveling outside the United States to submit an itemized report to the Chair of the Committee on International Relations. The report must include all expenditures made by, or on behalf of each Member or employee of the group, and the purpose of the expenditures, including per diem (lodging and meals), transportation and other expenditures. The report must be completed before the end of the session in which the travel occurred. Contact the Committee on International Relations at x55021 for additional information.

The Chair of the Committee on International Relations will, within sixty days after the beginning of each regular session of Congress, prepare a consolidated report with respect to each group that has submitted a report. The consolidated report will be filed with the Committee on House Administration and shall be open to public inspection at the Legislative Resource Center at x51300.

Amending Travel Reports
Miscellaneous travel expenses (i.e., receptions, ground transportation, security) recognized subsequent to submission of the original foreign travel report should be reported to the Clerk of the House in the form of an amended report.

Foreign Gifts and Decorations Report

5 U.S.C. § 7342 requires each Member or employee who has accepted a tangible gift or decoration of more than minimal value ($260), or a gift of travel or expenses of travel taking place entirely outside the United States, its territories or possessions, tendered by a foreign government, to file a report with the Committee on Standards of Official Conduct within 30 days after the acceptance of the gift, decoration or travel. The report will be open to public inspection at the Committee on Standards of Official Conduct.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for the applicable forms.

EXHIBIT 2

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Rep. Luis Gutierrez
REVIEW #(s):	13-7135
DATE:	October 22, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	4:00 PM to 5:25 PM (approximate)
PARTICIPANTS:	Kedric Payne Scott Gast Andrew Herman, Counsel

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently the United States Representative from the Fourth District of Illinois.

3. The witness first met Doug Scofield during his first campaign for Congress in 1992. He was introduced to Mr. Scofield through David Wilhelm, who was managing the Clinton presidential campaign at the time. Mr. Scofield was hired to work on Rep. Gutierrez's campaign through Mr. Wilhelm's firm.

4. During the 1992 congressional campaign, Mr. Scofield was responsible for the general management of the campaign. He also hired vendors for fundraising and polling. He was paid through the Wilhelm firm.

5. After the witness was elected in November 1992, he invited Mr. Scofield to become his congressional chief of staff. The witness said he had developed a close working relationship with Mr. Scofield during the campaign.

6. As chief of staff, Mr. Scofield was responsible for running the congressional office. He hired and fired people and developed the office budget. The witness believes that Mr. Scofield was also involved in general legislative strategy, but could not recall any specific instances.

7. Asked if Mr. Scofield had any responsibility for press issues as chief of staff, the witness said that he had hired a separate individual to serve as press secretary. The witness believes that Mr. Scofield and this person previously worked together, and that this person came with Mr. Scofield from the Wilhelm firm.

8. According to the witness, Mr. Scofield left his congressional office in late 2002, after he had been invited by Governor-Elect Blagojevich to serve in the new position of Deputy Governor.

9. Mr. Scofield was succeeded as chief of staff by Jennice Fuentes, who had served as the witness' legislative director and second-in-command to Mr. Scofield.

10. After Mr. Scofield left the congressional office to serve in the Blagojevich administration, the witness kept in regular touch with him. As some point just a few months after Mr. Scofield started in his position, Mr. Scofield called the witness and told him it had been a mistake to make the job change. He told the witness that he could not stay in his position, as lots of political decisions were being made by the governor's finance committee.

11. The witness said that Mr. Scofield resigned from the Blagojevich administration roughly two months after he had started.

12. After his resignation, Mr. Scofield started his own company with his wife, Melanie. When asked what the new company did, the witness said to ask Mr. Scofield or his wife.

13. The witness said that he knows that the company engages in lobbying, but he was not sure what kind of lobbying. He said that he never talked with Mr. Scofield about lobbying.

14. With respect to the new company, the witness interacted primarily with Mr. Scofield, and he rarely worked with Melanie Scofield. He did not know who else worked for the company.

15. The witness said he only became aware of the company's clients after reading about them in the USA Today stories. He added that he knew Mr. Scofield was involved with the Greater Chicago Food Depository prior to that, but he did not recall how or when he learned that.

16. The witness said that he does not believe he ever discussed Mr. Scofield's clients with Mr. Scofield, but noted that they have been friends for 21 years.

17. The witness said he had referred political folks to Mr. Scofield's company, including state representatives and county commissioners, for services like direct mail, communications consulting, and campaign strategy. He could not recall ever making a referral to Mr. Scofield for lobbying work.

18. The witness said that when Mr. Scofield called to tell him he was resigning from his position with the governor and starting his own firm, he told Mr. Scofield that he wanted to be one of his first clients. The witness said that he had not wanted to lose Mr. Scofield in the first place, so while he was saddened that the gubernatorial position had not worked out, he was also happy that he would "get Doug back." He said that he had always admired Mr. Scofield's work and trusted his judgment.

19. When asked if there had been any discussions about Mr. Scofield returning as an employee in the congressional office, the witness said that they did have such conversations from time to time, but that was not until much later. He also noted that Ms. Fuentes had already taken on the job of chief of staff.

20. Shortly after Mr. Scofield resigned, the witness made the decision to retain Mr. Scofield through his congressional office. He said that he told Ms. Fuentes that "we'd have Doug back on staff," and that he would be a "consultant."

21. The witness said that after speaking with Mr. Scofield, he instructed Ms. Fuentes to hire him and to make arrangements to have him paid. He did not remember specific details about his conversation with Ms. Fuentes.

22. The witness said that he did not recall any conversations with Ms. Fuentes after he instructed her to hire Mr. Scofield. He learned after the USA Today story appeared what Ms. Fuentes had done after he gave her this instruction. He also noted that Mr. Scofield and Ms. Fuentes were friends.

