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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

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January 17, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Michael Guest, Chairman
Susan Wild, Ranking Member

SUBJECT: The 2024 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions

All Members¹ 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) 2024 for each of the categories noted above and summarizes them in a table on page 6. It is each employee's responsibility to know whether their salary level subjects them to these standards 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.

¹ This Memorandum uses the term "Member" to refer to House Members, Delegates, and the Resident Commissioner.

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.”² The GS-15, step 1, basic pay rate for CY 2024 is \$123,041.³ The applicable 120% calculation for that rate is therefore **\$147,649**, or a monthly salary of equal to or more than \$12,304. This rate is referred to as the “senior staff rate.”

This means House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$147,649) for at least **60 days**⁴ during **2024** must file an FD statement on or before May 15, 2025.⁵ (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.)⁶ 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.⁷ 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 on or before the original filing deadline.⁸ Finally, any staff who are paid at or above the senior staff rate on January 3, 2024 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain financial transactions.⁹ PTRs are not annual filings, but must be filed by the earlier of these two dates: (a) 30 days from being made aware of the transaction, or (b) 45 days from the transaction

² Ethics in Government Act (EIGA), 5 U.S.C. §§ 13101(13) and 13103(d). In addition, all House Members are subject to financial disclosure filing requirements. 5 U.S.C. §§ 13103(d) and (f).

³ Exec. Order No. 14113, 88 Fed. Reg. 89,259 (Dec. 21, 2023).

⁴ 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.

⁵ 5 U.S.C. §§ 13103(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).

⁶ See Comm. on Ethics, *House Ethics Manual December 2022 Print* at 292-93, <https://ethics.house.gov/house-ethics-manual>; Comm. on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports*, at 2 (Calendar Year 2022), <https://ethics.house.gov/financial-disclosure/financial-disclosure-forms-and-filing>.

⁷ See 5 U.S.C. § 13103(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.

⁸ 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>.

⁹ 5 U.S.C. § 13105(l).

for purchases, sales, or exchanges of more than \$1,000 in stocks, bonds, and other securities.¹⁰ The Committee has a calculator to help filers calculate PTR due dates. That calculator is available at <https://ethics.house.gov/financial-disclosure/ptr-calculator>.

Please note that the requirement to file an FD statement covering calendar year 2023 applies to officers and employees whose basic rate of pay for at least 60 days in **2023** was **\$141,022** or more (a monthly salary at or above \$11,752). Annual FD statements covering CY 2023 are due on Wednesday, May 15, 2024, for those individuals who continue to be Members, officers, or employees of the House on that date.¹¹ 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.¹²

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.¹³ 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.¹⁴

THE OUTSIDE EARNED INCOME LIMIT AND OUTSIDE EMPLOYMENT RESTRICTIONS¹⁵

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 income¹⁶

¹⁰ For details on the PTR requirement, see the Committee’s January 30, 2023 advisory memorandum “Launch of PTR Due Date Calculator and STOCK Act Reminder” and its August 17, 2012, advisory memorandum “Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended,” which are available on the Committee’s website (<https://ethics.house.gov>), under the link 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 2024 pay cycle (January 3, 2024). Staff who are paid at or above the senior staff rate for more than 60 days later in 2024 – 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 2025.

¹¹ See *supra* note 5.

¹² See *supra* note 8.

¹³ See 5 U.S.C. § 13103(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.

¹⁴ See *supra* note 8.

¹⁵ 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 link for Reports/General Advisories.

¹⁶ 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.¹⁷ As noted above, the senior staff rate for CY 2024 is **\$147,649**, or a monthly salary equal to or greater than \$12,304. 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, 2024, the rate of basic pay for Executive Level II was \$212,100.¹⁸ Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2024 is **\$31,815**.¹⁹

House Members, officers, and 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.²⁰ 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.²¹ Receipt of compensation for service as an officer or member of a board of directors is also prohibited.²² Prior written approval from the Committee on Ethics is required to accept compensation for teaching and to receive copyright royalties.²³ Detailed information regarding these limitations may be found on pages 195 to 242 of the *House Ethics Manual December 2022 Print*, 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.²⁴ 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**).²⁵ This amount is referred to as the post-employment rate.

¹⁷ 5 U.S.C. § 13143(a)(1); House Rule 25, cls. 1(a)(1) and 4(a)(1).

¹⁸ Exec. Order No. 14090, 87 Fed. Reg. 79,985 (Dec. 23, 2022). Per Exec. Order No. 14113, 88 Fed. Reg. 89,259 (Dec. 21, 2023), the 2024 Executive Schedule pay rates go into effect on January 14, 2024.

¹⁹ 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 \$15,907.50. See 5 U.S.C. § 13143(a)(2); House Rule 25, cl. 1(b).

²⁰ See 5 U.S.C. § 13144(a); House Rule 25, cls. 1-4.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See House Rule 27, cl. 2; Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act (STOCK Act), Pub. L. No. 112-105, § 17 (2012).

²⁵ See *id.*; see also Section 2 of the Continuing Appropriations Act, 2024, and Other Extensions Act, Pub. L. No. 118-15, § 101(9), 137 Stat. 71, 73 (2023) and Section 2 of the Further Continuing Appropriations and Other Extensions Act, 2024, Pub. L. No. 118-22, § 101(1), 137 Stat. 112, 112 (2023) (extending Section 6 of the

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.²⁶

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and employees paid at more than 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 15, 2022, 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, officers, and employees paid at or above the post-employment rate, are subject to post-employment restrictions.²⁷ 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.²⁸ For 2024, that salary is **\$191,900**, or a monthly salary equal to or greater than \$15,992.

