

# APPENDIX II



# U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

February 8, 2021

## MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

**FROM:** Committee on Ethics

Theodore E. Deutch, Chairman

Jackie Walorski, Ranking Member

**SUBJECT:** The 2021 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

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All Members of the House are subject to certain public disclosure requirements and employment restrictions both during and after their service in the House. Specifically:

1. Financial disclosure filing requirements, including both annual financial disclosure (FD) statements and Periodic Transaction Reports (PTRs);
2. Restrictions on outside employment;
3. Notification requirements for disclosure of negotiations for private employment and related recusals; and
4. Post-employment restrictions.

House employees may also be subject to these requirements and restrictions, depending on their salary level. This memorandum provides details on the current triggering salary figures for Calendar Year (CY) 2021 for each of the categories noted above and summarizes them in a table on page 6. It is each individual employee's responsibility to know whether their salary level subjects them to these standards of conduct and, if so, to comply with them. Please note that this memorandum is not a comprehensive list of every rule or standard of conduct that applies to House staff, but an overview of key standards that are triggered by salary level. Any Member, officer, or employee who has questions about these requirements and restrictions or about the various rules is encouraged to contact the Committee's Office of Advice and Education at extension 5-7103.

## FINANCIAL DISCLOSURE

House officers and employees whose “rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days at any time during a calendar year are subject to financial disclosure filing requirements, provided that the officer or employee “performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year.”<sup>1</sup> The GS-15, step 1, basic pay rate for CY 2021 is \$110,460.<sup>2</sup> The applicable 120% calculation for that rate is therefore **\$132,552**, or a monthly salary of equal to or more than \$11,046. This rate is referred to as the “senior staff rate.”

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$132,552) for at least **60 days**<sup>3</sup> during **2021** must file an FD statement on or before May 16, 2022.<sup>4</sup> (Temporary increases in an employee’s basic rate of pay – such as to pay out a bonus – count toward this threshold, but “lump sum” payments do not.<sup>5</sup>) In addition, any new employee paid at or above the senior staff rate must file a “new employee” FD statement within 30 days of assuming employment with the House.<sup>6</sup> A new employee may request an extension of the new employee FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.<sup>7</sup> Finally, any staff who are paid at or above the senior staff rate on January 3, 2021 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain

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<sup>1</sup> Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are subject to financial disclosure filing requirements. 5 U.S.C. app. §§ 101(d) and (f).

<sup>2</sup> Exec. Order No. 13970, 86 Fed. Reg. 421 (Dec. 31, 2020).

<sup>3</sup> The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee’s base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file an FD. This is true even if the pay change affects only part of a month.

<sup>4</sup> 5 U.S.C. app. §§ 101(d) and (f). With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that financial disclosure obligations do not apply to those whose combined House salary and annuity are at or above the threshold rate for the specified time period (*but see* note 26, below). FD statements are due May 15 annually. In the event that May 15 or another filing deadline under the EIGA falls on a weekend or a holiday, the filing deadline shall be on the next business day.

<sup>5</sup> *See* Comm. on Ethics 2008 *Ethics Manual* at 283-84, available at [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf); Comm. on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports*, at p. 2 (Calendar Year 2019), available at <https://ethics.house.gov/financial-disclosure/financial-disclosure-forms-and-filing>.

<sup>6</sup> *See* 5 U.S.C. app. § 101(a). The only exception to this filing requirement is for new employees who assume employment with the House within 30 days of leaving a position with the federal government in which they filed a publicly-available FD statement. Individuals who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing by letter or through the e-filing system for filing FD statements.

<sup>7</sup> A request for an extension must be made using either a form available on the Committee’s website or through the electronic financial disclosure filing system at <https://fd.house.gov>.

financial transactions.<sup>8</sup> PTRs are not annual filings, but must be filed within 30 days of a purchase, sale, or exchange of more than \$1,000 in stocks, bonds, and other securities.<sup>9</sup>

Please note that the requirement to file an FD statement covering calendar year 2020 applies to officers and employees whose basic rate of pay for at least 60 days in **2020** was **\$131,239** or more (a monthly salary at or above \$10,936). Annual FD statements covering CY 2020 are due on Monday, May 17, 2021, for those individuals who continue to be Members, officers, or employees of the House on that date.<sup>10</sup> A filer may request an extension of the annual FD filing deadline of up to 90 days, but the request must be received by the Committee on or before the original filing deadline.<sup>11</sup>

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.<sup>12</sup> A filer may request an extension of the termination FD filing deadline of up to 90 days, but the request must be received by the Committee on or before the original filing deadline.<sup>13</sup>

### **THE OUTSIDE EARNED INCOME LIMIT AND OUTSIDE EMPLOYMENT RESTRICTIONS**<sup>14</sup>

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income<sup>15</sup>

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<sup>8</sup> 5 U.S.C. app. § 103(l).

<sup>9</sup> For detail on the PTR requirement, see the Committee’s August 17, 2012 advisory memorandum “Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended,” which is available on the Committee website (<https://ethics.house.gov>), under the links for Reports/General Advisories. Note that the STOCK Act may require the filing of PTRs as often as once per month for Members and any staff who are paid at the senior staff rate on the first day of the 2021 pay cycle (January 3, 2021). Staff who are paid at or above the senior staff rate for more than 60 days later in 2021 – even if on a temporary basis – will also be subject to the PTR requirement for the remainder of the calendar year and will be required to file an annual FD in 2022.

<sup>10</sup> See *supra* note 4.

<sup>11</sup> See *supra* note 7.

<sup>12</sup> See 5 U.S.C. app. § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available FD statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing, by sending a letter, completing a form available for that purpose, or filing a notice through the electronic financial disclosure filing system.

<sup>13</sup> See *supra* note 7.

<sup>14</sup> For detailed information concerning limitations and prohibitions for *uncompensated outside positions*, see the Committee’s December 11, 2019 advisory memorandum “Outside Position Regulations,” which is available on the Committee’s website (<https://ethics.house.gov>), under the links for Reports/General Advisories.

<sup>15</sup> The term “outside earned income” means any “wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered” by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include, among other things, the individual’s salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

attributable to each calendar year.<sup>16</sup> As noted above, the senior staff rate for CY 2021 is **\$132,552**, or a monthly salary equal to or greater than \$11,046. The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of that year. As of January 1, 2021, the rate of basic pay for Executive Level II was \$197,300.<sup>17</sup> Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2021 is **\$29,595**.<sup>18</sup>

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the substantive types of outside employment for which they may receive compensation and must receive prior approval to receive certain types of compensation.<sup>19</sup> These include prohibitions on receiving any compensation for practicing a profession that involves a fiduciary relationship, receiving any compensation for affiliating with a firm that provides professional services involving a fiduciary relationship, or permitting such a firm to use one's name.<sup>20</sup> Receipt of compensation for service as an officer or member of a board of directors is also prohibited.<sup>21</sup> Prior written approval from the Committee on Ethics is required to accept compensation for teaching and to receive copyright royalties.<sup>22</sup> Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's website (<https://ethics.house.gov/house-ethics-manual>).

### **DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS**

House Members, officers, and certain House employees must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a *private* entity.<sup>23</sup> House employees subject to this disclosure requirement are those employees who are paid greater than 75% of the basic rate of pay for Members (employees earning more than **\$130,500 or 10,875 monthly**).<sup>24</sup> This amount is referred to as the post-employment rate.

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<sup>16</sup> 5 U.S.C. app. § 501(a)(1); House Rule 25, cls. 1(a)(1) and 4(a)(1).

<sup>17</sup> Exec. Order No. 13,901, 84 Fed. Reg. 72,218 (Dec. 30, 2019) (setting Executive Schedule rates for the first pay period starting after January 1, 2020); Exec. Order No. 13970, 86 Fed. Reg. 421 (Dec. 31, 2020) (setting Executive Schedule rates for the first pay period starting after January 1, 2021).

<sup>18</sup> This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or \$14,797.50. See 5 U.S.C. app. § 501(a)(2); House Rule 25, cl. 1(b).

