

March 18, 2011

Helping the Victims of the Japanese Earthquake and Tsunami

Dear Colleague:

Several offices have contacted the Committee on House Administration, the Commission on Congressional Mailing Standards (Franking Commission), and the Committee on Ethics to inquire about the extent to which official resources may be used to help those affected by the earthquake and tsunami that occurred in Japan on Friday, March 11, 2011. We would like to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

There are many international, federal, state, and local government agencies and departments responsible for providing or coordinating the delivery of U.S. aid and participation in relief efforts. Telephone numbers and other contact information for several of the key agencies, departments, and organizations can be found at the following Web sites.

United States Agency for International Development (USAID)

www.usaid.gov/japanquake/help/

U.S. Department of State

http://travel.state.gov/travel/cis_pa_tw/pa/pa_5378.html

U.S. Department of Energy

www.energy.gov

The White House

www.whitehouse.gov/issues/foreign-policy/japan-earthquake-tsunami

NOAA's National Weather Service Pacific Tsunami Warning Center

<http://ptwc.weather.gov/>

OECD Nuclear Energy Agency

www.oecd-nea.org

Nuclear and Industrial Safety Agency (in Japan)

www.nisa.meti.go.jp/english/

Japanese Meteorological Agency

www.jma.go.jp/en/tsunami

All of the above information may be communicated to your constituents via the usual and customary official communication tools, including congressional frank, subject to applicable statute and House rules and regulations. In addition, a Member may post on an official Web site, channel, or page (including official Twitter or Facebook pages) a directory of and/or links to third party organizations that are germane to the official content of the Member's official postings. However, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds or services on behalf of individuals or organizations are not permitted under the rules of the House.

In addition, Members have asked to what extent they may use their official resources to solicit or collect donations of goods, funds, or services on behalf of charities and other private organizations involved in relief efforts. We understand the good intentions of those making such inquiries, but the rules of the House preclude Members from using official resources for any purpose other than in support of the conduct of the Member's official and representational duties on behalf of the district which the Member represents. This has been interpreted in the past to mean that charitable solicitations using official resources are not permitted.

However, it would be permissible for Members to link to official *government* Web sites that give details about the delivery of relief aid, including information about how Members' constituents may provide aid or assistance during a crisis. With respect to the emergency in Japan, it would be permissible to provide links to any of the government Web sites noted above. It would also be permissible to notify constituents about the existence of these Web sites, provided franking regulations are followed.

Official resources may not be used to solicit contributions for charitable organizations or to imply that such organizations or purposes have been endorsed by the House of Representatives. However, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under § 170(c) of the Internal Revenue Code—including, for example, § 501(c)(3) charitable organizations such as the Red Cross. These personal efforts do not require Ethics Committee approval, but they may not use official resources (including staff on official time; House telephones, office equipment, or supplies; and official mailing lists). Other restrictions also apply. Solicitations on behalf of non-qualified entities or individuals are decided on a case-by-case basis through submission of a written request to the Ethics Committee for permission to make such solicitations. For example, solicitations of donations directly to specific individuals suffering as a result of the crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Ethics Committee approval. For more information, please review pages 347-49 of the *2008 House Ethics Manual* or contact the Ethics Committee at 5-7103.

We understand that Members and staff may wish to assist during this time of tragedy in Japan, and we hope this information is helpful to inform your constituency of our nation's response, the aid and resources supporting the relief efforts, and the status of Japan's recovery in the aftermath of this devastating earthquake and tsunami. If you have any questions regarding the use of your:

1. **Official resources** in general, please contact the committee on House Administration at x58281 (majority) or x52061 (minority);

2. **Communications resources**, please contact the Franking Commission at x60647 (majority) or x59337 (minority); or
3. **Personal or campaign resources**, or the loan of your name and title to private **solicitations** in support of the relief efforts, please contact the Ethics Committee at x57103.

Sincerely,

/s/

Daniel E. Lungren
Chairman
Committee on House Administration

/s/

Robert A. Brady
Ranking Member
Committee on House Administration

/s/

Jo Bonner
Chairman
Committee on Ethics

/s/

Linda T. Sánchez
Ranking Member
Committee on Ethics