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.²⁹

Consolidated Appropriations Act, 2023, Pub. L. No. 117-328 (2022), prohibiting a scheduled cost-of-living pay raise for Members for Fiscal Year 2023). As a result, Member pay remains at \$174,000.

²⁶ House Rule 27, cl. 4; STOCK Act § 17.

²⁷ 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).

²⁸ “[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).

²⁹ Most of the post-employment restrictions apply to employees paid at or above \$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 2024

Item	2024 Amount
Outside earned income & outside employment threshold - Outside employment and fiduciary restrictions if paid at rate for <i>more than 90 days</i> during 2024	\$147,649 (\$12,304/mo)
Outside earned income limit	\$31,815
Financial Disclosure/PTR threshold - Annual FD required in May 2025 if paid at rate for <i>60 days</i> or more in CY 2024 - PTRs required during CY 2024 if: - Paid at rate on January 3, 2024, or first day of House employment (if later); <i>or</i> - Paid at rate for any two pay periods during CY 2024 (<i>e.g.</i> , if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year	\$147,649 (\$12,304/mo)
Written disclosure of job negotiations and recusals required if paid <i>more than</i> the post-employment rate	\$130,500 (\$10,875/mo)
Post-Employment threshold for employees of Member, committee, or leadership offices	\$130,500 (\$10,875/mo)
Post-Employment threshold for employees of “other legislative offices”	\$191,900 (\$15,992/mo)

COMMITTEE ON ETHICS

Foreign Gifts and Decorations Act CY 2023 Reporting Reminder

Annual Reporting Requirements

January 31, 2024

If you, your spouse, or dependents accepted any reportable gifts from a foreign government under the Foreign Gifts and Decorations Act ("FGDA") during calendar year 2023 and have not already reported the gifts to the Committee, you must complete the FGDA form and return it to the Committee by January 31, 2024. More information on reportable gifts can be found below.

If you are an annual financial disclosure filer, you may also need to report these gifts on your annual financial disclosure statement. You may find more information about financial disclosure reporting of foreign gifts in the FGDA Regulations issued by the Committee.

[FGDA Form](#)

[FGDA
Regulations](#)

What You May Accept

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 such as the United Nations, and any agent or representative of any such unit or organization acting in that capacity.

Tangible gifts and decorations valued less than minimum value may be accepted and kept by Members, officers, and employees if the gift was tendered and received as a souvenir or mark of courtesy, including a meal, entertainment, or local travel within the United States, like a cab ride. The General Services Administration sets the amount that constitutes "minimal value." **For gifts received in 2023, "minimal value" is \$480.**

Tangible gifts and decorations valued more than minimum value 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. These gifts are accepted on behalf of the United States government, and the recipient must deposit the gift with the Clerk of the House within **60 days** of accepting it and file a disclosure report with the Committee.

Travel expenses paid for outside of the United States may only be accepted if the travel takes place entirely outside of the United States and is related to official duties. Regardless of the value of the gift of international travel, a disclosure report must be filed with the Committee within **30 days** of accepting the gift.

More information about gifts from foreign governments, including the FGDA regulations previously issued by the Committee, is available in the House Ethics Manual.

House Ethics Manual

What is Reportable

Tangible gifts and decorations valued at more than \$480 must be reported to the Committee within 60 days.

Travel expenses paid for outside of the United States, regardless of value, must be reported to the Committee within 30 days.

**Tangible gifts and decorations of more than minimum value must be reported on an annual Financial Disclosure Statement if you received Committee approval to retain the gift or decoration.*

Background

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 FGDA and the Mutual Educational and Cultural Exchange Act (“MECEA”). The FGDA requires the Committee to compile a list of reportable gifts accepted from a foreign government or a multinational organization during the previous calendar year and send this list to the Secretary of State by [January 31, 2024], for publication in the *Federal Register*.

Contact the Committee

Talk to us anytime. All communications are confidential!

Office: 1015 Longworth House Office Building

Phone: 202-225-7103

Email: EthicsCommittee@mail.house.gov

Web: <https://ethics.house.gov>

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COMMITTEE ON ETHICS

January 31, 2023

Committee on Ethics Quarterly Review

Start the Year Off Right

As 2024 gets started, please note these important deadlines and read more about them below.

Getting married or having a baby? File your Special Occasion Gift Waiver **before you accept gifts**.

Privately-sponsored travel submissions are due **30 days prior to the date of departure**.

Annual Financial Disclosures are due **May 15, 2024**.

Periodic Transaction Reports must be filed by the earlier of these two dates: (a) **30 days from being made aware of the transaction** or (b) **45 days from the transaction**.

Complete annual ethics training by **December 31, 2024** and senior staff ethics training by **January 3, 2025**.



Special Occasion Gift Waivers

Members and staff can request a waiver to the Gift Rule for gifts related to a special occasion, such as a wedding or engagement, birth or adoption of a child, or a death in the family. The Special Occasion Gift Waiver must be submitted before you may accept any gifts related to the event.

[Special Occasion Gift Waiver](#)

Members and senior staff who are required to file financial disclosure statements may also request to waive their financial disclosure reporting requirements related to the gifts approved under the special occasion waiver. The Financial Disclosure Gift Disclosure Waiver will be sent to the Clerk's office for public disclosure if approved by the Committee.

[Financial Disclosure Gift Disclosure](#)

30-Day Deadline for Privately Sponsored Travel

Submissions for privately-sponsored travel must be submitted to the Committee no later than **30 days before the date of departure**. The travel calculator can be used to calculate your due date.

