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COMMITTEE ON ETHICS

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MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Campaign Activity Guidance

As the House has entered the August recess, we would like to take this opportunity to remind House Members, officers, and employees of the rules that apply to participating in campaign activity. A wide range of standards affect whether, how, when, and where Members, officers, and employees of the House may engage in campaign activities. They include House Rules; rules promulgated by the Committee on House Administration, the Franking Commission, and the Building Commission; federal statutes; and federal regulations. This pink sheet does not announce any new standards or interpretations of existing standards, but instead provides an overview of key issues related to campaign activity, and is a reminder to the House about commonly encountered issues.

This document is organized in two parts. The first part is a list of “Top Ten Things to Remember about Campaign Activity,” which contains a concise statement of ten important reminders governing House Members, officers, and employees’ participation in campaign activities. The second part is a more in-depth discussion, in question and answer format, tied to each of the ten reminders. The Committee on Ethics (“Committee”) encourages congressional offices to post the “Top Ten Things to Remember about Campaign Activity” in common areas as a reminder of the rules governing campaign activity, and to disseminate this information to staff widely. Members may also wish to share this pink sheet with their campaign staff.

This pink sheet is a high-level summary of the rules about which House Members, officers, and employees ask Committee counsel most frequently. Although this document contains a great deal of information, it is not comprehensive and it does not address every situation House Members, officers, and employees face when engaging in campaign activities. As with many issues, there are permutations and exceptions, which is why *the list contains an important reminder: Consult with the Committee if you have questions about participation in campaign activities.*

Top Ten Things to Remember about Campaign Activity

1. You may not conduct campaign activities in official buildings, using official resources, or on House time.
2. While the general rule is complete separation between official and campaign resources, there are a **few, very limited, and very specific** exceptions that permit the use of official resources for campaign purposes.
3. Principal campaign funds **may** be used for official purposes in some circumstances.
4. Members may **not** use campaign resources for certain official purposes—communications, salary for performing official duties, office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices).
5. In many cases, House officers and employees **may** volunteer for or be paid by a political campaign.
6. House officers and staff who are paid at the “senior staff rate” by the House for their official duties may be paid for campaign work, but are subject to a limit on the amount of money they may be paid by the campaign, and must report their campaign income on their annual financial disclosure statement.
7. As a general rule, House officers and employees may not contribute to their employing Member’s campaign. This includes making “outlays,” or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your own travel expenses for campaign activity.
8. The official scheduler is permitted to use official resources to have limited communications with the Member’s campaign in order to coordinate the Member’s official and campaign activities. However, there are specific rules for how and what you coordinate for your employing Member’s schedule.
9. The campaign may only use material created with official resources, if at all, after its official use has been exhausted.
10. Consult with the Committee on Ethics if you have questions about participation in campaign activities by calling (202) 225-7103.

USE OF OFFICIAL RESOURCES

1. You may not conduct campaign activities in official buildings, using official resources, or on House time.

Q. How do I determine what is “campaign activity,” as opposed to official activity?

A. Members are in the best position to determine whether an activity is campaign or official in nature. In making this determination, Members may consider the purpose of the activity, who is hosting the activity (if not the Member), and the subject matter. Once an event is designated as campaign or official, only the appropriate resources may be used for that event. You may not combine funds for an activity unless you are specifically permitted to use campaign funds for an official activity (see number 4, below).

TIP: A best practice is to designate an event as either campaign or official at the beginning stages so that everyone knows what resources may be used to plan and/or staff an event.

Q. What do you mean by official buildings?

A. Official buildings (also called official office space) include not only any House office building, but also all district office space, any Senate office building, the Capitol, the Library of Congress, and any federal building.

TIP: If you need to send an email or make a phone call to the campaign on your own time using your own device or a device paid for by the campaign, you may do so from campaign headquarters, at home, at a political party office, from a Member’s home, or any other non-official location (for example, the coffee shop down the street from your office).