23. The witness explained that Ms. Fuentes was a 15-year veteran of Congress and had been second-in-charge behind Mr. Scofield. He added that Mr. Scofield himself had ten years experience as a chief of staff. He trusted the two to work out the logistics of the relationship.

24. The witness said he never read the written agreement between his congressional office and Mr. Scofield's company "with any attention to detail" until after the USA Today story appeared.

25. When asked what Mr. Scofield was retained to do, the witness said that he understood Ms. Fuentes was a new chief of staff who needs help, that Mr. Scofield would develop staff, and that he would help press and media staff. He said that Mr. Scofield was also the type of person he could call at 1:00 AM to ask for a speech he needed to give the next day; Mr. Scofield was on call "24/7."

26. The witness said that, to the best of his knowledge, the contract between his congressional office and Mr. Scofield had been renewed five times under identical conditions

27. The witness was not aware of any other instances in which his congressional office had hired a contractor.

28. The witness did not have any contact with the Committee on House Administration regarding the Scofield agreement at this time, nor was he aware of any contact with the Committee by his staff. After the USA Today article appeared, Ms. Fuentes told him that she had faxed the agreement to the Committee staff for approval, but that she couldn't find the email back from the Committee.

29. The witness said that there had been no conversations about potential conflicts of interests between work that Mr. Scofield was to do for his congressional office and work he would be doing for his other clients.

30. The witness said that there was no discussion about Mr. Scofield's lobbying activities because they were not germane to the office. The witness believes that all of Mr. Scofield's lobbying clients were state, rather than federal, clients.

31. The witness said he thought that Ms. Fuentes had reached out to both the Committee on House Administration and the Committee on Ethics regarding the agreement with Mr. Scofield.

32. The witness believes that the terms of the agreement, including the amount of Mr. Scofield's fees, were negotiated by Ms. Fuentes and Mr. Scofield. The witness said that he knew how

much Mr. Scofield was being paid and was "OK" with it. The witness did not know why the retainer fee started at $5,500 per month but then was reduced to $4,500 per month.

33. The witness said he allowed Ms. Fuentes latitude to sign on his behalf, but that the signature on the initial agreement, dated April 1, 2013, was his signature. When asked if he approved the terms of the agreement, the witness said that he must have, since he had signed the agreement. He noted that he had no specific recollection of signing the agreement.

34. When asked if a specific term had been contemplated for Mr. Scofield's services, the witness said that Mr. Scofield would still be serving today if not for the USA Today story.

35. According to the witness, Mr. Scofield reported to chief of staff Jennice Fuentes, as she was the chief of staff and everyone in the office reported to the chief of staff. He added that everyone in the office also reports to him. He noted that he did not have to go through his chief of staff, however, if he wanted to get Mr. Scofield on the phone.

36. The witness said that Mr. Scofield worked with his congressional office chief of staff, communications director, and district staff. When asked if Mr. Scofield worked with the legislative staff, the witness said that he had asked his current chief of staff/former legislative director and it appears that Mr. Scofield had not worked with legislative staff.

37. The witness said that Mr. Scofield's duties as a contractor to the congressional office included helping him whenever he needed help drafting remarks or speeches, and helping him learn how to better communicate on issues.

38. Mr. Scofield primarily worked with the witness' communications director, but also worked with anyone else on staff who needed "help." When asked what kind of "help" Mr. Scofield provided, the witness said that if the chief of staff need help with something, Mr. Scofield would help "handle" certain things. The witness noted that Mr. Scofield had previously served as chief of staff himself. The witness said that his chief of staff would know better about the specifics of what Mr. Scofield did.

39. Asked if Mr. Scofield had any oversight responsibilities in the congressional office, the witness said he did have such a role after a staff reorganization in his district offices. The witness asked Mr. Scofield and Slim Coleman, a district employee, to work together to ensure that district office operations ran smoothly during the transition.

40. The witness was shown a September 3, 2012 email he sent to Mr. Scofield and his chief of staff, directing that his chief of staff and legislative director were not to be absent from the congressional office on the same days. When asked why Mr. Scofield was included on such a directive to staff, he said that this was part of Mr. Scofield's training of the current chief of staff, he was helping the chief of staff with her duties.

41. The witness was shown an August 25, 2012 email he sent to Mr. Scofield, forwarding an email from the witness to his chief of staff regarding a problem with district office operations. He was also show a second email forwarding the same message to Mr. Scofield's wife, Melanie. The witness noted that he emails very little and did not recall why he forwarded the email to Melanie.

42. The witness said that the email to his chief of staff came about because a district employee had been "ripping off" constituents who had come for help. He described this as an "extraordinary" situation that required his direct involvement. He wanted to know who had been hurt or damaged as a result of a problematic district employee.

43. Mr. Scofield was included in this situation for training purposes, as he would be helping the chief of staff. Mr. Scofield was also based in Chicago and could bring "fresh eyes" to help solve the problem with the district operations. He had been chief of staff, so it was important to bring him in to help ensure that the district office was doing things right going forward. The witness also wanted people on the ground in Chicago to run the office, rather than people in DC.

44. The witness said that whenever there was a crisis that needed to be handled, he would direct his staff to "Call Doug."

45. The witness was shown an undated memo from the witness to his communications director and Mr. Scofield, reminding them that they should coordinate vacation time to ensure they are not absent at the same time. The witness said that he wanted to make sure that someone who understands communications is present. He did not, however, recall any occasion when Mr. Scofield had to act as press secretary. He explained that there is not a reporter in Chicago who didn't know that Mr. Scofield worked for the witness.