The privately-sponsored travel forms can be found on the Committee's website and emailed to travel.requests@mail.house.gov or dropped off to 1015 Longworth.

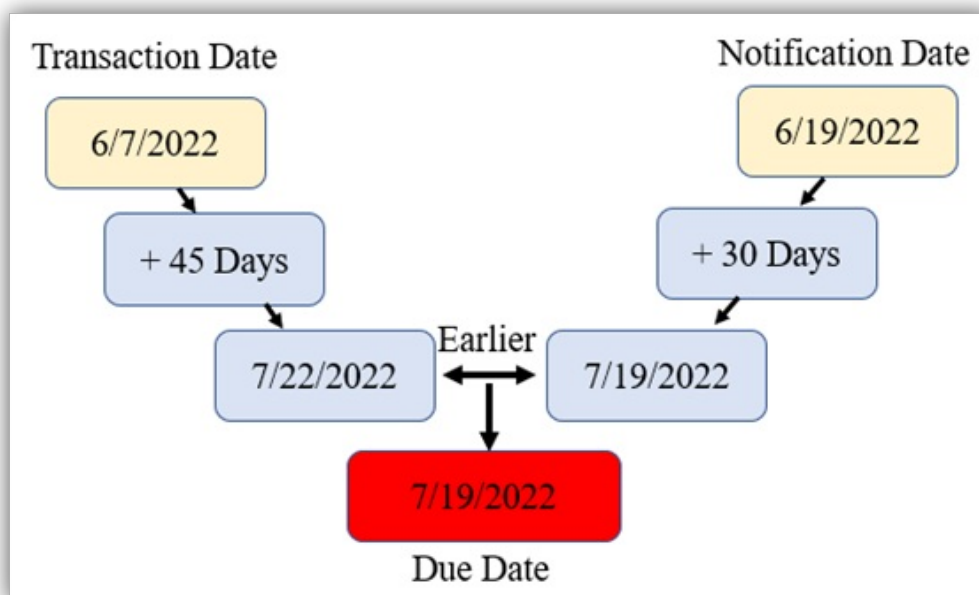
**Travel
Calculator**

Important Financial Disclosure Deadlines

Financial Disclosure Statements for 2023 are due **May 15, 2024**.

All House Members, officers, and employees paid at the senior staff rate must disclose certain transactions over \$1,000 on a Periodic Transaction Report (PTR). A PTR must be filed by the earlier of these two dates: (a) **30 days from being made aware of the transaction** or (b) **45 days from the transaction**.

Example: Deadline for reportable transaction occurring on June 7, 2022, with notice to filer on June 19, 2022.



The PTR calculator linked below can be used to calculate your filing deadline.

**PTR
Calculator**

2024 Ethics Training

Staff who want to complete their annual training early this year may attend one of the Committee's upcoming, live ethics trainings. The deadline for general ethics training is **December 31, 2024**.

<u>Date</u>	<u>Time</u>	<u>Location</u>
February 9	2:30-3:30	HVC-215
March 15	2:30-3:30	HVC-215
April 12	2:30-3:30	HVC-215
May 10	10:00-11:00	Rayburn 2168

Register for Live General Ethics Training

Senior staff are required to complete the additional hour of senior staff ethics training by **January 3, 2025**.

Contact the Committee

Talk to us anytime. All communications are confidential!

Office: 1015 Longworth House Office Building
Phone: 202-225-7103
Email: EthicsCommittee@mail.house.gov
Web: <https://ethics.house.gov>

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April 12, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Michael Guest, Chairman
Susan Wild, Ranking Member

SUBJECT: Upcoming Financial Disclosure Clinics & Training

The due date for annual Financial Disclosure (FD) Reports is **May 15, 2024**.¹ FD Reports can be filed starting Monday, April 15, 2024. All Members are subject to financial disclosure filing requirements. House staff may be subject to financial disclosure filing requirements for a number of reasons, which include: 1) they are paid at or above the senior staff rate for 60 days (2 pay periods) 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.² The Committee on Ethics (Committee) provides assistance to filers in a number of ways.

Assistance Available For Your Financial Disclosure Filings

First, the Committee’s nonpartisan staff is available to review FD Reports prior to submission for House Members, officers, and employees. Please note, the Committee will prioritize Member prescreen requests; therefore, staff should submit their prescreen request as early as possible. If staff prescreen requests are submitted close to the deadline, the Committee may not be able to complete the review before the deadline, and staff may need to request an extension. You may email your prescreen request to financial.disclosure@mail.house.gov with the subject line “Prescreen Request.”

Second, the Committee will offer seven Financial Disclosure Clinics prior to the May 15 deadline. The clinics give filers a chance to work closely with the financial disclosure staff to address individual filers’ questions. Filers should bring with them their laptop along with any

¹The Committee is authorized by statute to grant extensions of the annual filing deadline of up to ninety (90) days. Extensions may be requested through the [FD Online Reporting system](#); or by delivering the [paper extension request form](#) to financial.disclosure@mail.house.gov.

² House officers and employees who were paid at the rate of \$141,022 (\$11,752 per month) for at least 60 days (2 pay periods for House employees) during 2023 will be required to file an FD Report by May 15, 2024. For 2024, the rate triggering disclosure is \$147,649 (\$12,304 per month) for at least 60 days (2 pay periods).

applicable materials from the attached checklist. The clinics also serve to help filers use the online filing system to input and submit FD Reports and Periodic Transaction Reports (PTR). **Please note that participation in the clinics will not satisfy any House-mandated training requirements.**

The date, time, and location for each clinic is provided below. Attendees are welcome to walk in at any time during the hours listed below. You can find the FD Instruction Guide and additional information about financial disclosure requirements on the [Committee's Website](#).