<sup>19</sup> See 5 U.S.C. app. § 502(a); House Rule 25, cls. 1-4.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> See House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17.

<sup>24</sup> See *id.*; see also Section 7 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 Dec. 27, 2020), prohibiting a scheduled cost-of-living pay raise for Members. As a result, Member pay will remain at \$174,000 for 2021.

In addition, House Members, officers, and employees paid more than the post-employment rate must recuse themselves from “any matter in which there is a conflict of interest or an appearance of a conflict” with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.<sup>25</sup>

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and employees paid at or above the post-employment rate is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both memoranda, which are dated December 18, 2020, are available on the Committee’s website (<https://ethics.house.gov>) under “Reports/General Advisories,” and forms for making the notifications regarding job negotiations or recusal are available under “Forms/Post-Employment.”

### **POST-EMPLOYMENT RESTRICTIONS**

House Members and officers, and employees paid at or above the post-employment rate, are subject to post-employment restrictions.<sup>26</sup> In general, a former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the twelve month period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. As noted above, the post-employment rate is \$130,500, or a monthly salary of \$10,875 or more.

Additionally, the triggering salary for employees of other House offices (such as the Chaplain, Chief Administrative Officer, Clerk, General Counsel, Historian, Inspector General, Law Revision Counsel, Legislative Counsel, Office of Congressional Ethics, Parliamentarian, and Sergeant at Arms) is Executive Schedule Level IV.<sup>27</sup> For 2021, that salary is **\$172,500**, or a monthly salary more than \$14,375.

Information on the post-employment restrictions applicable to Members, officers, and employees paid at or above the post-employment rate is available in the two Committee advisory memoranda referenced in the previous section.<sup>28</sup>

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<sup>25</sup> House Rule 27, cl. 4; STOCK Act § 17.

<sup>26</sup> 18 U.S.C. § 207. With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that the post-employment restrictions apply to those whose combined House salary and annuity were at or above the threshold rate for the specified time period (*but see* note 4, above).

<sup>27</sup> “[O]ther legislative offices” also includes employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Publishing Office, Library of Congress, Congressional Budget Office, and Capitol Police. *See* 18 U.S.C. § 207(e)(9)(G).

<sup>28</sup> Most of the post-employment restrictions apply to employees paid more than \$130,500. As discussed in the general advisory memorandum for former staff, however, one provision applies to all former House staff – regardless of rate of pay – and restricts use of confidential information obtained during personal and substantial participation in ongoing trade or treaty agreements.

**CALENDAR YEAR 2021**

<b>Item</b>	<b>2021 Amount</b>
<b>Outside earned income &amp; outside employment threshold</b> - Outside employment fiduciary restrictions if paid at rate for more than 90 days during 2021	<b>\$132,552</b> (\$11,046/mo)
<b>Outside earned income limit</b>	<b>\$29,595</b>
<b>Financial Disclosure/PTR threshold</b> - Annual FD required in May 2022 if paid at rate for 60 days or more in CY 2021 - PTRs required during CY 2021 if: <ul style="list-style-type: none"> <li>- Paid at rate on first day of calendar year or first day of House employment (if later); <i>or</i></li> <li>- Paid at rate for any two pay periods during CY 2021 (<i>e.g.</i>, if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year</li> </ul>	<b>\$132,552</b> (\$11,046/mo)
<b>Written disclosure of job negotiations and recusals required if paid <i>more than</i> the post-employment rate</b>	<b>\$130,500</b> (\$10,875/mo)
<b>Post-Employment threshold for employees of Member, committee, or leadership offices</b>	<b>\$130,500</b> (\$10,875/mo)
<b>Post-Employment threshold for employees of “other legislative offices” (see p. 5)</b>	<b>\$172,500</b> (\$14,375/mo)

Theodore E. Deutch, Florida  
*Chairman*  
Jackie Walorski, Indiana  
*Ranking Member*

Susan Wild, Pennsylvania  
Dean Phillips, Minnesota  
Veronica Escobar, Texas  
Mondaire Jones, New York

Michael Guest, Mississippi  
Dave Joyce, Ohio  
John H. Rutherford, Florida  
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

## U.S. House of Representatives

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April 14, 2021

### MEMORANDUM FOR ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: Committee on Ethics  
Theodore E. Deutch, Chairman  
Jackie Walorski, Ranking Member

SUBJECT: Ethics Guidance Regarding Financial Interest in Funding Requests

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House Rule 23, clause 17, requires that a Member, Delegate, or Resident Commissioner<sup>1</sup> who requests an earmark or a limited tax or tariff benefit provide certain information regarding the request and its purpose to the committee of jurisdiction, including a certification that neither the Member nor the Member's spouse has a financial interest in the request. Congressionally Directed Funding and Community Project Funding are examples of funding requests<sup>2</sup> that trigger the certification requirement. In addition to requirements in the House rules, each committee with jurisdiction over a funding request, as well as the Democratic Caucus or Republican Conference may establish supplemental policies or restrictions for funding requests. For example, House Members may also have to certify that their *immediate family* does not have a financial interest in the funding request.<sup>3</sup> This advisory memorandum is intended to provide some general guidance based on questions the Committee has received concerning the certification requirement. Members with specific questions should contact the Committee's Office of Advice and Education at (202) 225-7103.

#### Certification Requirement

House Rule 23, clause 17 imposes a disclosure requirement on a Member who "requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers)." The committees with jurisdiction over funding requests shall determine whether any particular funding request triggers the certification

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<sup>1</sup> Hereinafter, Members, Delegates, and the Resident Commissioner are referred to collectively as "Members."

<sup>2</sup> Hereinafter, this memorandum will refer to all relevant requests as "funding requests."

<sup>3</sup> Comm. on Appropriations, Appropriations Requests, at <https://appropriations.house.gov/appropriations-requests> (last visited Apr 7, 2021).



requirement. Congressionally Directed Funding and Community Project Funding are examples of funding requests that trigger the certification requirement. A Member who submits a funding request must provide a written statement to the chair and ranking member of the committee of jurisdiction of the bill, resolution, or report that contains the following information:

- the name of the Member;
- in the case of an earmark, the name and address of the intended recipient, or if there is no intended recipient, the location of the activity;
- in the case of a limited tax or tariff benefit, the name of the beneficiary;
- the purpose of the earmark or limited tax or tariff benefit; and
- a certification that both the Member and the Member’s spouse have no financial interest in the earmark or limited tax or tariff benefit.

Application of the rule to funding requests is determined by a number of key terms, including “financial interest,” “earmark,” “limited tax benefit,” and “limited tariff benefit.” The latter three terms are defined in House Rule 21, clauses 9(d), (e), and (f).<sup>4</sup>

### **“Financial Interest” in a Funding Request**

Whether a Member or a Member’s spouse has a financial interest in a funding request will most frequently depend on the specific facts and circumstances regarding both the proposed spending provision and the personal financial circumstances of the Member and spouse. In the great majority of cases, Members should readily be able to determine whether they have a financial

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<sup>4</sup> The terms “earmark,” “limited tax benefit,” and “limited tariff benefit” are defined below. The term “financial interest” will be discussed in detail in this memorandum.

(d) For the purpose of this clause, the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(e) For the purpose of this clause, the term “limited tax benefit” means--

(1) any revenue-losing provision that--

(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

(f) For the purpose of this clause, the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

interest. **Members are encouraged to consult the Ethics Committee for guidance with any fact-specific questions they may have concerning whether they or their spouse have a financial interest in a funding request.**<sup>5</sup> The Ethics Committee nevertheless provides the following general guidance.

A financial interest would exist in a funding request when it would be reasonable to conclude that the provision would have a direct and foreseeable<sup>6</sup> effect on the pecuniary interests of the Member or the Member's spouse.

Such interests may relate to one's financial assets, liabilities, or other interests of the Member or spouse, such as ownership of certain financial instruments or investments in stocks, bonds, mutual funds, or real estate. A financial interest may also derive from a salary, indebtedness, job offer, or other similar interest. Many of these interests are required to be reported on the Member's annual Financial Disclosure Statement.