46. When asked if Mr. Scofield assisted with legislative work, the witness said he did not. He said that Mr. Scofield was not involved in any financial services, judiciary, or intelligence committee work. That work was done by the legislative director and legislative staff.

47. The witness did not know whether Mr. Scofield reviewed or edited materials drafted by legislative staff. The witness never had Mr. Scofield review legislative language.

48. The witness said that Mr. Scofield did prepare floor speeches or remarks for the witness, but he did not consider that legislative work. Rather, he saw it was communications work.

49. The witness said that Mr. Scofield drafted speeches and "one-minutes," working with the communications director. He said that Mr. Scofield edited or helped with speeches given on the House floor. Some of the speeches promoted certain general policies. Others simply highlighted decisions made by the executive branch or encouraged some executive action. The witness said, as an example, that a speech may have questioned whether the Department of Justice should have oversight over the Puerto Rican police.

50. The witness said that the speeches or remarks that Mr. Scofield worked on were not always about specific pieces of legislation or matters on the House floor, but were about topics important to the witness and his district.

51. When asked if Mr. Scofield drafted or reviewed letters to administration officials regarding official actions, the witness said he did not recall Mr. Scofield being involved in this kind of work. He said Mr. Scofield would help with speeches urging officials to take action, but he did not know about Mr. Scofield assisting with letters.

52. The witness was shown an October 19, 2012 email from Mr. Scofield to the communications director, copied to then-deputy chief of staff Enrique Fernandez and the witness, regarding "DOJ

and DOL letters" regarding a Puerto Rican newspaper. The witness said he had no recollection of these letters and said that the communications director may have such knowledge.

53. The witness was shown a January 26, 2013 memorandum from his then-legislative director to the witness and Mr. Scofield, copied to the communications director and to the legislative counsel, titled "Immigration Happenings and Legislative Update." The witness did not recall the memo, but did recall the conversation about the decisions that were referenced in the memo. The witness said that Mr. Scofield was included because it was more about strategy than the particulars of a bill.

54. The witness was shown a November 29, 2011 email he sent to his then-chief of staff about a discussion with Senator Rubio about a U.S. Ambassador, in which the witness directs the chief of staff: "Send to Doug get review and sent to Senator." The witness said he did not know why he asked for Doug's review, but speculated that it involved a political/legislative quandary and he probably wanted Mr. Scofield eyes and ears on it. He said that Mr. Scofield was there to help on these kinds of issues.

55. The witness was asked about a January 25, 2013 email he sent to his communications director and Mr. Scofield, forwarding an email from another Member of Congress regarding an immigration reform announcement. The witness did not recall why he forwarded the email, but noted that his communications director and Mr. Scofield worked together on communications issues. He did not recall discussing the substance of the email with Mr. Scofield.

56. The witness does not believe that Mr. Scofield worked on appropriations issues. He did not recall Mr. Scofield ever discussing appropriations requests with him.

57. When asked if Mr. Scofield did any work for his congressional campaign while serving as a contractor to the congressional office, the witness explained that there was not much of an occasion for campaign work, as he had not had a serious challenger since the 2002 campaign.

58. The witness said that any reported expenditures from his campaign to Mr. Scofield's firm involved specific projects. For example, the witness had wanted to get out in Cicero more and sponsored fairs in that area. He chose to use his campaign instead of his congressional office to organize and pay for those fairs.

59. The witness did not recall the specific payment arrangements made between his campaign and Mr. Scofield's firm for these projects. He noted that his wife paid the bills for the campaign.

60. The witness was asked about the compensation arrangements for Mr. Scofield's assistance with the witness' book. The witness said that he was offered a $65,000 advance for the book, but under House ethics rules, he is not permitted to accept any advance. Rather, he permitted Mr. Scofield to accept a $55,000 advance. With respect to royalties, Mr. Scofield and the witness are splitting any royalties; however, neither will receive any royalties until the entire advance has been recouped by the publisher.

61. The witness said that, at the time Mr. Scofield was hired a contractor to the congressional office, he did not know that Mr. Scofield worked as a registered state lobbyist, and there had been no

discussion about his lobbying activities. The witness said he did not learn that Mr. Scofield was a state lobbyist until the USA Today story ran.

62. The witness said that Mr. Scofield never asked him to act on behalf of anyone. He knew that Mr. Scofield had a relationship with the Greater Chicago Food Depository, and knew that Mr. Scofield was paid for his services by the Food Depository, but he did not know what services Mr. Scofield actually provided. The witness said that he must have discussed the Food Depository with Mr. Scofield at some point, because he knew that Mr. Scofield worked for that organization prior to the USA Today story.

63. The witness said that Mr. Scofield never spoke with him about an appropriations request for the Food Depository.

64. The witness was shown a July 20, 2004 email from Mr. Scofield to his then-chief of staff, in which Mr. Scofield asks: "What do you think is the timing for any decisions regarding the appropriation? Also, Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you." The witness said he did not know anything about this email. He did not know what "Food Depository success" meant.

65. After the USA Today reporter began asking questions about Mr. Scofield, the witness directed his staff to put together the relevant documents to become better informed of the situation and to see which documents would be provided to the reporter. The witness said he wanted to know if there was any substance to what the reporter was saying. He said that he wanted to make sure that his office had complied with the rules.

66. The witness said that the first thing he said to his staff was to go to the Committee on House Administration to make sure that the arrangement with Mr. Scofield was ok. He said that his chief of staff dealt with this.