Clinics		
Date	Time	Location
Monday, April 15	1:00 pm - 3:00 pm EDT	LHOB B248
Tuesday, April 16	10:00 am - 12:00 pm EDT	LHOB B248
Wednesday, April 17	10:00 am - 12:00 pm EDT	LHOB B248
Monday, April 22	1:00 pm - 3:00 pm EDT	LHOB B248
Thursday, April 25	1:30 pm - 3:30 pm EDT	LHOB B248
Monday, April 29	10:00 am - 12:00 pm EDT	LHOB B248
Tuesday, April 30	2:00 pm - 4:00 pm EDT	LHOB B248

Third, the Committee will offer three Senior Staff Trainings before the May 15, deadline that **will** satisfy the additional hour of training required for senior staff for the 118th Congress but does not satisfy the annual ethics training. Senior Staff training provides additional ethics guidance to staff who are required to file FD Reports pursuant to the Ethics in Government Act (EIGA). This training will cover general information about the requirement to file FD Reports and Periodic Transaction Reports. The date, time, and location for each training is provided below.

To receive credit for this training, Senior Staff are **required to pre-register** by clicking on the links provided in the “Location” section. Training is being offered in-person or via Webex.

Trainings		
Date	Time	Location
Thursday, April 18	2:00 pm - 3:00 pm EDT	HVC 215 or via Webex
Tuesday, April 23	10:00 am - 11:00 am EDT	HVC 215 or via Webex
Thursday, May 2	2:00 pm - 3:00 pm EDT	HVC 215 or via Webex

Finally, the Committee's nonpartisan staff can provide informal guidance to filers. Clinics and training sessions are offered as an additional service to the House. The Committee's nonpartisan staff is also available to provide one-on-one assistance. This includes meeting with a filer's spouse, accountant, or attorney to answer questions pertaining to financial disclosure reporting requirements. For assistance with financial disclosure questions or to schedule a meeting, please call the Committee at (202) 225-7103 or email the financial disclosure staff at financial.disclosure@mail.house.gov.

The Committee strongly recommends that filers use the [FD Online Reporting system](#) to submit all filings. Filers can grant access to designated third-party preparers. A blank copy of the paper form can be downloaded from the [Committee's website](#). Committee staff will provide assistance to both paper filers and online filers. If you need to file electronically, but did not receive login information, or you have lost your temporary password, please contact the Legislative Resource Center at (202) 226-5200 for assistance.

If you have any questions, please contact the Committee at (202) 225-7103.

COMMITTEE ON ETHICS

Annual Member Ethics Training Now Live

2024 Annual Ethics Training for current Members is now live. The deadline for current Members to complete their annual ethics training is December 31, 2024.

[Member training can be found here](#)

The password to access the training is: **Ethics2024!**

New Members sworn in on or after January 1, 2024, who have completed a new Member training with Ethics Committee staff have satisfied their training requirement for 2024.

Staff who are unsure if their Member has completed training for 2024 may email the Committee at ethics.training@mail.house.gov or call 202-225-7103 to check their training status.

Contact the Committee

Talk to us anytime. All communications are confidential!

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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

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April 18, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
 Michael Guest, Chairman
 Susan Wild, Ranking Member

SUBJECT: Revised Legal Expense Fund Regulations

The House Gift Rule allows the acceptance of “a contribution or other payment to a legal expense fund (LEF) established for the benefit of a Member, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Ethics,” as long as the contribution is not from a registered lobbyist or agent of a foreign principal.¹ On December 20, 2011, the Committee issued revised Legal Expense Fund Regulations (2011 LEF Regulations) governing the restrictions and disclosure requirements pursuant to that provision.²

The regulations attached to this memorandum supersede the 2011 LEF Regulations and take effect on May 1, 2024. The prior regulations will remain in effect until that date. Once the new regulations take effect, the revised regulations will apply to all existing LEFs and all LEFs approved by the Committee in the future.

There are a number of changes to the LEF Regulations. The Committee would like to highlight the following substantive changes.

- Instituting a new electronic filing requirement for quarterly reports (Regulation 4.5);
- Clarifying that quarterly reports must be filed even in the case of no activity (Regulation 4.7);
- Requiring the Committee’s approval letter be made public with the executed trust agreement (Regulation 4.1);
- Clarifying that certain gifts allowed under the Gift Rule are not contributions to an LEF (Regulation 1.1);
- Clarifying permissible bases for establishing an LEF (Regulation 1.3); and
- Prohibiting contributions to an LEF from a foreign national (Regulation 3.4).

¹ House Rule 25, cl. 5(a)(E).

² Comm. on Ethics, *Revised Legal Expense Fund Regulations* (2011).

Any Member with an existing LEF must make any necessary adjustments to the trust document to bring the LEF into compliance with the revised regulations and file a copy of the amended trust document and approval letter from the Committee with the quarterly report due by July 30, 2024. Proposed amendments to the trust document are not effective until approved by the Committee.³ In addition, by July 30, 2024, each trustee of an existing LEF must provide an affidavit stating the trustee has read and understands the revised regulations and agrees to administer the trust in conformity with these regulations.

To aid in the administration of reporting requirements, the Committee is providing a simplified form to file quarterly reports when an LEF neither received contributions nor made expenditures. That form can be found on the Committee's website under Forms.