Q. What is an official resource?

A. An official resource is anything paid for with official funds appropriated to a personal office or a Committee. Official resources include tangible things like computers, printers, letterhead, desks, and telephones. An official resource can also be services paid for with official funds, and work product created for a congressional office, like a constituent database. While on the official payroll or doing official work, officers and employees are also considered to be an official resource (see below for further guidance concerning when your time can be considered your own). Finally, unpaid interns and fellows are an official resource while they are performing official tasks for a congressional office.

TIP: Although not required, a “best practice” is to use different vendors for campaign and official services so that staff can easily determine whether a particular vendor or service is considered an official resource or a campaign resource. While the campaign may use certain official resources in some limited instances (see number 9, below), work product like a constituent database is always considered an official resource and therefore may not be used by the campaign.

Q. If my time can be considered an official House resource, do I have my own time?

A. Yes. What constitutes a staff member's "own time" is determined by the personnel policies that are in place in the employing office. Time that is available to a staff member, under those policies, to engage in personal or other outside activities may instead be used to do campaign work, if the individual so chooses. This free time may include, for example, a lunch period, time after the end of the business day, and annual leave.

TIP: If you work for the House and for a campaign, keep a log of when you participate in campaign activities on your own time (nights, weekends, annual leave). This way, if you are ever challenged about whether you did campaign work on House time, you have a document ready to show that you did not.

Q. When I am not on House time, do I have to tell my employing Member what I am doing or for which campaign I plan to work?

A. There is no specific ethics rule that requires you to inform your employing Member about what you do on your own time, campaign or otherwise. However, your employing office may have a more restrictive policy. Further, the Committee strongly recommends that you keep the lines of communication concerning your outside activities open with your employing Member. Keep in mind that your outside activities could create an actual or perceived conflict of interest for your office, so you should consult with your supervisor and the Committee before engaging in outside activity. Specific to campaign activity, it is important for your employing Member to know for whom you intend to work so he or she can anticipate potential issues.

TIP: Before you engage in any outside activity, have a discussion with your supervisor about how your outside activities might impact your official duties and the official office.

Q. Do these rules apply to my volunteering on a state or local campaign?

A. The rules for campaign activity apply to **all** campaign activity, whether for a local, state, or federal office.

TIP: Remember that while you are an employee of the House, you are subject to all House rules and legal authorities concerning your involvement in **any** political campaign.

2. While the general rule is complete separation between official and campaign resources, there are a few, very limited, and very specific exceptions that permit the use of official resources for campaign purposes.

Q. I am a scheduler for a very busy Member of Congress. Can I use my phone, email address, and time while on the official clock to coordinate my Member's official *and* campaign schedules?

A. Yes, as the official scheduler, you may use any House resource necessary to coordinate with the campaign. The purpose of this exception is to ensure that your employing Member is not scheduled to be in two places at once. However, there are specific rules for how and what you coordinate for your employing Member's schedule. For additional guidance, please see number 8, below, or consult with the Committee.

TIP: For those offices that have a scheduler both in Washington, D.C., and in the district, designating one person as the main point of contact for the campaign may help avoid potential miscommunications.

Q. Can press secretaries talk about campaign activities as part of an official interview?

A. The press secretary in the congressional office may answer occasional questions on political matters, and may also respond to such questions that are merely incidental to an interview focused on the Member's official activities. However, while in the congressional office, the press secretary should not give an interview that is substantially devoted to the campaign, or initiate any call that is campaign-related. A press secretary who wishes to do either of those things should do so outside of the congressional office, and on his or her own time.

Q. What do I do if people call, email, stop in, or write to the congressional office about campaign activities?

A. The congressional office may refer to the campaign office letters and other communications and inquiries that it receives concerning the campaign. Likewise, the campaign office may refer to the congressional office any officially related matters that it receives. All such referrals should be done at the expense of the campaign, including the cost of any long-distance calls. It may be desirable for the congressional office to have a supply of campaign envelopes and stamps for use in referring written materials. Those stamps and envelopes can also be used to send to the campaign any unsolicited campaign contributions that are received in the congressional office (see below).

TIP: A "best practice" is to use the least amount of official resources to get the person contacting your office for a campaign purpose where they need to go. For example, if the campaign-related communication is a phone call, you may in that phone call provide the campaign's phone number or email address. For a letter received in the official office, send the letter to the campaign using campaign-provided envelopes and postage. For emails, forward the email on to the campaign's email address. Should you get a walk-in in a district office, you may redirect him or her to the campaign office.