A financial interest would not include remote, inconsequential, or speculative interests. For example, if a Member proposed a funding request benefiting a certain company, the Member generally would not be considered to have a financial interest in the provision by owning shares in a diversified mutual fund, employee benefit plan (*e.g.*, the Thrift Savings Plan or similar state benefit plan), or pension plan that, in turn, holds stock in the company. However, a Member or Member's spouse with a majority ownership interest in a certain company seeking funding likely does have a financial interest in the funding.

As a general matter, a contribution to a Member's principal campaign committee or leadership PAC does not constitute the type of "financial interest" referred to in the rule. Nevertheless, a political contribution tied to an official action may raise other considerations. It is impermissible to solicit or accept a campaign contribution that is linked to any action taken or asked to be taken by a Member in the Member's official capacity – such as a funding request that a Member has made or been asked to make. Accepting a contribution under these circumstances may implicate the federal gift statute or the criminal provisions on illegal gratuities or bribery (*e.g.*, *quid pro quo*).<sup>7</sup>

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<sup>5</sup> As noted later in this Memorandum, Members should consult with the Committee on Appropriations and the relevant committee of jurisdiction for questions concerning policies or restrictions that are supplemental to House Rule 23, clause 17.

<sup>6</sup> An effect is foreseeable if it is anticipated or predictable. For additional guidance, see 5 C.F.R. § 2640.103(a)(3), which defines a similar term, "predictable," as "a real, as opposed to a speculative, possibility that the matter will affect the financial interest." This regulation also defines the term "direct" as "a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest," and states that a "particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of this part."

<sup>7</sup> See 5 U.S.C. § 7353; 18 U.S.C. § 201; *see also* House Rule 23, clause 3 (providing that a Member "may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress").

If a Member determines that they or their spouse have a financial interest in a funding request, the Member should not request the provision nor ask another Member to request the measure on their behalf.

### **Other Requirements**

In addition to requirements in the House rules, each committee of jurisdiction may establish supplemental policies or restrictions for funding requests.<sup>8</sup> Members should consult with the particular committee of jurisdiction for guidance concerning any supplemental policies or restrictions before making a funding request. Members should also consult with the Democratic Caucus or Republican Conference, as applicable, to seek additional requirements before submitting a funding request.

Using the Appropriations Committee’s FY 2022 Community Project Funding as an example, in making such funding requests, Members are *further* required to do the following:

- post their requests and certifications of no financial interest on their official websites (*i.e.*, house.gov) simultaneously when their requests are made to the Committee on Appropriations;
- prioritize their requests (maximum of 10 requests per Member) when submitting to the Member database;
- provide evidence of community support that were compelling factors in their decision to select the requested projects; and
- certify that they, their spouse, and their *immediate family* have no financial interest in the projects they request. For purposes of the certification requirement, the Committee on Appropriations has defined *immediate family* as father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.<sup>9</sup>

### **Frequently Asked Questions**

**Q. Do I have a financial interest in a funding request for a public university’s medical research study where my spouse is chair of the English department?**

**A.** A financial interest in a funding request exists “when it would be reasonable to conclude that the provision would have a direct and foreseeable effect on the pecuniary interests of the

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<sup>8</sup> Comm. on Appropriations, “DeLauro Announces Community Project Funding in Fiscal Year 2022,” at <https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022> (last visited April 7, 2021).

<sup>9</sup> Comm. on Appropriations, Appropriations Requests, at <https://appropriations.house.gov/appropriations-requests> (last visited Apr 7, 2021).

Member or the Member's spouse."<sup>10</sup> The outside employment of a Member's spouse may constitute a financial interest in a funding request benefiting the spouse's employer when, for example, the funding request would affect the spouse's salary, the employer's ability to pay the salary, or the existence of the position (or where the spouse held an ownership interest in the employer). Your spouse's compensation will not be affected by the funding request, nor will your spouse receive any other financial gain or benefit from the funding request. Therefore, there is no financial interest.

**Q. A public university in my district has requested funding for a medical study where my spouse is the principal investigator and has intellectual property rights. Do I have a financial interest?**

**A.** It is reasonable to conclude that the funding request will directly and foreseeably affect your spouse's financial interest, given that your spouse is the principal investigator and has intellectual property rights. Therefore, there is a financial interest.

**Q. Do I have a financial interest in a funding request if my spouse's company bids on a government contract that may receive funding if awarded the contract?<sup>11</sup>**

**A.** In this scenario, it is not conclusive that the spouse's company will win the government contract. As stated above, the Committee has determined a financial interest does not include a "remote, inconsequential, or speculative interest."<sup>12</sup> Therefore, there is no financial interest.

**Q. Do I have a financial interest in a funding request for an airport if I own property near the airport?**

**A.** The Committee has previously advised a financial interest does not exist if (1) the upgrades to the airport will not affect the property's use or provide any other direct or unique benefits to the property; and (2) any change in the value of the property resulting from the funding would be incremental and indirect, and would be experienced as a member of a class of area property owners, merely as a consequence of the airport's general effect on the economy.

**Q. Does my board membership on a non-profit prohibit me from seeking funding on its behalf? I do not have a financial interest.**

**A.** Generally, Members may seek funding requests for entities in which they have an affiliation provided there is no financial interest. However, Members are prohibited from

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<sup>10</sup> See Comm. on Ethics, *2008 Ethics Manual* at 239, available at [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf) [hereinafter *2008 House Ethics Manual*].

<sup>11</sup> We note that the criminal statute prohibiting Members from entering into a contract with the United States does not appear to apply to contracts between a Member's spouse and the U.S. government. 18 U.S.C. § 431. See *2008 House Ethics Manual* at 201.

<sup>12</sup> See *2008 House Ethics Manual* at 239.

dispensing special favors or privileges to anyone, whether for remuneration or not.<sup>13</sup> Accordingly, any requests on behalf of an organization with which you have an affiliation should be based on its merits and in relation to requests made on behalf of other similar entities located in the district.

**Q. Can I make a funding request on behalf of a non-profit whose director donated to my campaign?**

A. Generally, a contribution to a Member’s campaign or leadership PAC does not constitute “financial interest” under House 23, clause 17. However, Members should be mindful of appearance and *quid pro quo* concerns with any connection between political contributions and official actions.<sup>14</sup>

**Q. Is signing a letter of support for funding considered a formal “request” for funding?**

A. The committees with jurisdiction over funding requests are responsible for determining whether any particular spending provision constitutes a “request” for funding. Accordingly, Members with questions regarding whether their proposed conduct constitutes a “request” should consult with the particular committee of jurisdiction for guidance.

**Q. Besides the House rules, are there any other requirements for requesting funding?**

A. Each committee of jurisdiction may establish supplemental policies or restrictions regarding funding requests in addition to the House rules (*e.g.*, the Committee on Appropriations in FY22 requiring Members to certify that their immediate family has no financial interest in the funding request).<sup>15</sup> For questions regarding guidelines for submitting a funding request, please contact the particular committee of jurisdiction for guidance. Members should also consult the Democratic Caucus or Republican Conference for additional requirements for funding requests.

Committee staff are available to provide advice to House Members and employees. Please direct questions to the Committee’s Advice and Education staff at (202) 225-7103. It may also be necessary to consult with the Committee on Appropriations and/or the specific committee of jurisdiction.

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<sup>13</sup> Code of Ethics for Government Service ¶ 5, H. Con. Res. 175, 85th Cong., 2d Sess., 72 Stat. pt 2, B12 (1958).

<sup>14</sup> See *supra* note 7 and accompanying text.

<sup>15</sup> Comm. on Appropriations, “DeLauro Announces Community Project Funding in Fiscal Year 2022,” at <https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022> (last visited April 7, 2021).