If you have any questions, you may contact the Committee's Office of Advice and Education at extension 5-7103.

³ Comm. on Ethics, *Legal Expense Fund Regulations* at Reg. 1.6 (2024).

LEGAL EXPENSE FUND
REGULATIONS

Effective May 1, 2024

CHAPTER 1: ESTABLISHMENT OF LEGAL EXPENSE FUND TRUSTS

Regulation 1.1 - A Member, officer, or employee who wishes to solicit and/or receive donations for a Legal Expense Fund, in cash or in kind, to pay legal expenses shall obtain the prior written permission of the Committee on Ethics (Committee).¹

Regulation 1.2 - The Committee shall grant permission to establish a Legal Expense Fund only where the legal expenses arise in connection with:

- A. the individual's candidacy for, or election to, federal office;
- B. the individual's official duties or position in Congress (including legal expenses incurred in connection with (i) an amicus brief filed in a Member's official capacity or (ii) matters before the Office of Congressional Ethics or Committee on Ethics);
- C. a civil action filed in a Member's official capacity challenging the validity of a federal law or regulation;
- D. a criminal prosecution of the Member, officer, or employee; or
- E. a civil matter bearing on the individual's reputation or fitness for office.

Regulation 1.3 - The Committee shall not grant permission to establish a Legal Expense Fund where the legal expenses arise in connection with a matter that is primarily personal in nature (e.g., a matrimonial action, personal injury claim, personal contract dispute, or a claim for punitive damages by the Member, officer, or employee).

Regulation 1.4 - A Member, officer, or employee seeking to establish a trust (Trustor) must make a written request to the Committee that provides the name and contact information for the proposed Trustee, attaches a proposed trust document, and states the following:

- A. the nature of the legal proceeding (or proceedings) which necessitate the establishment of such a trust fund;
- B. that he or she will be bound by these Regulations; and

¹ Permission is not required to solicit and/or receive a donation in any amount from a relative or a donation of up to \$250 from a personal friend, as defined by House Rule 25, cls. 5(a)(3)(C) and (D) and 5(a)(5), and those donations are not considered contributions under these Regulations. Additionally, gifts allowed under House Rule 25, cl. 5(a)(3)(F), and not prohibited by 5 U.S.C. § 7351, are not considered contributions under these Regulations.

C. that although a Trustee will oversee the trust, that he or she bears ultimate responsibility for the proper administration of the trust.

Regulation 1.5 - No contribution shall be solicited for, or accepted by, a Legal Expense Fund prior to the Committee's written approval of the completed trust document (including the name of the Trustee) and its filing with the Legislative Resource Center of the Clerk of the House (B-81 Cannon House Office Building).

Regulation 1.6 - No amendment of the trust document is effective, and no successor or substitute Trustee may be appointed, without the Committee's written approval and the filing of the amended trust document with the Legislative Resource Center.

Regulation 1.7 - No Member, officer, or employee may establish and/or maintain more than one Legal Expense Fund at any one time.

CHAPTER 2: SELECTION AND DUTIES OF TRUSTEES

Regulation 2.1 - A Legal Expense Fund shall be set up as a trust, administered by an independent Trustee, who shall oversee fundraising for the trust.

Regulation 2.2 - The Trustee shall not have any family, business, or employment relationship with the Trustor within two years prior to the establishment of the trust or at any time while serving as Trustee. For example, any individual or institution serving as an employee of, or a consultant, attorney, or advisor to, a requesting Member's congressional or campaign offices, or private business may not serve as the Trustee. The Trustee shall not delegate any responsibilities of administering the trust to any person with any family, business, or employment relationship with the Trustor.

Regulation 2.3 - The Trustee shall provide an affidavit to the Committee, with a copy to the Clerk at the Legislative Resource Center, stating that the Trustee has read and understands the provisions of these Regulations governing the establishment, administration, and termination of a Legal Expense Fund, and that the Trustee consents to administer the trust in conformity with these Regulations and House Rules.

Regulation 2.4 - In addition to the duties imposed by any applicable state laws, the Trustee shall be responsible for the receipt of contributions to the trust; authorization of expenditures and disbursements from the trust; providing information to the Trustor so that the Trustor can file the reports required by Chapter 4 of these Regulations; and the performance of other tasks incident to the administration of the trust.

Regulation 2.5 - The Trustee must inform the Committee as soon as practicable of any change in his or her contact information.

CHAPTER 3: CONTRIBUTIONS AND USE OF FUNDS

Regulation 3.1 - Official resources may not be used to assist with fundraising for a Legal Expense Fund. As with any organization that is not a 501(c)(3) nonprofit, any Member, officer, or employee who wants to solicit funds in their personal capacity for the Legal Expense Fund of another Member, officer, or employee must first seek written permission from the Committee.

Regulation 3.2 - Other than as specifically barred by law or regulation, a Legal Expense Fund may accept contributions from any individual or organization, including a corporation, labor union, or political action committee (PAC).

Regulation 3.3 - If the organization making the contribution is a partnership, limited liability company (LLC) that is not taxed as a corporation, or S corporation the contribution of the partnership, LLC, or S corporation will be attributed to the partnership, LLC, or S Corporation and to each partner, member, or shareholder in direct proportion to the partner, member, or shareholder's share of the organization's profits.

Regulation 3.4 - A Legal Expense Fund shall not accept any contribution from a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute, including the Lobbying Disclosure Act of 1995 (2 U.S.C. § 1601 *et seq.*); an agent of a foreign principal registered under the Foreign Agents Registration Act (22 U.S.C. § 611 *et seq.*); or a foreign national under the Federal Election Campaign Act (52 U.S.C. § 30121(b)) and 11 C.F.R. § 110.20(a)(3).