Q. Since we get so many campaign inquiries through the congressional office, can we just include a link to the campaign in our communications, on our Web site, on social/new media, and other official sites? What about the reverse—can the campaign post a link to official sites?

A. You may not provide campaign contact information except as discussed above. You may not include a link to the campaign in congressional communications, on official Web sites, or on official social/new media. The campaign, however, may redirect constituents who contact the campaign for an official purpose to the official sites only in specific instances, and only using approved language. For more information about when and how the campaign may redirect constituents, please review the Committee's March 12, 2012, Advisory, entitled "Changes in Rules Regarding Providing a Hyperlink from Campaign Internet Sites to Official Internet Sites," which is available on the Committee's Web site.

TIP: Ensure that campaign staff know exactly how and when the campaign may link from a campaign site to an official site by providing the Committee's advisory to campaign staff.

Q. What do I do with an unsolicited campaign contribution that someone brings to the office or to an official event?

A. You must either return the contribution to the donor or forward checks to the campaign. If you mail the contribution to the campaign, federal law requires that you send the contribution within seven days. Moreover, you may **never** accept a campaign contribution that is accompanied by a request or a "thank you" for taking official action. Finally, a federal statute prohibits Members from personally receiving even unsolicited campaign contributions in their office or at an official event.

TIP: Designate one person in the office to log all unsolicited contributions and how the office disposed of them—by sending it back to the donor or by forwarding it to the campaign. The log should include dates to ensure offices can demonstrate sending the donation to the campaign within seven days, if that is the chosen remedy.

Q. Can Members, officers, or employees solicit for campaign contributions in official buildings?

A. Generally, no. House officers and employees are absolutely barred from soliciting campaign contributions in official buildings. However, Members may solicit **other Members only** for campaign contributions, but may **never** solicit other Members on the House Floor, or in any of the rooms immediately adjacent to the House Floor.

Q. If the campaign asks, can I give them official materials like issue statements or other things that are available on our official sites?

A. Yes, you can provide **one** copy of any **public** document the campaign requests. Further, you may not use official resources to create material specifically to provide a copy to the campaign. The campaign can use the substance in these documents to create its own material. You may not provide the campaign with internal or confidential materials.

TIP: Treat the campaign as if they were a constituent. If you would not provide something to a constituent because it is confidential or internal, you may not provide that material to the campaign.

USE OF CAMPAIGN RESOURCES

3. Principal campaign funds may be used for official purposes in certain circumstances.

Q. What campaign funds may be used for official purposes?

A. Where permitted, Members may use funds from their principal campaign committee for an official purpose. This exception does not extend to the use of leadership PAC funds, however, nor does it extend to any state or local campaign funds that the Member may control.

Q. Can the campaign pay for a smartphone or tablet that I can use for both official and campaign purposes?

A. Yes. Members may use principal campaign funds for a smartphone or tablet for themselves and their staff that can be used for both official and campaign purposes. However, use of a smartphone or tablet for either purpose must be done in the appropriate place, at the appropriate time, and using the appropriate resources.

TIP: You may wish to designate a regular time outside of official time when you will not be in an official building to check campaign email and voice mail.

Q. Can a Member use principal campaign funds for a car that he or she uses for both campaign and official purposes?

A. Yes. Members may use principal campaign funds to pay for a leased car that is used for transportation to and from both campaign and official activities.

TIP: Remember that just because the car may be used for both campaign activities, the staff with the Member or driving the Member to and from an activity must be consistent with the type of activity. Campaign staff may drive the Member to a campaign event in the dual-use car, but may not drive the Member to an official event in the dual-use car. The same is true for official staff – yes to an official event, no to a campaign event (unless they are volunteering on their own time).

Q. Can a Member use principal campaign funds to pay for refreshments at his or her town hall meeting?

A. Yes. Members may use principal campaign funds to pay for expenses related to a constituent event including, but not limited to, providing refreshments. Remember, however, that there are certain categories for which use of campaign funds is expressly prohibited.