Theodore E. Deutch, Florida  
*Chairman*

Jackie Walorski, Indiana  
*Ranking Member*

Susan Wild, Pennsylvania  
Dean Phillips, Minnesota  
Veronica Escobar, Texas  
Mondaire Jones, New York

Michael Guest, Mississippi  
Dave Joyce, Ohio  
John H. Rutherford, Florida  
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

## U.S. House of Representatives

COMMITTEE ON ETHICS

Thomas A. Rust  
*Staff Director and Chief Counsel*

David W. Arrojo  
*Counsel to the Chairman*

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*Counsel to the Ranking Member*

1015 Longworth House Office Building  
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Telephone: (202) 225-7103  
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April 26, 2021

### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics  
Theodore E. Deutch, Chairman  
Jackie Walorski, Ranking Member

SUBJECT: Upcoming Financial Disclosure Filing Deadline & Automatic Extension

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The Ethics in Government Act (EIGA) subjects all Members of the House and certain House employees to financial disclosure (FD) filing requirements. In general, Members and staff who are subject to FD filing requirements must file two types of reports: 1) annual FD Statements, which must be filed regardless of a filer's holdings or financial activity, as well as upon beginning and terminating House employment, and 2) periodic transaction reports (PTRs) that a filer may be required to file throughout the year on an ongoing basis, depending on their actual financial activity. The purpose of this memorandum is to remind filers of the filing requirement and to detail the step the Committee is taking to address the difficulties of complying with the May 17, 2021 annual FD deadline.

#### Automatic Extension for Annual Financial Disclosure Statements

**The Committee has automatically granted all House Members and employees who are required to file an annual FD Statement the full 90-day extension permitted by EIGA. Therefore, the deadline for all annual filers is now August 13, 2021.** Annual filers are welcome to submit FD Statements as soon as practicable, or any time before August 13, 2021. There is no need to request the extension or take any other action. As the Committee is granting an extension to the maximum extent allowed by law, the Committee is not authorized to grant any additional extensions. This automatic extension does not apply to staffers filing new employee reports or termination reports. Additionally, this automatic extension does not apply to candidates for the U.S. House of Representatives.<sup>1</sup>

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<sup>1</sup> EIGA also does not permit the Committee to grant extensions for PTRs.

### Which Staff Must File Financial Disclosure Statements

House staff may be subject to financial disclosure filing requirements for a number of reasons, including 1) they are paid at or above the senior staff rate for 60 days or more during the calendar year, even if on a temporary basis; 2) they are designated a “principal assistant” for financial disclosure filing purposes by their employing Member; or 3) they are a shared employee of three or more offices, regardless of their rate of pay.

“Senior Staff” are those House employees whose “rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days at any time during a calendar year. Therefore, House employees who were paid at the rate of \$131,239 (\$10,936 monthly salary) for at least 60 days during 2020 will be required to file a Statement by August 13, 2021.<sup>2</sup> It is each employee’s responsibility to know if you are senior staff and to comply with the ethics requirements that attach to that designation.

At least one employee in every Member’s personal office must file an annual FD Statement. Most offices will have at least one employee who is paid at or above the senior staff rate and therefore is required to file an annual FD Statement. If a Member does not have an employee paid at or above the senior staff rate, the Member must designate at least one current employee as a “principal assistant” to file an annual FD Statement. To designate a principal assistant, the Member must sign and transmit to the Clerk of the House a letter that identifies the designee. A form for this purpose is available on the Clerk’s website, <https://clerk.house.gov>.

Some shared employees are also required to file an annual FD Statement pursuant to a Committee on House Administration Resolution. Each House employee who is employed simultaneously by three or more offices for more than 60 days in a calendar year is required to file an annual FD Statement the following year regardless of their rate of pay.

### Financial Disclosure Trainings

The Committee will offer senior staff trainings that will satisfy either the annual ethics training requirement or the additional hour of training required for senior staff for the 117<sup>th</sup> Congress (staff must choose one or the other). These trainings will cover general information about the requirement to file FD Statements and PTRs. In addition, the trainings will end with an opportunity for participants to ask questions about financial disclosure generally. Each training will take place virtually on the following dates and times:

<b>Trainings</b>		
<b>Date</b>	<b>Time</b>	<b>Platform</b>
<b>Wednesday, April 28</b>	2pm-3pm EST	Congressional Staff Academy
<b>Thursday, May 6</b>	2pm-3pm EST	Congressional Staff Academy

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<sup>2</sup> For 2021, senior staff are House officers and employees whose basic rate of pay is equal to or greater than \$132,552 (\$11,046 monthly salary) for at least 60 days during 2021.

Members, officers, and employees are invited to attend FD trainings. To receive credit for one of the trainings, senior staff are **required to pre-register** using the following steps:

1. Go to the Congressional Staff Academy page on HouseNet;
2. Click “Access the Staff Academy Website to Sign Up for Trainings”;
3. Click on the calendar icon on the top right of the screen;
4. Search for “Financial Disclosure Webinar” on April 28 or May 6; and
5. Follow the prompts to register for your training of choice.

### How to File Financial Disclosure Statements

Annual FD Statements may be filed with the Legislative Resource Center (LRC) by 1) using the online filing system available at <https://fd.house.gov>; 2) mailing in pre-printed forms; or by 3) delivering pre-printed forms to the LRC. These forms may not be filed by email, scan, or fax.

The Committee strongly encourages all filers to use the online filing system for submission. The system can be used from any place where internet access is available and does not require any physical contact with the LRC. The login and password for the system remain the same from year to year. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance.

Financial disclosure forms may also be filed by mailing hard copies of the pre-printed forms to the LRC, located in the Cannon House Office Building, Room B-81. In-person delivery to the LRC is also available until 3pm EST (5pm EST when the House is in session). Members must submit the original, signed form with 2 photocopies. Staff must submit the original, signed form with 1 photocopy. Forms may also be sent to the following mailing address:

The Clerk, U.S. House of Representatives  
Legislative Resource Center  
B-81 Cannon House Office Building  
Washington, DC 20515-6612.

Prescreening of draft financial disclosure statements is available to Members. To have Committee staff review a draft filing and receive feedback before it is filed, simply email a PDF draft of the filing to [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov) with “MEMBER PRESCREEN REQUEST” in the subject line. The Committee staff will respond promptly to requests in the order in which they are received.

Additional information about financial disclosure requirements may be found on the Committee’s website at <https://ethics.house.gov> under the “Financial Disclosure” tab.

If you have any questions regarding financial disclosure, please contact the Committee at (202) 225-7103 or [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov).

\* \* \*



## Reminder of Financial Disclosure Filing Deadline & Assistance Available

Sending Office: Committee on Ethics

Sent By: EthicsCommittee@mail.house.gov

July 19, 2021

### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

Theodore E. Deutch, Chairman

Jackie Walorski, Ranking Member

SUBJECT: Reminder of Financial Disclosure Filing Deadline & Assistance Available

The Committee has automatically granted all House Members and employees who are required to file an annual financial disclosure (FD) statement the full 90-day extension of the May 15<sup>th</sup> filing deadline as permitted by the Ethics in Government Act (EIGA). **Please be reminded that the deadline is August 13, 2021, less than four weeks away. By law, no further extension is allowed beyond August 13, 2021.** This automatic extension does not apply to Members or staffers filing new employee reports or termination reports. Additionally, this automatic extension does not apply to candidates for the U.S. House of Representatives.

#### Assistance Available with Financial Disclosure

Committee staff are available by phone and by email to provide FD guidance. Simply call the Committee at (202) 225-7103 to speak to a member of our FD team. You may also email your inquiries to [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov) for assistance. Members requesting a prescreen of a draft filing should email a PDF version of the draft to this email address with "MEMBER PRESCREEN" in the subject line. Please submit Member prescreen requests as soon as possible if you would like to receive feedback prior to the August 13, 2021 filing deadline.