Regulation 3.5 - A Legal Expense Fund shall not accept more than \$5,000 in a calendar year from any individual or organization.

Regulations 3.6 - The limitations and prohibitions on contributions in this Chapter apply to both contributions of funds and in-kind donations of goods or services. Any in-kind donation will be valued at its fair market value.

Regulation 3.7 - A Member, officer, or employee may accept *pro bono* legal assistance without limit only for the following purposes:

- A. to file an amicus brief in his or her capacity as a Member of Congress;
- B. to bring a civil action challenging the validity of any federal law or regulation; or
- C. to bring a civil action challenging the lawfulness of all action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature.

Regulation 3.8 - *Pro bono* legal assistance for other purposes shall be deemed a contribution, valued at fair market value, subject to the restrictions of these Regulations. For purposes of the annual contribution limit, a law firm and its partners and employees are considered one donor.

If a law firm reaches the contribution limit, no partner or employee of the law firm may provide *pro bono* legal assistance individually.

Regulation 3.9 - Trust funds shall be used only for legal expenses (including reimbursement for previously paid legal expenses) related to those legal proceedings for which the Committee has given written permission for payment from the Legal Expense Fund (and expenses incurred in soliciting for and administering the trust, and for the discharge of federal, state, and local tax liabilities, should any be deemed to exist, which are incurred as a result of the creation, operation, or administration of the trust), except that any excess funds shall be returned to contributors at the time of the trust's termination. Under no circumstances may the beneficiary of a Legal Expense Fund convert the funds to any other purpose.

- A. Examples of common legal expenses include attorney and expert witness fees, copying costs, electronic discovery costs, court costs, costs related to depositions and interviews, and travel costs associated directly with the case.
- B. Examples of common expenses relating to solicitation for the trust include costs for mailings, a website, or fundraisers.
- C. Any costs associated with completing the quarterly report required under Chapter 4 of these Regulations are costs payable from the trust.
- D. If the beneficiary is seeking to have an uncommon cost paid, either the beneficiary or the Trustee should seek the guidance of the Committee before payment.

Regulation 3.10 - The Trustor may choose to include present and former House staff as beneficiaries of the trust. The Trustor must seek written Committee permission to add any individual other than the Trustor as a beneficiary. The Trustor must receive written permission before any bill for House staff is paid. If the Committee grants permission, the Trustor must comply with the following guidelines:

- A. Any staff person added as a beneficiary should avoid being represented by any counsel who simultaneously represents the Trustor, or counsel who is employed by the same law firm as any counsel who has been engaged to represent the Trustor. Should any staff member choose to be represented by the same counsel and/or law firm which represents the Trustor, the Committee requires that both parties execute a written agreement consenting to dual representation consistent with the ABA Model Rules.
- B. While the Trustor, or the Trustor's attorney, may recommend a particular counsel to staff, trust funds may only be used to pay staff legal expenses if each staff member is free to engage counsel of the staff's own choosing, regardless of any such recommendation.
- C. While the Trustor is not required to use trust funds to pay the legal expenses of every staff person requesting such reimbursement, to avoid any appearance of impropriety the Trustor should exercise caution and apply uniform standards in determining whose legal expenses to reimburse.

- D. Any staff for whom the trust intends to pay legal expenses should be furnished with a copy of these Regulations by the Trustor and encouraged to contact the Committee with any questions or concerns regarding these Regulations.

Regulation 3.11 - The Committee may grant permission to establish a trust to pay for legal expenses incurred prior to the Member, officer, or employee seeking approval to establish a trust. The Member, officer, or employee should submit a written request to the Committee that details the amount, time period, and matters for which legal expenses are being sought, and an explanation for the delay in seeking permission to establish a trust to pay such expenses. The Committee will review the request and determine whether the use of a Legal Expense Fund to pay the expenses is appropriate.

Regulation 3.12 - All contributions to a Legal Expense Fund must be kept in a separate bank account established for that purpose. The funds must be segregated from, and may not be commingled with, the personal, political, or official funds of the Trustor, or the funds of any other individual or legal entity.

Regulation 3.13 - Contributions to a Legal Expense Fund are gifts under House Rule 25, clause 5. As such, any contribution (or group of contributions) in a calendar year totaling more than the minimal value as established by Foreign Gifts and Decorations Act, 5 U.S.C. § 7342(a)(5), must be disclosed in the Trustor's annual Financial Disclosure Statement. The dollar amount of the minimum value is provided on the Committee website, in the Financial Disclosure Instruction Manual, and on the annual Financial Disclosure form, or may be obtained by contacting the Committee.

CHAPTER 4: DISCLOSURE AND REPORTING REQUIREMENTS

Regulation 4.1 - Within one week of the Committee's approval of the trust document, the Trustor shall file a copy of the trust document and the Committee's approval letter with the Legislative Resource Center, B-81 CHOB, for public disclosure.

Regulation 4.2 - The Trustor of a Legal Expense Fund shall also report the following information to the Committee on a quarterly basis:

- A. any contribution from a corporation, partnership, LLC, or labor union;
- B. any contribution (or group of contributions) exceeding \$250 in a calendar year from any other single source;
- C. any expenditure (or group of expenditures) from the Legal Expense Fund exceeding \$250 in a calendar year to any single payee, directly or indirectly; and
- D. The names of any staff members whose legal expenses are paid by the Legal Expense Fund.