TIP: Generally, you should only use principal campaign funds for an event where at least one constituent is in attendance.

Q. Can a Member use principal campaign funds to pay for a speaker to appear at a hearing?

A. Yes. Members can use principal campaign funds to pay for a speaker to attend an event the Member or Member's committee is sponsoring.

TIP: The class of travel paid for with principal campaign funds for this purpose is not limited by House Rules. However, you should check with the Federal Election Commission (FEC) to see if they place a limitation on the type of travel a Member may provide to a speaker using his or her principal campaign funds.

Q. Can a Member use principal campaign committee funds to pay for official travel? What about for officially-connected travel?

A. Yes. Members may use principal campaign committee funds to pay for travel for themselves and their staff, so long as the travel is either official or officially-connected.

TIP: The class of travel paid for with principal campaign funds for this purpose is not limited by House Rules. However, you should check with the FEC to see if they place a limitation on the type of travel a Member may pay for when the travel is for the Member or the Member's staff.

Q. Can my employing Member purchase gifts using principal campaign funds from the House gift shop for foreign dignitaries he or she will be meeting next week?

A. Yes. Regardless of where a Member chooses to purchase such gifts, he or she may use principal campaign committee funds when those gifts are intended to be given to foreign dignitaries.

TIP: Find out what types of items your employing Member likes to give to foreign dignitaries and use a credit card provided by the campaign to purchase several of the same items for the Member's various encounters with foreign dignitaries over the year.

Q. Can a Member use principal campaign funds to pay for personal expenses?

A. No. Members may never use principal campaign funds for personal expenses. Personal expenses generally arise due to activities that are unrelated to a Member being a

federal candidate or officeholder, whereas official expenses often arise solely as a result of a Member being an officeholder.

TIP: If you are unsure whether an expense is personal in nature, consult with the Committee and the FEC for additional guidance.

4. Members may not use campaign resources for certain official purposes—communications, salary for performing official duties, office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices).

Q. Can we use campaign funds to send out an official newsletter?

A. No, you may not use campaign funds to pay for any official communication, regardless of the medium. This prohibition is very broad, and encompasses everything from a relatively straightforward communication, like a letter, to items that you might not think of as a communication, such as a coin with the Member’s name and district on it. The same prohibition applies equally to traditional and social/new media. As an example, the campaign cannot use any method to promote or advertise a Member’s official event.

TIP: Since “communication” is interpreted very broadly, if there are words on something paid for by the campaign, it likely may not be used for an official purpose.

Q. Can we use campaign funds to pay for an additional staff person or to pay for an intern’s services in the congressional office?

A. No, you may not use campaign funds to pay for official staff salary, whether the staff would otherwise be paid or unpaid.

TIP: Ensure that anyone paid by the campaign does not perform official work while they are on “campaign time.”

Q. Can we use campaign funds to pay for a satellite office or a mobile district office?

A. No, you may not use campaign funds to pay for any type of office space for an official purpose, regardless of the size or type.

TIP: Plan ahead so that you use your official funds in the most efficient manner to maximize office space.

Q. Can we use campaign funds to purchase chairs or computers for our office?

A. No, you may not use campaign funds to pay for any furniture or office equipment (except a smartphone or tablet), regardless of type (chairs, desks, printers, etc.).

TIP: Make an inventory of official furniture and office equipment at the beginning of every Congress and plan your workspaces accordingly.

Q. Can we use campaign funds to pay for official database management services?

A. No, you may not use campaign funds to pay for any services for an official purpose.

TIP: To avoid confusion, you may wish to use different vendors for official and campaign services.

CAMPAIGN OR POLITICAL ACTIVITY BY HOUSE OFFICERS AND EMPLOYEES

5. In many cases, officers and employees may volunteer for or be paid by a political campaign.

Q. I feel like I have to work on the campaign or I will lose my House job. Can I be forced to work on the campaign?

A. **Absolutely not.** If you wish to work for your employing Member's campaign, you certainly may do so as long as you do it voluntarily, without using official resources, not on official grounds, and on your own time. Work on your employing Member's campaign may not be coercive, and it may not impact or inform congressional employment decisions. **Your position in the congressional office may not be threatened or influenced by whether you choose to work on any campaign.** If you feel pressured to do campaign work to keep or improve your congressional employment, you should immediately address the matter with a supervisor or contact the Committee. The Committee takes very seriously allegations of coerced campaign work and the House has disciplined Members for such actions.