In addition, the Committee will offer virtual senior staff trainings that *will* satisfy either the annual ethics training requirement or the additional hour of training required for senior staff for the 117<sup>th</sup> Congress. These trainings will cover general information about the requirement to file FD statements and

Periodic Transaction Reports. These trainings will take place on the following dates, at the listed times, and via the WebEx audio platform:

<b>Senior Staff Financial Disclosure Trainings</b>		
	<b>Time</b>	<b>Virtual Audio Platform</b>

Date		
<b>Wednesday, July 21</b>	2:00 p.m. – 3:00 p.m.	WebEx
<b>Tuesday, August 3</b>	11:00 a.m. – 12:00 p.m.	WebEx

All attendees are ***required to pre-register*** for each training with the Congressional Staff Academy Website. (From the Congressional Staff Academy homepage, click on “Ethics Trainings” in the “Required Trainings” Section on the right side of the page. Then, select one of the trainings entitled “Senior Staff Training – Financial Disclosure”.)

### How to File Financial Disclosure Statements

Annual FD Statements may be filed with the Legislative Resource Center (LRC) by 1) using the online filing system available at <https://fd.house.gov> or by 2) mailing/delivering pre-printed forms. These forms may not be filed by email, scan, or fax.

The Committee strongly encourages all filers to use the online filing system for submission. The system can be used from any place where internet access is available and does not require any physical contact with the LRC. The login and password for the system remain the same from year to year. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance.

Financial disclosure forms may also be filed by mailing or hand-delivering hard copies of the pre-printed forms to the LRC. In-person delivery to the LRC in B-81 Cannon House Office Building is available Monday through Friday from 9 a.m. to 6 p.m. Eastern Standard Time (subject to change during congressional recess). Members must submit the original, signed form with 2 photocopies. Staff must submit the original, signed form with 1 photocopy. Forms may be sent to the following mailing address:

The Clerk, U.S. House of Representatives

Legislative Resource Center


B-81 Cannon House Office Building


Washington, DC 20515-6612.

If you have any questions regarding financial disclosure, please contact the Committee at (202) 225-7103 or [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov).

\* \* \*

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## Reminder of Financial Disclosure Filing Deadline

Sending Office: Committee on Ethics

Sent By: EthicsCommittee@mail.house.gov

August 6, 2021

### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

Theodore E. Deutch, Chairman

Jackie Walorski, Ranking Member

SUBJECT: Reminder of Financial Disclosure Filing Deadline

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Please be reminded that the extended deadline to file an annual financial disclosure statement (FD) is **Friday, August 13, 2021**, exactly 1 week from today. Pursuant to the Ethics in Government Act, **no further extension is allowed beyond August 13, 2021.**

#### How to File Financial Disclosure Statements

Annual FD Statements may be filed electronically with the Legislative Resource Center (LRC) by using the online filing system available at <https://fd.house.gov>. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance. Email, scan, or fax submission is not allowed.

In the alternative, FD forms may also be filed by mailing or hand-delivering hard copies of the pre-printed forms to the LRC located at:

The Clerk, U.S. House of Representatives

Legislative Resource Center

B-81 Cannon House Office Building

Washington, DC 20515-6612

Assistance Available with Financial Disclosure

Committee staff are available by phone at (202) 225-7103, and by email at [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov), to provide FD guidance. Members requesting a prescreen of a draft filing should email a PDF version of the draft to this email address with “MEMBER PRESCREEN” in the subject line. Please submit Member prescreen requests as soon as possible if you would like to receive feedback prior to the August 13, 2021 extended filing deadline.

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# REMINDER OF FINANCIAL DISCLOSURE FILING DEADLINE



Sending Office: Committee on Ethics

Sent By: EthicsCommittee@mail.house.gov

August 10, 2021

## MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

Theodore E. Deutch, Chairman

Jackie Walorski, Ranking Member

SUBJECT: Reminder of Financial Disclosure Filing Deadline

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Please be reminded that the extended deadline to file an annual financial disclosure statement (FD) is **Friday, August 13, 2021**. Pursuant to the Ethics in Government Act, **no further extension is allowed beyond August 13, 2021**.

### How to File Financial Disclosure Statements

Annual FD Statements may be filed electronically with the Legislative Resource Center (LRC) by using the online filing system available at <https://fd.house.gov>. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance. Email, scan, or fax submission is not allowed.

In the alternative, FD forms may also be filed by mailing or hand-delivering hard copies of the pre-printed forms to the LRC located at:

The Clerk, U.S. House of Representatives

Legislative Resource Center

B-81 Cannon House Office Building

Washington, DC 20515-6612

Assistance Available with Financial Disclosure

Committee staff are available by phone at (202) 225-7103, and by email at [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov), to provide FD guidance. Members requesting a prescreen of a draft filing should email a PDF version of the draft to this email address with “MEMBER PRESCREEN” in the subject line. Please submit Member prescreen requests as soon as possible if you would like to receive feedback prior to the August 13, 2021 extended filing deadline.

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# Congress of the United States

## House of Representatives

August 30, 2021

### **Afghanistan Humanitarian Relief Efforts**

Dear Colleague:

Several offices have contacted the Committee on House Administration, the House Communications Standards Commission (Commission), and the Committee on Ethics to inquire about the use of official resources to provide information to constituents and/or about the extent to which official resources may be used to help those affected by the issues arising out of the situation in Afghanistan. We want to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

#### **Solicitations**

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 websites.

#### **U.S. Department of State**

<https://www.state.gov/afghanistan-inquiries/>

#### **United States Agency for International Development (USAID)**

<https://www.usaid.gov/afghanistan/hart>

#### **Department of Veterans Affairs**

<https://blogs.va.gov/VAntage/93577/lets-talk-about-afghanistan-resources-veterans-families/>

All of the above information may be communicated to your constituents via the usual and customary official communication tools, including the congressional frank, subject to applicable statutes and House rules and regulations. In addition, a Member may post on an official website, 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* websites 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 Afghanistan, it would be permissible to provide links to any of the government websites noted above. It is permissible to notify constituents about the existence of these websites, provided franking regulations are followed. Members may also post on official websites and social media accounts.

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 American 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.

Members who wish to solicit on behalf of an organization not recognized under IRC § 170(c) must seek approval from the Committee on Ethics, which considers and decides on solicitation requests on behalf of non-qualified entities on a case-by-case basis. For example, solicitations of donations directly to specific individuals, as opposed to § 501(c)(3) charities, would need prior Ethics Committee approval. Members may use the [“Solicitation Waiver Request” form](#) to request permission to assist with solicitations for individuals and organizations not recognized under IRC § 170(c), which is on the Committee on Ethics' website at <https://ethics.house.gov>. Please note the Committee will not approve requests for fundraising activities that provide a direct personal or financial benefit to the requestor or the requestor's immediate family.

We hope this information is helpful to inform your constituency of our nation's response and the aid and resources supporting the relief efforts.

For questions regarding:

- official resources in general, please contact the Committee on House Administration at [\(202\) 225-2061](tel:(202)225-2061) (majority) or [\(202\) 225-8281](tel:(202)225-8281) (minority)

- official communications, please contact the Commission at [\(202\) 225-9337](tel:(202)225-9337) (majority) or [\(202\) 226-0647](tel:(202)226-0647) (minority)
- personal or campaign resources and solicitations, please contact the Committee on Ethics at [\(202\) 225-7103](tel:(202)225-7103).