67. The witness said that his staff explained to him that Mr. Scofield could not continue doing what he had been doing for the congressional office. The witness said that the fact that Mr. Scofield was also a registered state lobbyist was an issue: it would be difficult to identify and avoid potential conflicts in the future, even if positions taken by the witness were wholly independent of Mr. Scofield. He explained that if Mr. Scofield's relationship with the Food Depository and the Chicago Botanical Garden – two non-profit organizations – caused this much trouble, he did not want to have this problem going forward. The witness wanted transparency.

68. The witness was not aware of any contact between his congressional office and the Committee on Ethics at this time. He suggested we ask his chief of staff about this.

69. The witness had discussions with Mr. Scofield at the time of the article. Mr. Scofield was involved in crafting a response to the reporter's inquiries. The witness said that he knew that Mr. Scofield had not done anything wrong, so he had no problem with Mr. Scofield's involvement in preparing a response to the reporter.

70. When asked if he discussed the substance of the reporter's questions with Mr. Scofield, the witness said that it seemed to him that the services provided by Mr. Scofield were those provided for in the contracting agreement. He said that Mr. Scofield was "anything but a ghost payroller."

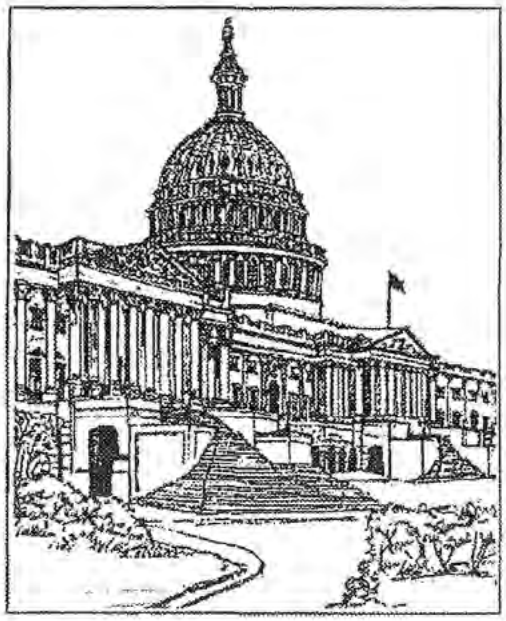
71. The witness wanted Mr. Scofield to keep working for his congressional office. However, he saw that there were only two options: Mr Scofield would have to become a full-time employee of the congressional office or he would have to resign. Mr. Scofield did not accept the offer to become a full-time employee and instead resigned as a contractor.

72. When asked why continuing the contracting arrangement with Mr. Scofield was not an option, the witness stated that the agreement had been approved five times.

This memorandum was prepared on October 23, 2013 after the interview was conducted on October 22, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 22, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 3



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: Barbara Buchanan, Finance Office
FROM: Jennice Fuentes, Chief-of-Staff
FAX: 58031

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if you need any additional information.

Thanks,

Jennice Fuentes

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LVG_COE-00004

COE.GUTIERREZ.000004

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386.[redacted] | 708.445.[redacted] fax | [redacted]@scocomm.com

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4·1 03
Date

Name and title (Print)

Luis V. Gutierrez
Signature

4/1/03
Date

COE.GUTIERREZ.000006

EXHIBIT 4

Collins, Susan

From: Collins, Susan
Sent: Wednesday, June 05, 2013 10:04 PM
To: Fleet, Jamie
Cc: Craven, Kelly
Subject: RE: request from CHA Majority
Attachments: Gutierrez to Finance 2003.pdf; Gutierrez to House Admin 2003.pdf

Hello Kelly & Jamie,
This is what was in our records in 2003.

I've gone through the original contract language--looks the same as the contract we submitted to Finance for this Congress.

I appreciate your review. Thanks.

Susan Collins | Chief of Staff
CONGRESSMAN LUIS V. GUTIÉRREZ (IL - 4)
2408 Rayburn
202-225-8203 PH | 202-225-7810 FAX

From: Fleet, Jamie
Sent: Wednesday, June 05, 2013 12:47 PM
To: Collins, Susan
Cc: Craven, Kelly
Subject: request from CHA Majority

Susan – I've cc:ed my counterpart Kelly Craven who is asking for correspondence you have between the Committee and Finance in 2003. I told her I hadn't seen it but as I understand it was some fax correspondence. Could you send it over to us?

Thanks.

Jamie Fleet
Democratic Staff Director
Committee on House Administration
1307 Longworth House Office Building
(202) 225-[redacted]
http://democrats.cha.house.gov/

SC_OCE-68

COE.GUTIERREZ.07149

Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: **Darren Feist, House Administration**
FROM: **Jennice Fuentes, Chief-of-Staff**
FAX: **59957**

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.

I appreciate your assistance with this matter.

Jennice Fuentes
225-8203
225-[redacted] (direct line)

SC_OCE-69

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386.[redacted] | 708.445.[redacted] fax | [redacted]@scocomm.com

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4·1·03
Date

Name and title (Print)

Signature

Date

Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: **Darren Feist, House Administration**
FROM: **Jennice Fuentes, Chief-of-Staff**
FAX: **59957**

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.

I appreciate your assistance with this matter.

Jennice Fuentes
225-8203
225-[redacted] (direct line)

SC_OCE-72

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386[redacted] | 708.445[redacted] fax | [redacted]@scocomm.com

SC_OCE-73

COE.GUTIERREZ.07154

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4·1·03
Date

Name and title (Print)

Signature

Date

EXHIBIT 5

Thank you for your business!