Regulation 4.3 - Any Member, officer, or employee accepting pro bono legal services pursuant to Regulation 3.6 must report the fair market value of the services provided on the quarterly report.

Regulation 4.4 - The quarterly reports shall state the full name and street address of each donor, contributor, or recipient required to be disclosed. For donations from partnerships, LLCs, and S corporations, the report shall state the full name and address of the partnership, LLC, or S corporation and the full names and addresses of the partners, members, or shareholders of the partnership, LLC, or S corporation and the amount of the contribution attributed to each partner, member, or shareholder. For *pro bono* services, the report must identify both the names of the individual attorneys who provide the services and the name of the law firm. For recipients, the report shall also state the purpose of the payment.

Regulation 4.5 - Each quarterly report, signed by the Trustor (including in electronic format), must be emailed to LegalExpenseFunds@housemail.house.gov for public disclosure at the Legislative Resource Center.

Regulation 4.6 - The quarterly reports shall be due as follows:

<u>Reporting Period</u>	<u>Due Date</u>
January 1 to March 31	April 30
April 1 to June 30	July 30
July 1 to September 30	October 30
October 1 to December 31	January 30

Should the filing date fall on a Saturday, Sunday, or holiday, the next succeeding business day shall be deemed the due date.

Regulation 4.7 – Quarterly reports shall be filed even if the trust received no contributions and made no expenditures during the quarter.

Regulation 4.8 - The Trustor must file quarterly reports until the trust has been terminated, as described in Chapter 6, or the Trustor files a final departing Trustor report under these Regulations, whichever occurs first.

Regulation 4.9 - If the Trustor is departing office or leaving House employment, the Trustor must file a final departing Trustor report no later than the first due date following the end of the Trustor's congressional service which contains the following:

- A. a report of contributions received and expenditures made pursuant to these Regulations covering the period between the last-filed quarterly report and the date the Trustor departed office or left House employment; and

B. a statement as to whether the trust will be terminated or remain in force upon the Trustor departing office or left House employment.

Regulation 4.10 - All documents filed pursuant to these Regulations shall be available at the Legislative Resource Center for public inspection and copying. Any person requesting such documents shall be required to pay a reasonable fee to cover the cost of reproduction.

CHAPTER 5: USE OF OFFICIAL RESOURCES

Regulation 5.1 - Members and employees may not use official resources for any work related to a Legal Expense Fund if the Legal Expense Fund was created for the purpose stated in Regulation 1.2 (A) (an individual's candidacy or election to office, including redistricting) or (E) (a civil matter bearing on the individual's reputation and fitness for office).

Regulation 5.2 - Members should consult with the Committee before using any official resources for work related to the Member's Legal Expense Fund if the Legal Expense Fund was created for purpose stated in Regulation 1.2 (D) (a criminal prosecution of the Trustor).

Regulation 5.3 - Members may use official resources for any work related to a Legal Expense Fund if the Legal Expense Fund was created for the purpose stated in Regulation 1.2 (B) (the Trustor's official position in office) or (C) (a civil matter filed in the Member's official capacity challenging a federal law or regulation).

CHAPTER 6: TERMINATION OF TRUSTS

Regulation 6.1 - A trust may only be terminated by the Trustee according to the terms of the trust at the earlier of: (A) the end of the time period for which the trust was established; (B) the purpose of the trust is fulfilled or no longer exists; (C) at the direction of the Trustor; or (D) at the direction of the Committee for noncompliance with these Regulations.

Regulation 6.2 - Within 90 days of the termination of the trust, the Trustee must distribute any remaining funds or assets to contributors of the trust on a *pro rata* basis as determined by the Trustee or donated to one or more organizations described in § 501(c)(3) of the Internal Revenue Code of 1954 and exempt from taxation under § 501(a) thereof. The Trustor must receive written approval from the Committee of the 501(c)(3) organization(s) to which the Trustor wishes to donate the excess funds prior to making any such donations. Funds from a Legal Expense Fund may not be donated to an organization that was established or is controlled by the Trustor.

Regulation 6.3 - After a trust has been terminated, the Trustor must file a final quarterly report of contributions received and expenditures made pursuant to these Regulations covering the period between the last filed quarterly report and the date the trust was terminated. In addition, the final report must contain a statement certifying that any remaining funds were distributed to contributors pursuant to these Regulations.

CHAPTER 7: COMMITTEE ENFORCEMENT

Regulation 7.1 - The Committee shall monitor the activities of any Legal Expense Fund established pursuant to these Regulations, and may direct specific remedial actions, or that an audit be made of such trust when, in the judgment of the Committee or Chairman and Ranking Member there is reason to believe that the trust is being improperly administered, or for other good cause.

Regulation 7.2 - Upon a determination by the Committee or Chairman and Ranking Member that an audit of a trust should be made, the Committee shall select a qualified auditor to examine the records of such a trust. The expense of an audit performed at the direction of the Committee shall be borne by the Committee.

Regulation 7.3 - Upon a finding by the Committee or Chairman and Ranking Member that the trust is being improperly administered, if the Trustor and/or the Trustee fail to comply with these Regulations or the trust agreement, or for other good cause, the Committee or Chairman and Ranking Member may direct that the trust be terminated and that the funds be distributed in accordance with the provisions in Chapter 6. The Committee shall notify the Trustor in writing and a copy shall be provided to the Legislative Resource Center for public disclosure.

Regulation 7.4 - Upon a finding by the Committee that a trust has been improperly administered, or that these Regulations have been otherwise violated, the Committee may recommend disciplinary action to be taken in accordance with House Rules and the Rules of the Committee.