TIP: Especially if you are in a supervisory position, be certain to emphasize that whether a staff member wants to or does work on a political campaign, that activity is entirely separate from their official work. Discussions between supervisory and subordinate staff may be interpreted as directives because of the nature of the supervisor/subordinate relationship. As a result, supervisors should be clear when communicating with staff about opportunities to volunteer for the employing Member's campaign (or any other campaign) that official work and positions will not be impacted by an employee's decision about volunteering or working for a political campaign.

Q. Am I allowed to be paid by the campaign?

A. Yes, if offered, you may accept compensation for working on a political campaign. However, your pay must be commensurate with the work you are doing for the campaign and may not be over-inflated to make up for the salary your employing Member wishes he or she could give you in the congressional office. In addition, if you are paid at the senior staff rate there may be restrictions on the kind of work you can do and the amount of income you can accept from the campaign (see number 9, below).

TIP: If you are paid by the campaign, ask how much other people who have had the same position were compensated to ensure your compensation falls within a reasonable range for the work you do.

Q. I am considering running for office myself. Is that permissible?

A. Yes, you may run for state or local office. However, a staff member considering running for or serving in a state or local office should first consult his or her employing Member on the matter, and should refrain from doing so if the Member objects. Further, if your employing Member is leaving office and you decide to run for his or her seat, you must terminate your current employment before you commence campaigning for election to your employing Member's seat.

TIP: Before you decide whether you want to run for office, you should tell your employing Member, and you should consult with the Committee.

Q. I ran for state or local office and won. Can I both hold my new elected position and continue to serve as a House employee?

A. Yes. However, as with any outside activity, you should be mindful of the requirement that House employees must give a full day's work for a full day's pay. Any outside employment that would detract from the performance of, or full time and attention to, one's government job would be contrary to these standards. When the demands of a staff person's outside employment result in a reduction of the amount of time that he or she devotes to congressional duties, a commensurate reduction in the individual's congressional pay is required. Further, you remain subject to House Rules 24-hours a day, seven-days a week. This is true whether you are performing work for your employing Member or fulfilling your obligations as an elected official. Further, as a federal employee, you are subject to criminal statutes that may limit your ability to perform certain tasks as an elected official; for example, you would be prohibited from signing a grant application that goes to a federal agency. Moreover, as an elected official, if there is any overlap between your constituency and your employing Member's constituency, you may need to take precautionary steps to clarify in what role you appear at events.

TIP: If you win elective office, consult with the Committee to identify and proactively address potential overlap between your official House duties and your duties as an elected official.

6. House officers and staff who are paid at the “senior staff rate” by the House for their official duties may be paid for campaign work, but are subject to a limit on the amount of money they may be paid by the campaign, and must report their campaign income on their annual financial disclosure.

Q. I am paid at the senior staff rate. What additional restrictions apply to my being paid by the campaign?

A. House officers and employees who are paid at the senior staff rate for more than 60 days in a calendar year must file an annual financial disclosure statement. An officer or employee who is paid by a campaign and files a financial disclosure statement must report their income from the campaign on their statement. In addition, House officers and employees who are paid at the senior staff rate for more than 90 days in a calendar year are subject to a limit on the amount of outside earned income they may receive in a calendar year and the types of work for which they may be paid. For 2014, the annual outside earned income limit is \$26,955. In addition, senior staff may not be paid to perform work that involves a fiduciary duty. So, for example, a House employee paid at the senior staff rate for more than 90 days in a calendar year could not be paid to act as a campaign’s treasurer, although he or she could volunteer to do that work without compensation.

7. As a general rule, House officers and employees may not contribute to their employing Member’s campaign. This includes making “outlays,” or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your own travel expenses for campaign activity.