Invoice No. 110 **Client: Congressman Luis Gutierrez**

Date: August 16, 2003 **Services: Staff Training, misc.**

Reimbursement for Expenses:

None

Fee for services:

As described per contract, incl. staff training, assistance with non-legislative message development

August 1 – August 31

Total Amount Due: **$4,500.00**

EXHIBIT 6

Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: Barbara Buchanan, Finance Office
FROM: Jennice Fuentes, Chief-of-Staff
FAX: 58031

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if you need any additional information.

Thanks,

Jennice Fuentes

LVG_OCE_4

COE.GUTIERREZ.000004

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386.[redacted] | 708.445.[redacted] fax | [redacted]@scocomm.com

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4·1·03
Date

Name and title (Print)

Luis V. Gutierrez
Signature

4/1/03
Date

LVG_COE_6

LVG_COE-00006

COE.GUTIERREZ.000006

EXHIBIT 7

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
November 23, 2012

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2013 through 12/31/2013

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $6,000.^{00} per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the [illegible] any confidential information relating to or dealing with business operations or activities of client.

[illegible]

[illegible] 12-21-12

Dean Scofield Date

Scofield Communications

Congressman Luis V. Gutierrez

Name and title (Print)

[illegible] 12/21/12

Signature Date

SC_OCE-549

COE.GUTIERREZ.07547

EXHIBIT 8

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Tuesday, June 26, 2012 10:40am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Cc: "Fuentes, Jennice" <Jennice.Fuentes@mail.house.gov>
Subject: 5 minute

Thinking about the five minute, which Ivg is quite focused on at the moment. Is it possible to do a visual with pictures of 4 people, one Latino, one Asian, two anglo. Close-up, head shots of all four. The idea would be to guess which one is an immigrant. Of course, we would want to identify one, or both, of the anglos as immigrants, and the Latino and Asian as citizens. I suppose we could do well-known people, who are in the public domain. Find a prominent anglo physicist or athlete who is an immigrant, choose a Latino musician who is a citizen. Anyway -- you get the idea. Any thoughts for the actual people would be helpful. Also, head shots of Scalia and Sotomayor for visuals. Any concerns about using pictures of justices? I don't intend on being particularly critical of Scalia, the point would simply be that the white guy's family are immigrants and the Latina's family have always been citizens.

I will get something to you today, but it might be end of day. Any thoughts appreciated. How did you think everything played yesterday?

EXHIBIT 9

From: Rivlin, Douglas
Sent: Saturday, September 10, 2011 10:57 AM
To: '[redacted]@scofieldcompany.com'; Fernandez, Enrique; '[redacted]@gmail.com'
Cc: Johnson, Kathryn; Fuentes, Jennice; Collins, Susan
Subject: Puerto Rico Monday

LVG wants a 5 minute on Wednesday on the PR police DOJ report to re-insert ourselves in the story, call for bigger response and keep pressure on Fortuno.

He'd like Scofield (by phone) Enrique and Rivlin to work on it with him at 5:30 ET/4:30 CT Monday. DougSco, are you available? (Kate: is LVG?)

Enrique: No Delgado interview Monday but we'll give him advance of Wednesday speech on Tuesday. I will send him an e-mail, but if he calls you tell him.

LVG wants us to excerpt the parts of the DOJ report we were out in front on with the previous floor 5 minute speeches - the stuff Fortuno did. Maybe Evan can pitch in Monday.

We can supplement the new 5 minute with a HuffPo piece.

We can discuss all this Monday.

Cheers.
-dougriv

COE.GUTIERREZ.03391

EXHIBIT 10

From: Collins, Susan
Sent: Tuesday, August 14, 2007 1:11 PM
To: Fuentes, Jennice
Subject: FW: LVG's Immigration Hearing
Attachments: STRIVE Hearing Memo.doc

Not your favorite person, I know... Veronica informed me the boss said for me to get in touch with Doug in response to the memo.

I sent you the memo I sent to the boss yesterday, but let's talk about this when you get a chance... Susan
-----Original Message-----
From: Collins, Susan
Sent: Tuesday, August 14, 2007 1:03 PM
To: [redacted]@scofieldcompany.com'
Subject: LVG's Immigration Hearing

Hello Doug:

On September 6th, the Immigration Subcommittee is scheduling a hearing on the boss' comprehensive immigration reform bill, the STRIVE Act. This was somewhat hard-fought, and the Congressman hopes that the Subcommittee/Judiciary Committee will eventually mark up the bill, as well.

I wanted more of LVG's input, as we have to start inviting witnesses this week. In response to the attached memo, he asked me to get in touch and consult with you on moving forward with planning for the hearing.

I'm not sure what your schedule is the next couple of days, but I hope you have some time to think and talk about this.

Thanks, Doug. I appreciate it.

Susan
Susan Collins
Legislative Director
Congressman Luis Gutierrez
2266 Rayburn House Office Building
Washington, DC 20515
202-225-8203
FAX: 202-225-7810

cell: 202-441-[redacted]

EXHIBIT 11

From: Fuentes, Jennice
Sent: Thursday, September 10, 2009 3:32 PM
To: Collins, Susan; '[redacted]@scofieldcompany.com'
Cc: Fernandez, Enrique
Subject: RE: Request from Congressman Gutierrez

doug darling...have you reacted...herr schofield!?!?! ja wohl!

Jennice Fuentes
Chief of Staff
Congressman Luis V. Gutierrez
2266 Rayburn House Office Building
Washington, D.C. 20515
Tel. (202) 225-8203 Fax (202) 225-7810
email: jennice.fuentes@mail.house.gov

From: Collins, Susan
Sent: Thursday, September 10, 2009 10:05 AM
To: [redacted]@scofieldcompany.com
Cc: Fernandez, Enrique; Fuentes, Jennice
Subject: FW: Request from Congressman Gutierrez
Importance: High

Sorry for the typo in your last name, Doug. My German language training took over...

