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ONE HUNDRED SIXTEENTH CONGRESS

U.S. House of Representatives

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MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Theodore E. Deutch, Chairman
Kenny Marchant, Ranking Member

SUBJECT: Campaign-related Media Appearances on Congressional Grounds

This memorandum serves as a reminder to all House Members,¹ officers, and employees about the restrictions on using official resources for campaign-related interviews or media appearances.

House rules and federal statutes require that official and campaign-related activity be kept separate.² Generally, campaign-related activity may not be conducted using any official resources, including the use of House staff on official time and on congressional grounds. Congressional grounds include all House and Senate office buildings, the Capitol, the grounds around the Capitol, and district offices. Spaces such as the Cannon Rotunda, Statuary Hall, and Members' offices are on congressional grounds. The Committee considers "campaign-related activity" to be activity related to any federal, state, or local government election, not just the Members' own re-election campaigns. The rules requiring separation between official and campaign-related activity apply at all times, in election years and non-election years, and regardless of the type of campaign. For example, these rules apply to Members seeking to engage in, or even merely commenting on, Presidential or Senate campaigns.

Accordingly, while on congressional grounds, Members or staff should not give an interview that is substantially devoted to a campaign, or initiate any communication, such as a press call or email, that is campaign-related. However, **Members and official staff may answer incidental campaign-related questions during an official interview or media appearance. For this exception to apply, the primary purpose of the interview or appearance must be official.** A primarily campaign-related interview or appearance cannot be "cured" by including a few

¹ For all purposes in this memorandum, "Member" is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

² See House Rule 24, cl. 1; 31 U.S.C. § 1301(a).

responses to officially related questions. The Committee considers incidental campaign-related questions to be one or two during the course of the entire official interview or appearance.

As a best practice, the Committee recommends advance preparation before any media appearance or interview. Clarify with the media outlet or reporter in advance about the topics of conversation to ensure that the primary purpose of any interview occurring on congressional grounds is official. Both the resources used in advance and the content of the message determine whether an appearance or interview is official or campaign-related. If an interview will be official, official staff, using official resources, should help prepare for the interview. If an interview will be campaign-related, campaign staff, using campaign resources, should help prepare for the interview. Also, ensure that the campaign interview will not take place on congressional grounds.

When on congressional grounds, Members and staff should strive to return an official interview to its official purpose if the number of campaign-related questions becomes more than incidental.

If you have any questions regarding this guidance, please feel free to contact the Committee's Office of Advice and Education at (202) 225-7103.

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