Q. I want to support my employing Member. Can I contribute to his or her campaign?

A. No. Federal law prohibits you from making any contribution or outlay, whether monetary or in-kind, to your employing Member. This prohibition extends to any outlay, regardless of whether or not the outlay will be reimbursed.

TIP: If an individual with whom you share an account – such as your spouse – expresses interest in making a contribution to your employing Member, ensure that he or she makes the contribution using individual funds.

Q. You said in the previous answer that I cannot make an outlay to my employing Member. What is an outlay?

A. An outlay is using your own funds to pay for something for the campaign, and the campaign reimburses you for your expenses (for example, buying pizza for the campaign office or gas for the Member’s car). The prohibition on making campaign contributions to your employing Member’s campaign applies to outlays as well, as they are considered contributions until reimbursed. However, you **are** permitted to make an outlay to your employing Member’s campaign for your own campaign travel so long as the campaign reimburses you for your travel expenses within the appropriate timeframe, as specified by the FEC.

TIP: If you intend to work for your employing Member's campaign, ask for a campaign-issued credit card whenever you anticipate expenses to avoid even the possibility of making an outlay to your employing Member.

Q. As a House employee, can I solicit contributions to my employing Member from other people?

A. Yes. Your ability to solicit contributions to your employing Member may be limited by federal or state law. However, in general, you are permitted to solicit contributions for your employing Member from your friends and family, as examples.

Q. May the campaign solicit for donations from federal employees? What about from the Member's staff?

A. No. A federal campaign may not knowingly solicit for donations from any federal employee, including the Member's own staff.

TIP: Before the campaign sends out a solicitation, it should, at a minimum, ensure that the Member's own staff are not on the list.

8. The official scheduler is permitted to use official resources to have limited communications with the Member's campaign in order to coordinate the Member's official and campaign activities. However, there are specific rules for how and what you coordinate for your employing Member's schedule.

Q. What can the official scheduler share with the campaign?

A. The official scheduler may share information about the Member's availability for any given time. The official scheduler may not provide the campaign with details of the Member's official activities, however the campaign is permitted to access information available to the general public, *e.g.* the Member hosting a town hall event. Also, **the official scheduler may not use official resources to actually schedule campaign events**. He or she may only provide information to the campaign concerning a Member's availability and receive information about confirmed campaign events. The official scheduler may not confirm attendance at campaign events or schedule travel or other logistics for a Member's attendance at a campaign event.

TIP: Treat the campaign like any other constituent. If you would not share the details of the activity with a constituent, then you should not share that information with the campaign. Maintain one point of contact for the official schedule and one point of contact for the campaign schedule to avoid miscommunications. Forward all campaign-related scheduling requests to the campaign point of contact. Consider keeping a log of all referrals to document compliance with this requirement.

Q. If I serve as the scheduler in a Member's congressional office, can I also be the scheduler for my employing Member's campaign?

A. Yes. If you choose to work for your employing Member's campaign, whether in a voluntary or paid capacity, you may also serve as the scheduler for your employing Member's campaign. You are required to maintain the same separation of calendars as described above and are prohibited from engaging in campaign scheduling in official House office space, using official resources, or on House time.

TIP: If your employing Member has provided you a BlackBerry, iPhone, tablet, or other handheld communications device for you to use for official and campaign activity, leave the House premises to schedule campaign activities for your employing Member using that device on your own time. This will help to ensure that you are not engaging in campaign activity while you are in official House office space or on House time.

9. The campaign may only use material created with official resources, if at all, after its official use has been exhausted.

Q. When has something's official use been "exhausted?" Once something is in the public domain, is its official use exhausted?

A. Generally, an item's official use has been exhausted when the official material has been released to the media or public, **and** the congressional office is no longer using it; the standard **is not** whether something is in the public domain. Depending on the subject matter, relevance, and where the materials appear, each official product may exhaust its official use at different times. The standard applies to all type of media, including, but not limited to, documents, recordings, and social/new media posts. The key in each case is that the item in question must no longer appear anywhere on an official site or be used for an official purpose. One exception is official press releases (see Q&A, below).