The boss saw the memo and he had no changes to suggest. Let me know when might be a good time to talk. Thanks.

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

From: Collins, Susan
Sent: Wednesday, September 09, 2009 4:45 PM
To: Collins, Susan; '[redacted]@scofieldcompany.com'
Cc: Fuentes, Jennice; Fernandez, Enrique
Subject: RE: Request from Congressman Gutierrez
Importance: High

Hello, Doug:

My memo, as promised. If LVG actually reviews it and wants me to make any changes, I'll do that a re-circulate. Doug, I'll call you tomorrow to check in on your thoughts. Thanks for your time and consideration, as always!

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

From: Collins, Susan
Sent: Wednesday, September 09, 2009 2:35 PM
To: Collins, Susan; [redacted]@scofieldcompany.com'
Cc: Fuentes, Jennice
Subject: Request from Congressman Gutierrez
Importance: High

Hello Again, Doug:

Enrique and Jennice and I just sat down with the Congressman to discuss how to keep the pressure on the immigration debate, to keep things moving forward. It was not a conversation about bill content (although I am readying a bill), but about strategy: what kind of a bill, how to roll it out and with whom, with the ultimate goal to keep the pressure on the White House and Congress to move CIR.

We talked about a number of considerations with regard to strategy. The boss asked me to lay them out on paper and send them to you in memo form to get your opinion on them, ideally tomorrow.

I wanted to give you a heads up. I will be working on the memo this afternoon and get it to you by the end of the day. Thanks!

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

From: Collins, Susan
Sent: Tuesday, September 01, 2009 1:17 PM
To: [redacted]@scofieldcompany.com'
Cc: Fuentes, Jennice
Subject: Just left a message at your office

Hi Doug!

Hope all is well with you.

Rebecca tells me you need info on the Congressman's bill for the newsletter. Did the Congressman tell you that he is introducing a bill and wants to make a mention of it in the newsletter?

Although he has asked me to start preparing a bill, it is not yet clear to me if he will, in fact, introduce it... and if he does, when he hopes to. So, I thought we could chat a bit about what you understand the Congressman wants so I can get it to you. Thanks!

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

EXHIBIT 12

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Tuesday, November 13, 2012 4:48pm
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Subject: RE: draft 5 minute

ok. Haven't heard from him yet, but I like the draft a lot. I'll tinker around with it if you want.

What else do you think we can be doing to stay in the middle of the new immigration frenzy? Is he meeting with Menendez or Durbin? Should he see Schumer? Looks like he has a lot of media tomorrow. Should we be submitting an op-ed anywhere? Any feedback from the Post piece?

I know things are moving fast, and being out of the country is not helpful, but obviously the more he can do the better, and all of a sudden everyone wants to be part of the inside immigration game. Funny how things change.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Tuesday, November 13, 2012 4:20pm
To: "[redacted]@scofieldcompany.com" <[redacted]@scofieldcompany.com>
Subject: draft 5 minute

LVG called from Argentina and wants a five-minute for Thursday at 10 am.

He said he would call you too.

I drafted a five-minute based on notes from what he spewed off on a bad cell phone connection from the other side of the world.

Can we talk about this and about press this week? Please call.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810

Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

EXHIBIT 13

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Wednesday, November 14, 2012 4:53pm
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Cc: "Collins, Susan" <susan.collins@mail.house.gov>
Subject: RE: FW: Immigration Reform Should Be the Top Priority in 2013

What's the five-minute status?

What is the Congressman's current thinking on next steps? Is he telling Menendez and Durbin he's introducing a bill? Is there a reason we don't want to put out a call to the groups and then put out a release saying we're introducing our bill? Send around a Dear Colleague to stop lining up sponsors? I don't think we want to be second on this, or give the President too much time to ask everyone to sit around and wait for his plan.

If we do something now, I think it seems like a natural reaction from the Congressman. If we wait for a few weeks of developments, then people might expect us to play along with whatever is happening. It's probably worth making everyone react to his bill.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Wednesday, November 14, 2012 3:03pm
To: "Collins, Susan" <Susan.Collins@mail.house.gov>, '"[redacted]@scofieldcompany.com"' <[redacted]@scofieldcompany.com>
Subject: FW: Immigration Reform Should Be the Top Priority in 2013

FYI...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810
Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Katherine Vargas [mailto:[redacted]@immigrationforum.org]
Sent: Wednesday, November 14, 2012 2:54 PM
To: Rivlin, Douglas
Subject: Immigration Reform Should Be the Top Priority in 2013

[https://org2.democracyinaction.org/o/5681/images/emailmasthead-pressrelease.png]<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=xharZjJatDwc6mXr%2Fv0dtmWlRgw1iQl7>

For Immediate Release Contact: Katherine Vargas
<mailto:[redacted]@immigrationforum.org>November 14, 2012 cell (202) 641-[redacted]

Scofield 803

Evangelical Leaders and the President Agree: Immigration Reform Is Top Priority

Washington, D.C — President Obama spoke about immigration reform during his news conference this afternoon. "My expectation is that we get a bill introduced and we begin the process in Congress very soon after my inauguration," Obama said<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=A9R%2F87Jji9M8WEgP6DXdqWWIRgw1iQI7>. The following is a quote from Ali Noorani, Executive Director of the National Immigration Forum, a nonpartisan organization that advocates for the value of immigrants and immigration to our nation:

"In the last 24 hours, influential evangelical voices<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=83Rd8opMHNrw7yr%2FV6TKE2WIRgw1iQI7> have urged President Obama to show leadership and move immigration reform forward during the first 92 days of his second presidential term. Based on the president's statement today, it is increasingly clear that immigration reform should be the first bipartisan legislative priority in 2013."