Sincerely,

Chairperson Zoe Lofgren  
Committee on House Administration

Ranking Member Rodney Davis  
Committee on House Administration

Chairman Ted Deutch  
Committee on Ethics

Ranking Member Jackie Walorski  
Committee on Ethics

# Congress of the United States

## House of Representatives

September 10, 2021

### Important Information Relating to Hurricane Ida

Dear Colleague:

Several offices have contacted the Committee on House Administration, the Communications Standards Commission, and the Committee on Ethics to inquire about the extent to which official resources may be used to help those impacted by Hurricane Ida. We would like to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

When a state of emergency is declared, Members whose districts are directly affected may provide constituents with information to assist those impacted. This information may include addresses and telephone numbers of entities involved in relief efforts being coordinated by the federal government. In the past, Members have provided contact information for blood drives conducted by the American Red Cross in conjunction with the Federal Emergency Management Agency (FEMA). 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. **To summarize, for Members directly affected, contact information for government entities, as well as private entities directly involved in relief efforts organized by the federal government, may be sent as a mass communication (emails, advertisements, flyers for handout, and posters) and posted on your official website and social media accounts. However, any such unsolicited mass communications must be reviewed by the Communications Standards Commission prior to distribution.**

The Committee on House Administration recommends use of these government established websites for information on the relief efforts:

[www.usa.gov/hurricane-ida](http://www.usa.gov/hurricane-ida)

[www.usa.gov/disasters-and-emergencies](http://www.usa.gov/disasters-and-emergencies)

[www.fema.gov/disaster/hurricane-ida](http://www.fema.gov/disaster/hurricane-ida)

[www.fema.gov](http://www.fema.gov)

[www.ready.gov/hurricanes](http://www.ready.gov/hurricanes)

[www.noaa.gov/ida](http://www.noaa.gov/ida)

[www.nhc.noaa.gov/](http://www.nhc.noaa.gov/)

[www.weather.gov/safety/hurricane](http://www.weather.gov/safety/hurricane)

[www.opm.gov/policy-data-oversight/snow-dismissal-procedures/hurricane-guidance/](http://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/hurricane-guidance/)

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 such 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 the Member currently represents. This rule has been interpreted to mean that charitable solicitations using official resources are not permitted. Please contact the Committee on Ethics with any questions surrounding this rule. **To summarize, Members and staff may not use official resources to solicit anything for charities.**

While 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, 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 or Team Rubicon – without first obtaining Committee on Ethics approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; 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 the submission to the Committee on Ethics of a written request for permission to make such solicitations. For example, solicitations of donations directly for individuals suffering as a result of the crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Committee on Ethics approval. For more information about solicitations for § 501(c)(3) or other entities, please review pages 347-49 of the *2008 House Ethics Manual* or contact the Committee on Ethics at 5-7103. **To summarize, Members and staff may solicit for charities in their personal capacities only.**

If you have any questions regarding the use of your:

1. Official resources in general, please contact the Committee on House Administration at (202) 225-2061 (majority) or (202) 225-8281 (minority);
2. Communications resources, please contact the Communications Standards Commission at (202) 225-9337 (majority) or (202) 226-0647 (minority); or
3. Personal or campaign resources, or the loan of your name and personal title to private solicitations or initiatives in support of the relief efforts, please contact the Committee on Ethics at (202) 225-7103.

Sincerely,

Chairperson Zoe Lofgren  
Committee on House Administration

Ranking Member Rodney Davis  
Committee on House Administration

Chairman Ted Deutch  
Committee on Ethics

Ranking Member Jackie Walorski  
Committee on Ethics

# Congress of the United States

## House of Representatives

### Committee on Ethics and Committee on House Administration

#### JOINT GUIDANCE REGARDING REDISTRICTING

September 10, 2021

Although congressional redistricting is constitutionally mandated, the redistricting process is a state function with little direct effect on official duties. Nevertheless, our Committees recognize that redistricting can affect Members' official work in various ways. This memorandum offers guidance on what Members may and may not do with official resources where redistricting is concerned. As with most questions concerning the use of official resources, there are permutations and exceptions. Therefore, please contact our Committees if you have a specific question. The Committee on Ethics may be reached at 5-7103. The Committee on House Administration may be reached at 5-2061 (majority) or 5-8281 (minority).

#### *Use of Official House Resources Related to Redistricting*

As with the use of official resources in general, Members may not use the Members' Representational Allowance (MRA) for political purposes in connection with congressional redistricting. Like other citizens, Members may engage in political activities designed to influence the outcome of redistricting, but they may not do so at public expense.

The Committee on House Administration recognizes, however, that constituents and others may contact Members with questions about redistricting and how it might affect them now, or in the future. Members may use the MRA to keep abreast of the current status of redistricting. Members may reply to constituent inquiries on the subject in the same manner as they would reply on any matter. Members should use caution and common sense to limit the use of the MRA to discussion of only the redistricting process. Similarly, Members may be reimbursed for expenses of attending public meetings of a state legislative committee or redistricting commission to testify, for example, about how dividing cohesive communities among multiple districts might complicate constituent casework. But a Member may not seek reimbursement for expenses of attending delegation meetings to discuss how certain redistricting plans might affect future elections.

The *Members' Congressional Handbook* restricts the use of official resources for activities outside Members' current districts. Members may not use official funds, including the use of staff resources, to conduct "town hall" meetings or other official gatherings outside their districts, with the exception of holding a joint town hall meeting with a home state Senator or with a Member in an adjacent district.<sup>1</sup> The rules also prevent use of official resources for travel other than "to

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<sup>1</sup> See generally Comm. on House Admin., *Members' Congressional Handbook*, <https://cha.house.gov/handbooks/members-congressional-handbook>.

support the conduct of the official and representational duties of a Member ... with respect to the district from which the Member ... is elected.”<sup>2</sup> Under the franking statute and *Communications Standards Manual*, a Member may not send any unsolicited mass communication outside the congressional district from which the Member was elected.”<sup>3</sup>

In addition, as a general matter, Members may not devote official resources to performing casework for individuals who live outside the district. When contacted by persons living in other districts, Members may, however, use official funds to refer them to their own Representative or Senators.

Finally, in addition to the redistricting process as it is carried out in a Member’s state, redistricting as a general matter may be the subject of federal legislation and policy- or rulemaking by Congress or federal agencies. In this context, as distinct from the execution of redistricting in a Member’s state to redraw particular congressional district lines, Member may also appropriately use official resources in the same manner as they may for other official policy matters.

In summary, below are the general rules regarding the use of official resources related to redistricting:

- Members may use the MRA to notify constituents on the current status of redistricting, limited only to the redistricting process.
- Members may be reimbursed for expenses of attending public meetings of a state legislative committee or redistricting commission to testify, but may not seek reimbursement for attending any meeting discussing how redistricting may affect future elections.
- Members may not conduct “town hall” meetings outside of their district except if holding a joint town hall meeting with the home state Senator or a Member in an adjacent district.
- As a general matter, Members may not send unsolicited communications to or perform casework for individuals outside of their district. Members may respond to an individual who lives outside their district to refer that individual to their own Representative or Senators.
- Members and staff may only travel outside of the district if conducting official business that directly relates to the Member’s official and representational duties to the district from which elected and which they currently represent.
- Members may not use MRA funds or official resources in general for an activity the primary purpose of which relates exclusively to an area outside their current district, which may be considered for inclusion in a redrawn version of the district, and Members may not send communications to any such area.

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<sup>2</sup> 2 U.S.C. § 5341; see *Members’ Congressional Handbook*.

<sup>3</sup> 39 U.S.C. § 3210(a)(7) and the *Communications Standards Manual*.

### ***Use of Campaign Resources Related to Redistricting***

Although a Member may not use official resources to host or participate in events outside their district, the Member may sponsor events in those areas using campaign staff and resources, to the extent the sponsorship is allowed under federal election laws and regulations. Remember that any activity where a Member uses campaign staff and resources is considered a campaign event, not an official event.<sup>4</sup> Therefore, no official resources may be used to support or organize such an event and official activities should not occur at these events. Please contact the congressional liaisons at the Federal Election Commission (FEC) for information concerning the appropriate use of campaign resources for political purposes. They can be reached at (202) 694-1006.

### ***Participation in Legal Challenges to Redistricting***

Members may wish to participate in fundraising for groups raising legal challenges to a state's redistricting process. To solicit on behalf of these groups, Members should contact the Committee on Ethics for further guidance. Members may need to seek and receive prior formal written permission to assist with any solicitation efforts. Whether or not such prior approval is required, all solicitations on behalf of redistricting efforts are subject to the same restrictions applicable to all other solicitations made by Members and staff (*e.g.*, use of official resources is prohibited, etc.).<sup>5</sup>

A Member may also want to personally challenge the redistricting process in the Member's state. If a Member wishes to establish a Legal Expense Fund for that purpose, the Member must receive formal written permission from the Committee on Ethics. The Committee's Legal Expense Fund regulations are available on the Committee's website.<sup>6</sup> If a Member would like to use campaign funds to challenge redistricting, the Member should contact the Committee on Ethics and the FEC's congressional liaisons for further guidance.