TIP: Consider cataloguing the life cycle and location of all materials prepared for a congressional office so you can track when an item is internal/confidential, when it is being used for an official purpose, and when its official use has been exhausted. Keep in mind, however, that once something becomes a campaign resource because it has exhausted its official use, **it can never go back to being an official resource.** Accordingly, you should make decisions concerning exhaustion of an official resource with caution.

Q. Can the congressional office draft a document and immediately exhaust its official use so the campaign can use it?

A. No. Official resources may only be used for official purposes. Congressional staff may not create something and immediately exhaust its official use simply to provide source material for the campaign. Doing so could be interpreted as using official resources to prepare a campaign document, which is a prohibited use of official resources.

TIP: Remind staff that they may only use official resources for official purposes. The fact that the campaign needs source material is not an appropriate official purpose for which congressional offices can use official resources, including staff time to create official materials.

Q. When does an official press release exhaust its official use?

A. Generally, an official press release has exhausted its official use three days after its release. If the press release announces an event, the press release exhausts its official use after the event occurs, or three days after the press release is issued, whichever is later. Once a press release has exhausted its official use, the campaign may use it word-for-word, but must remove any official indicia (e.g., logo/letterhead) or contact information from the press release. The congressional office and campaign can simultaneously release their own press releases where appropriate, but the congressional office must use its own resources and intellectual property to create the press release. The campaign must similarly use its own resources and intellectual property to create the press release. Unlike other official materials, a press release may remain on the official Web site after it has exhausted its official use for purposes of this rule.

TIP: If the official office has a listserv or other similar distribution list that is open to the public, the campaign may sign up for that list as any other member of the public.

Q. When does an official photograph exhaust its official use?

A. An official photograph exhausts its official use when the congressional office is no longer using it for any purpose, and it comes down from any site where it may have been posted, including the official Web site and official social/new media sites.

TIP: Since an official photograph has not exhausted its official use until it comes down from all official sites, you may need to remove materials from your Web site that contain the photograph in question. For example, if you use a photograph in a newsletter, and the newsletter is on your Web site, the photograph has not yet exhausted its official use.

Q. If the campaign does not have a good picture for something and there are no photographs that have exhausted their official use, can the campaign take photographs at official events to use in campaign materials?

A. Yes, if the event is held outside of official House space and is open to other constituents, the campaign may attend just like any other constituent. However, the

campaign staff must not engage in overt campaign or political activity while at an official event.

Q. Can the campaign ever use footage of House Floor activities or committee proceedings? Does the same “exhaust its official use” standard apply?

A. No. House rules specifically prohibit the use of footage of House Floor activities and committee proceedings for any partisan political purpose. The “exhaust its official use” standard does not apply to footage of House Floor activities or committee proceedings. If such footage is embedded in a third party article or news clip, the campaign may use the article or clip if otherwise appropriate, but must first remove the prohibited footage.

TIP: Educate campaign staff about the prohibition on the use of footage of committee proceedings and House Floor activities to avoid any inadvertent impermissible use.

10. Consult with the Committee on Ethics if you have questions about participation in campaign activities.

Q. How do I contact the Ethics Committee?

A. Call (202) 225-7103 and ask to speak to an attorney. If you have a relationship with a particular attorney, you can email or call him or her directly. Advice and Education attorneys are available Monday through Friday, from 9 AM until 6 PM, Eastern time. In addition, the Committee routinely makes attorneys available to conduct in-person training sessions for individual offices.

TIP: Your conversations with Committee counsel are confidential. The benefit of asking for advice before taking an action is that you can often avoid even the appearance of an inappropriate action. Ask as many questions as you have, ask as often as you like, and always ask before acting if you have any doubt about the permissibility of your proposed campaign activity.

Q. How can I stay up to date on the latest guidance issued by the Ethics Committee?

A. From time to time the Committee issues pink sheets like this one, whether to provide reminders or updates to the House community about existing rules or to issue guidance about new standards. Those pink sheets are distributed in hard copy to Member and committee offices and posted on the Committee’s Web site, <http://ethics.house.gov/>. You can also sign up for the Committee’s listserv on its Web site, or sign up to receive e-Dear Colleagues from the Committee at <http://e-dearcolleague.house.gov/>.