###

Follow us on: [http://www.immigrationforum.org/images/Facebook_2.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=6Vx9M8QfQ4U%2BU8RIeClyEmWIRgw1iQI7> [http://www.immigrationforum.org/images/twitter_logo.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=QcKPvzeVnBXNwXrKSktfVWWIRgw1iQI7> [http://www.immigrationforum.org/images/NetworkedBlogs.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=jO1MI0y9QynvOZ1sXNj0qmWIRgw1iQI7>

[https://org2.democracyinaction.org/o/5681/images/BBB_seal.jpg]<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=8eBuWEvsH5fBJRIZW0GUk2WIRgw1iQI7>

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[https://wfc2.salsalabs.com/salsa/images/empowered-by-salsa.gif]<http://www.salsalabs.com/?email>

EXHIBIT 14

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Friday, November 16, 2012 11:26am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

What was Cecilia's message to him?

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Friday, November 16, 2012 11:22am
To: "[redacted]@scofieldcompany.com'" <[redacted]@scofieldcompany.com>
Cc: "Collins, Susan" <Susan.Collins@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

The current plan is to have a CHC press conference to release the CHC's principles on Wed. 11/28.

Sen. Menendez advised against a bill but for unifying CHC principles, instead.

FYI: I got a download from LVG on his talk w/ Cecilia Munoz yesterday: He said the President has to meet with CHC soon and publicly and that he had nothing else to say to her.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov // http://twitter.com/douglasrivlin
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Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

-----Original Message-----
From: [redacted]@scofieldcompany.com [mailto:[redacted]@scofieldcompany.com]
Sent: Friday, November 16, 2012 11:17 AM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Are we doing a bill? I think we need to lay down a marker quickly.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Friday, November 16, 2012 11:05am
To: "Collins, Susan" <Susan.Collins@mail.house.gov>, "[redacted]@scofieldcompany.com'" <[redacted]@scofieldcompany.com>
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

FYI...

Los Angeles Times is asking for our reaction to Diaz-Balart...

Douglas G. Rivlin
Director of Communication
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From: Bennett, Brian [mailto:[redacted]@latimes.com]
Sent: Friday, November 16, 2012 10:58 AM
To: Rivlin, Douglas
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

From: Valdes, Katrina [mailto:Katrina.Valdes@mail.house.gov]
Sent: Friday, November 16, 2012 08:25 AM
Subject: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

[cid:image001.jpg@01CDC3DC.4CFE7B60]
FOR IMMEDIATE RELEASE: CONTACT: Katrina Valdes<mailto:katrina.valdes@mail.house.gov>
November 16, 2012 202-225-4211

Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Washington, D.C. – Today, Congressman Mario Diaz-Balart (R-FL), Chairman of the Hispanic Conference, announced that he has restarted the process of moving a comprehensive immigration bill through congress as soon as possible. Diaz-Balart has been meeting with his colleagues from both political parties.

"For too long, both parties have used immigration as a political wedge issue, but the time has come to find a bipartisan solution to this critical issue. I am committed to passing legislation to once and for all to fix our broken immigration system," said Congressman Diaz-Balart.

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Katrina Valdes
Press Secretary
Rep. Mario Diaz-Balart (FL-21)
Chairman, Congressional Hispanic Conference
O: 202-225-4211
[cid:image002.png@01CDC3DC.4CFE7B60]<https://www.facebook.com/pages/Congressman-Mario-Diaz-Balart/119538428117878>[cid:image003.png@01CDC3DC.4CFE7B60]<http://twitter.com/#!/MarioDB>[cid:image004.jpg@01CDC3DC.4CFE7B60]<http://www.youtube.com/MarioDiazBalart>

EXHIBIT 15

From: Collins, Susan
Sent: Saturday, January 26, 2013 11:59 AM
To: '[redacted]@scofieldcompany.com'
Cc: Rivlin, Douglas; Lugo, Alice; 'Congressman Luis Gutierrez ([redacted]@yahoo.com)'
Subject: A memo about our choices in the near future

Importance: High

Hi Doug and all:

I just had a conversation with LVG about the below he asked me to put together for Scofield in particular. The key decision he has to make is coming out with the Secret Group on Monday, which looks like a good move to me, but let's discuss this weekend.

Doug and Doug, can one of you forward to me what Lofgren sent the boss? Thanks. Susan

MEMORANDUM

From: **Susan**
To: **LVG, Doug Scofield**
CC: **Rivlin and Alice**
Date: **January 26, 2013**
RE: **Immigration Happenings and Legislative Update**

The Congressman asked me to write down the state of play with regard to legislative developments and share it with you. He will be seeking your guidance on some key decisions he needs to make almost immediately.

With the backdrop of all the recent White House activity, including a possible major announcement on immigration by the President this Tuesday in Las Vegas, LVG has two opportunities before him to work on legislation. Both pose advantages and risks.

Opportunity #1: The "Secret Group"

Members
Dems: Becerra, Lofgren, Yarmuth, Gutierrez
Rs: Sam Johnson, John Carter, Mario Diaz Balart, [Raul Labrador?]

In 2009/2010, a "Secret Group" of bipartisan members worked together over the course of a year on a bipartisan CIR bill. LVG was invited to be a part of the group, but opted not to join because (1) he was disturbed about the Republican "tone" in conversations and about the way in which Members were talking about the solution for the undocumented in particular and (2) he knew, with movement on immigration legislation impossible, that his focus needed to be on rallying the community to action around what was actually possible, namely, executive action.