Solicitations by Members related to redistricting may be subject to limits on campaign sources and amounts. Members should contact the FEC's congressional liaisons to further discuss those limits.

\* \* \* \* \*

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<sup>4</sup> Although House Rule 24 allows the use of campaign funds for certain types of official expenses, these are limited. House Rule 24, cls. 1-2; *see* Comm. on Ethics, *2008 House Ethics Manual* at 173-177.

<sup>5</sup> *See* Comm. on Ethics, *2008 House Ethics Manual* at 347-349; Comm. on Ethics, *Member, Officer, and Employee Participation in Fundraising Activities* (May 2, 2019).

<sup>6</sup> Comm. on Ethics, *Revised Legal Expense Fund Regs.* (Dec. 20, 2011), <https://ethics.house.gov/financial-disclosure-pink-sheets/revised-legal-expense-fund-regulations>.



Theodore E. Deutch, Florida  
*Chairman*

Jackie Walorski, Indiana  
*Ranking Member*

Susan Wild, Pennsylvania  
Dean Phillips, Minnesota  
Veronica Escobar, Texas  
Mondaire Jones, New York

Michael Guest, Mississippi  
Dave Joyce, Ohio  
John H. Rutherford, Florida  
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

## U.S. House of Representatives

### COMMITTEE ON ETHICS

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December 3, 2021

#### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics  
Theodore E. Deutch, Chairman  
Jackie Walorski, Ranking Member

SUBJECT: Reminder about Annual Ethics Training Requirements for 2021

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This memorandum is a reminder to all offices about ethics training requirements. The Committee on Ethics is required to provide annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.<sup>[1]</sup> The Committee offers ethics training both through online video courses and in-person training sessions. For the 117th Congress to date, the Committee has held 46 in-person ethics training sessions and provided ethics training to more than 10,135 Members<sup>[2]</sup>, officers, and employees.

New House Members and employees must complete a specifically designated ethics training session within 60 days of joining the House.<sup>[3]</sup> Existing House Members, officers, and employees are required to take one hour of general ethics training each calendar year. In addition, the Committee requires all senior staff<sup>[4]</sup> – whether new or existing employees – to complete an additional hour of specialized training at least once per Congress.

By January 31 of each year, all House Members and employees must certify to the Ethics Committee that they have completed ethics training during the preceding calendar year.<sup>[5]</sup> Employees who fully completed one of the online training options available through the Congressional Staff Academy will have made their necessary certification to the Committee. The following are the ethics training requirements for 2021 for Members, officers, and employees of the House, as well as the details of how to complete the registration and/or certification process for both live and online ethics training programs.

#### **2021 ETHICS TRAINING REQUIREMENTS**

##### **Members**

New House Members must complete a training session specifically designated for new Members within 60 days of joining the House. A “new” Member for the purposes of the 2021 training requirement is an individual who was *first* sworn in on or after January 3, 2021. Before

each Congress, the Committee on Ethics provides ethics training for incoming new Members at the New Member Orientation organized by the Committee on House Administration. The Committee on Ethics also provides this training for new Members elected through a special election within the new Members' first 60 days.

Existing Members must complete one hour of training by **December 31, 2021**. Please have a staff member contact the Committee for a password to complete online ethics training.

The Committee records Members who have completed ethics training. Members may have their staff email the Committee at [ethics.training@mail.house.gov](mailto:ethics.training@mail.house.gov) to request confirmation that they have completed the required ethics training.

### **"New" House Employees**

All new employees must complete ethics training within 60 days of beginning House employment. A "new" House employee for purposes of the 2021 training requirement is an individual who first began employment with the House on or after January 3, 2021. Any former House employee who returns to House employment after a gap of more than 90 consecutive calendar days is considered to be a "new" employee. Fellows and interns paid by the House for more than 60 days also must comply with this requirement.<sup>[6]</sup>

On March 11, 2020, the Committee waived the *live* training requirement for new employees who work in Capitol Hill offices until further notice. New employees who work in Capitol Hill offices may complete the 2021 House Ethics Training.

### **Existing House Employees**

"Existing" (*i.e.*, not new) House employees must complete one hour of training before the end of the calendar year. For 2021, this means all existing House employees must complete one hour of training by **December 31, 2021**. **There are no extensions to this deadline, for any reason.** In addition, employees who are senior staff may have an additional hour of training to complete, as explained more fully in the next section. Employees are responsible for determining whether they are considered senior staff.

As a general matter, existing employees will fulfill their general ethics training requirement by completing the 2021 House Ethics Training.

### **Senior Staff Training**

All employees who are "senior staff"<sup>[7]</sup> are required to take an additional hour of training at least once per Congress on issues primarily of concern to senior staff or supervisors. For the 117th Congress, this means all senior staff must complete one hour of training by **January 3, 2023**. This "senior staff" hour is required *in addition to* the one-hour 2021 House Ethics Training all officers and staff are required to complete annually. Senior staff employees may fulfill the requirement for an additional hour by completing the 117th Congress: Senior Staff Ethics Training through the Congressional Staff Academy website or having attended a live training session.

Briefings that satisfy the senior staff training requirement include general sessions on issues of concern to senior staff, sessions on completing financial disclosure (FD) statements or Periodic Transaction Reports (PTRs), or sessions on the post-employment restrictions. However, employees may *not* complete more than one hour of senior staff training in lieu of completing their annual general ethics training requirement.

**Summary**

<b>Position</b>	<b>Training Required</b>	<b>Deadline</b>
New Member	Email <a href="mailto:ethics.training@mail.house.gov">ethics.training@mail.house.gov</a> for online training	Within first 60 days
Existing Member	Email <a href="mailto:ethics.training@mail.house.gov">ethics.training@mail.house.gov</a> for online training	December 31, 2021
New Staff	2021 House Ethics Training	Within first 60 days
Existing Staff	2021 House Ethics Training	December 31, 2021
New Senior Staff	2021 House Ethics Training <i>and</i> 117th Congress: Senior Staff Ethics Training or attending a live briefing	Within first 60 days
		January 3, 2023
Existing Senior Staff	2021 House Ethics Training <i>and</i> 117th Congress: Senior Staff Ethics Training or attending a live briefing	December 31, 2021
		January 3, 2023

**ONLINE REGISTRATION & CERTIFICATION PROCESS**

**Members**

Members may have their staff email the Committee at [ethics.training@mail.house.gov](mailto:ethics.training@mail.house.gov) for a password to complete online ethics training and/or to request confirmation that they have completed the required ethics training.

**Employees**

Employees can complete ethics training online by accessing the training through the Congressional Staff Academy website. Ethics training can be found under the “annual training” tab. Employees must complete the entire online training program to receive credit and use a House computer to access the Congressional Staff Academy website to complete the training online. Employees who do not have access to a House computer or do not have a House email account should email the Ethics Committee at [ethics.training@mail.house.gov](mailto:ethics.training@mail.house.gov) to make alternate arrangements for completing their training.

After completing an online training program, the system will automatically log the employee as “complete.” This information is automatically transmitted to the Ethics Committee. Thus, once the system labels an employee as “complete,” the employee has satisfied the annual training and certification requirement. Employees will be able to check their Congressional Staff Academy transcript at any time to verify the completion of their own annual ethics training requirement.

Each House employee is responsible for completing their ethics training requirement and certifying completion. Employees can view past training history on the Congressional Staff Academy website under the “learning” tab and by clicking “view my transcript.”

A chief of staff (or staff director or other supervisors) can confirm employee ethics training completion by requesting each staff person to provide either the email they received after attending an in-person training or a printout of their Training Completion Certificate from the Congressional Staff Academy website.