This group was reconstituted in the 113th and now includes the above members. We started negotiations about three weeks ago based on the 2010 bill draft. The bill is a legitimate CIR bill, in that it includes border security, employment verification, family and employment reforms, a future flow program and legalization of the

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undocumented that includes a path to citizenship, but so far no radical enforcement measures. With negotiations renewed, Republicans are even amenable to redrafting (improving) the path to legalization. On balance, I would say this bill will shape up to be a somewhat "better" bill, based on our core principles, than the last bipartisan CIR bill LVG introduced with Jeff Flake in 2007 (The STRIVE Act).

LVG is "all in" as far as the other members are concerned, but he is privately weighing the pros and cons of, after working to redraft the old bill in the next few weeks, whether he actually cosponsors the bill at introduction and commits to the long haul of defending his support of the bipartisan compromise that will fall short for our community on the left in some key areas.

There is also an urgent development that we have to deal with this weekend. All other members in the group except Labrador want to announce their existence via press release on Monday, to get ahead of the President and not appear like they are following him. They want the statement to be very non-specific, mainly outlining "our" process of 3-4 years of bipartisan work on a package that will include all the main issues--border security, E-Verify, and a practical plan for dealing with the undocumented. Mostly they want to emphasize that it is a "BIPARTISAN plan, the only way a bill can become law in this Congress."

The Congressman is committed to working with this group up until introduction. The question is: does he put his name on the bill and "work it" as he travels and interacts with stakeholders or does he withhold his support, and while saying positive things about it, rally the community to press for improvements?

Pros to putting his name on the bill:

This bill will be the BEST bipartisan bill we will see in the House this Congress. All other Republicans who are serious about reform are talking about moving a bill in pieces, are skittish about a path for all the undocumented, and are likely going to demand enforcement provisions that could be poison pills for us (see below on the Ryan/Labrador group).

It would solidify his relationship with these Republicans who are truly serious about getting it done and committed to a path to citizenship: this could serve him and Democrats well as other House Republicans move to pull this and any other bill to the right.

Cons:

He will be attacked and challenged by key stakeholders who strongly share his principles and see him as their champion. The biggest challenges include (in order of severity of backlash): the exclusion of binational, same sex couples; a future flow program that does not include sufficient pro-labor provisions, and; a legalization program that requires the undocs to plead guilty before an immigration judge and serve probation before becoming LPRs.

<u>Opportunity #2: Join the Ryan/Labrador Group</u>

LVG has had several private conversations with Paul Ryan and Raul Labrador. They are initiating a parallel process/strategy based on what they think will be the only winning strategy for moving legislation in the House. They imagine a process where different members draft stand alone pieces of comprehensive reform: border security, STEM, E-Verify, etc., and that each of the pieces is taken up on the Floor and voted up or down under a self-executing rule that brings them together in a package at engrossment of the House bill. They admit the ultimate package might not be one LVG can support (suppose legalization gets voted down and is not in the final package?), but that the goal would be to conference the House bill with the Senate's and work to ensure it is in the bill that reaches the President's desk.

Their ask of LVG: To partner with Ryan and Labrador, and work to bring in other democrats to pair up with other Republicans on the pieces.

Pros:

Ryan, in particular, is a force to be reckoned with. Having a good, strong, working relationship with him will present LVG with opportunities to influence the process and the outcome. He has star power comparable to LVG's in their respective communities. This would be a higher profile relationship than any other for him and break new ground for him in Congress and the media, opening further ways to influence opinion and the process.

Presents us additional opportunities to work more closely with Republicans new to the issue, which is helpful for negotiations throughout the process.

Cons:

Tea-partiers will likely make up most of the Rs who work in the Ryan/Labrador group. Their product, even with us in the room, is bound to be far worse than anything we have ever supported. The public perception will also be that LVG has compromised on CIR and is willing to deal with things in pieces instead. While it will put LVG into the center of the news, it could potentially bring on fiercer opposition from our base.

My general observations/recommendations

While LVG has important choices to make, we are in a very good place and a very exciting time for immigration reform. I don't think we can go very wrong with whatever we do. Boehner will keep his powder dry for now and we expect that whichever bill actually moves through the House, it will move first through the Immigration Subcommittee/Judiciary Committee, ensuring LVG is in the mix no matter what.

Secret Group: I recommend LVG join in the Monday "coming out" of the "Secret Group." Given that we are still negotiating the substance and we're not yet committing our name to an actual bill, we are free to then engage our stakeholders in a democratic and more transparent way. When consulted about the bill and whether the boss should play an inside game (placing his name on the final product) or an outside game (withholding his support), our allies will at least feel a part of the process and, in theory, better appreciate the decisions the boss has to make. I think their knowing about LVG's participation in the group will give us our share of headaches, but will provide us with leverage in negotiations and cover if, in fact, the boss decides to withhold his support of the actual product. (*Note: I recommend we meet with advocates as soon as possible this week after the announcement is made, assuming the boss is a part of it--LVG with groups in Chicago and staff with groups based in DC to begin that outreach/outside process.*)

Ryan/Labrador: An acceptable compromise with their group of Republicans is hard to imagine, and would likely have LVG revealing tough compromises too early in the process. Remaining in close communication is very important, however. LVG is considering being an "advisor" to this process, instead of an actual partner. So, he would be in the room, but with clear expectations that LVG would not actually endorse the actual process or product. Moving the bill in pieces might be a bad idea, but if Rs insist, it might be our only choice. May as well stay close to it and influence it as much as we can.

Susan Collins
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