### **FAILURE TO COMPLY WITH THE TRAINING REQUIREMENTS**

Failure to satisfy the annual training requirement is a violation of House rules<sup>[8]</sup> and may result in any of the specified disciplinary sanctions for House Members and employees, including the publication of noncompliant House Members and employees’ names, additional ethics training, or other actions the Committee deems appropriate. If you have any questions regarding this guidance, please feel free to contact the Committee’s Office of Advice and Education at [ethics.training@mail.house.gov](mailto:ethics.training@mail.house.gov).

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<sup>[1]</sup> House Rule 11, clause 3(a)(6)(A). The Committee defines an “officer or employee” as an individual appointed to a position of employment in the U.S. House of Representatives by an authorized employing authority who is receiving a salary disbursed by the Chief Administrative Officer or is on a leave without pay or furlough status. This definition includes fellows and interns paid by the House.

<sup>[2]</sup> For all purposes in this memorandum, “Member” is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

<sup>[3]</sup> House Rule 11, clause 3(a)(6)(B)(i).

<sup>[4]</sup> “Senior staff” for training purposes are employees who are paid at the “senior staff annual salary rate” for at least 60 days in either (or both) calendar years of a Congress. For 2021, the senior staff annual salary rate is \$132,552, or a monthly pay rate at or above \$11,046. Please note that the senior staff annual salary rate is subject to change in 2022.

<sup>[5]</sup> House Rule 11, clause 3(a)(6)(B)(ii).

<sup>[6]</sup> Detailees, fellows not paid by the House, unpaid interns, and any individuals who are employed by the House and paid for fewer than 60 days are not required to attend ethics training in 2021. The Ethics Committee nonetheless encourages these individuals to complete ethics training, so they become familiar with the House ethics rules while working in a House office or for a House committee.

<sup>[7]</sup> See *supra* note 3.

<sup>[8]</sup> See House Rule 11, clause 3(a)(6)(B)(ii).

# Congress of the United States

## House of Representatives

December 14, 2021

### Important Information Relating to Central U.S. Tornadoes

Dear Colleague:

On December 10 and 11, 2021, a number of states in the central U.S. suffered devastating damage from a historic series of tornadoes. In anticipation that offices will have questions about the extent to which official resources may be used to help those impacted, the Committee on House Administration, the Communications Standards Commission, and the Committee on Ethics offer this overview of the applicable rules, regulations, and procedures.

When a state of emergency is declared, Members whose districts are directly affected may provide constituents with information to assist those impacted. This information may include addresses and telephone numbers of entities involved in relief efforts being coordinated by the federal government. In the past, Members have provided contact information for blood drives conducted by the American Red Cross in conjunction with the Federal Emergency Management Agency (FEMA). 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. **To summarize, for Members directly affected, contact information for government entities, as well as private entities directly involved in relief efforts organized by the federal government, may be sent as a mass communication (emails, advertisements, flyers for handout, and posters) and posted on your official website and social media accounts. However, any such unsolicited mass communications must be reviewed by the Communications Standards Commission prior to distribution.**

The Committee on House Administration recommends use of these government established websites for information on the relief efforts:

[www.usa.gov/help-disaster-survivors](https://www.usa.gov/help-disaster-survivors)  
[www.usa.gov/disasters-and-emergencies](https://www.usa.gov/disasters-and-emergencies)  
[www.fema.gov/assistance/volunteer-donate](https://www.fema.gov/assistance/volunteer-donate)  
[www.fema.gov](https://www.fema.gov)  
[www.ready.gov/tornadoes](https://www.ready.gov/tornadoes)  
[www.weather.gov/safety/tornado](https://www.weather.gov/safety/tornado)

Members may also understandably ask whether and 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 such 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 the Member currently represents. This rule has been interpreted to mean that charitable solicitations using official resources are not permitted. Please contact the Committee on Ethics with any questions surrounding this rule. **To summarize, Members and staff may not use official resources to solicit anything for charities.**

While 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, 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 or Team Rubicon – without first obtaining Committee on Ethics approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; 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 the submission to the Committee on Ethics of a written request for permission to make such solicitations. For example, solicitations of donations directly for individuals suffering as a result of the crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Committee on Ethics approval. For more information about solicitations for § 501(c)(3) or other entities, please review pages 347-49 of the *2008 House Ethics Manual* or contact the Committee on Ethics at 5-7103. **To summarize, Members and staff may solicit for charities in their personal capacities only.**

If you have any questions regarding the use of your:

1. Official resources in general, please contact the Committee on House Administration at (202) 225-2061 (majority) or (202) 225-8281 (minority);
2. Communications resources, please contact the Communications Standards Commission (Franking) at (202) 225-9337 (majority) or (202) 226-0647 (minority);  
or
3. Personal or campaign resources, or the loan of your name and personal title to private solicitations or initiatives in support of the relief efforts, please contact the Committee on Ethics at (202) 225-7103.

Sincerely,

Chairperson Zoe Lofgren  
Committee on House Administration

Ranking Member Rodney Davis  
Committee on House Administration

Chairman Ted Deutch  
Committee on Ethics

Ranking Member Jackie Walorski  
Committee on Ethics



# FOREIGN GIFTS AND DECORATIONS ACT CY2021 REPORTING

Sending Office: Committee on Ethics

Sent By: EthicsCommittee@mail.house.gov

The Constitution prohibits federal government officials, including Members and employees of Congress, from receiving “any present ... of any kind whatever” from a foreign state or a representative of a foreign government without the consent of the Congress. Congress has consented to the acceptance of certain gifts from foreign governments through the vehicles of the Foreign Gifts and Decorations Act (“FGDA”) and the Mutual Educational and Cultural Exchange Act (“MECEA”).

Pursuant to the FGDA, 5 U.S.C. § 7342, Members, officers, and employees may accept and keep a tangible gift valued at less than minimal value from a foreign government that is tendered and received as a souvenir or mark of courtesy, including a meal, entertainment, or local travel within the United States. (For FGDA purposes, a “foreign government” includes any foreign national, state, municipal, or local government, but also any unit of foreign governmental authority, any international or multinational organization whose membership is composed of any unit of a foreign government, and any agent or representative of any such unit or organization acting in that capacity.) Tangible gifts valued at more than minimal value from a foreign government may only be accepted when refusal would be deemed likely to cause offense or embarrassment or otherwise adversely affect foreign relations of the United States. However, such gifts are deemed to have been accepted on behalf of the United States government, and the recipient must both deposit the gift with the Clerk of the House *within 60 days* of accepting it and file a disclosure report with the Committee on Ethics (Committee). The FGDA does not permit the acceptance of gifts of travel abroad (such as transportation, food, lodging, and entertainment) unless the travel takes place entirely outside of the United States and is related to official duties or is received under a program approved by the Department of State under MECEA, 22 U.S.C. § 2452. Reports concerning gifts of travel outside the United States accepted under the FGDA must be filed with the Committee *within 30 days* of accepting the gift of travel, regardless of value.

The FGDA requires the Committee to compile a list of certain tangible gifts or gifts of travel that House Members, officers, and employees, or their spouse or dependent, accepted from a foreign government or a multinational organization during the preceding calendar year. The Committee is required to send this list for 2021 to the Secretary of State by January 31, 2022, for publication in the *Federal Register*. The Committee’s form for reporting gifts received under the FGDA is available on the Committee’s website at



this [link](#). Any Member, officer, or employee who accepted any tangible gifts worth more than \$415 or gifts of travel outside the United States, regardless of value, from a foreign government under the FGDA during calendar year 2021, or whose spouse or dependent accepted such gifts, and who has not already reported the gifts to the Committee must complete the [form](#) and return it to the Committee by January 15, 2022.

Please be aware that, as required by federal regulation, the General Services Administration defined the amount that constitutes “minimal value” for gifts received in the time period 2020-2022. For gifts received during this time period, “minimal value” is \$415. More information about gifts from foreign governments, including the FGDA regulations previously issued by the Committee, is available in the Ethics Manual. The Ethics Manual is available on the Committee’s website, at this [link](#). If you have any questions regarding acceptance of tangible gifts or gifts of travel from a foreign government, please call the Committee at 5-7103.

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