CHAPTER 8: CONFORMING EXISTING TRUSTS

Regulation 8.1 - Any Member, officer, or employee who established a Legal Expense Fund prior to April 1, 2024, shall make any necessary modifications to the trust document to bring it in compliance with these Regulations and shall disclose the amended trust document with his or her quarterly report due on July 30, 2024.

Regulation 8.2 - No later than July 30, 2024, the Trustee for an existing trust shall provide an affidavit, filed pursuant to Regulation 4.5, stating that the Trustee has read and understands the provisions of these Regulations governing the establishment, administration, and termination of a Legal Expense Fund, and that the Trustee consents to administer the trust in conformity with these Regulations and House Rules by June 30, 2024.

COMMITTEE ON ETHICS

April 30, 2024

Committee on Ethics Quarterly Review

2024 Ethics Training

2024 general ethics and senior staff ethics trainings are now available on the Staff Academy site!

All staff must complete general ethics training by **December 31, 2024**. Senior staff must complete the additional hour of senior staff ethics training by **January 3, 2025**. Senior staff training is only required once per Congress.

[Take On-Demand General Ethics Training](#)

[Take On-Demand Senior Staff Training](#)

If you prefer an in-person training, details for upcoming trainings can be found below.

<u>Date</u>	<u>Time</u>	<u>Location</u>
May 10	10:00-11:00	Rayburn 2168
June 7	10:00-11:00	Rayburn 2168
July 26	2:30-3:30	HVC-215
August 13	2:30-3:30	HVC-215

[Register for Live General Ethics Training](#)

Finally, Member ethics training for 2024 is now live. To receive the link and password for your Member, please email ethics.training@mail.house.gov.

Upcoming Financial Disclosure Deadline

Financial Disclosure Reports for 2023 are due **May 15, 2024**. Members, senior staff (paid at or above \$141,022 for 60 days or more during CY23), and certain House employees are required to file a Financial Disclosure.

The Committee will be hosting an in person FD specific training that will satisfy the additional hour of senior staff training on **May 2** from 2:00-3:00 in HVC-215.

Register for FD Training

Need more individualized assistance with your FD? Attend our last clinic of the season on **April 30** from 2:00-4:00 in LHOB B248 Please bring monthly and year-end statements, tax forms, accounting statements for personally-owned businesses, and any other documentation you think is needed to help us determine your reporting obligations.

Reminders About Campaign Activity

As campaign season ramps up, please review the pink sheets below regarding campaign activity, campaign contributions, and campaign outlays.

Campaign Activity Pink Sheet

Campaign Contributions and Outlays Pink Sheet

In Case You Missed It

Read the Committee's Pink Sheet discussing the updated Legal Expense Fund Regulations that will take effect on **May 1st**.

2024 Revised Legal Expense Fund Regulations Pink Sheet

Contact the Committee

Talk to us anytime. All communications are confidential!

Office: 1015 Longworth House Office Building

Phone: 202-225-7103

Email: EthicsCommittee@mail.house.gov

Web: <https://ethics.house.gov>



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Congress of the United States

Washington, DC 20515

Committee on Ethics, Committee on House Administration, and Communications Standards
Commission

JOINT GUIDANCE REGARDING CO-SPONSORED CONSTITUENT SERVICE EVENTS

May 8, 2024

Introduction

This memorandum announces new guidance permitting Members¹ to co-sponsor constituent service events with one or more entities qualified under § 170(c) of the Internal Revenue Code (IRC) (e.g., § 501(c)(3) organizations) in limited circumstances, which are discussed in detail below. This memorandum also clarifies that Members may co-sponsor official House events with federal, state, or local government entities. The Committees recommend that any office co-sponsoring a constituent service event provide a copy of this guidance to their co-sponsor.

Under the new guidance outlined in this memorandum, Members may officially co-sponsor **constituent service events** with one or more entities qualified under IRC § 170(c), but only in the limited circumstances where

- The event meets the definition of “constituent service event” in this memorandum;
- The Member and the co-sponsor(s) are jointly-responsible for organizing, publicizing, and paying for the event;
- Any and all co-sponsors(s) are entities qualified under IRC § 170(c) and meet all the requirements for proper co-sponsors described in this memorandum;
- The promotional materials for the event comply with the requirements detailed in this memorandum; and
- The event complies with all other limitations listed in this memorandum.

However, Members may not officially co-sponsor constituent service events where

- The event occurs within the 60-day period immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member’s name will appear on an official ballot;
- The event does not meet the definition of a “constituent service event” as defined in this memorandum;

¹ This memorandum uses the term “Member” to refer to House Members, Delegates, and the Resident Commissioner.

- Either the Member or outside entity merely contributes financial support for the event without any logistical support, participation, or attendance at the event;
- The co-sponsor does not share a “common core of interest” with the Member in the subject matter of the event, as explained in this memorandum;
- Any federally registered lobbyists employed or retained by the co-sponsor(s) are involved in planning, organizing, or arranging any elements of the event;
- Co-sponsors receive (or solicit) funding from private sources specifically designated to support Member constituent service events;
- The event will include charitable solicitations or receipt of funds and donations; or
- The event will include commercial endorsements and business transactions by co-sponsor(s) or other participants.

Committees and Congressional Member Organizations (CMOs), including eligible CMOs (ECMOs), may not co-sponsor “constituent service events.”² The limited exception for constituent service events outlined in this memorandum does not change the current guidance prohibiting Members from co-sponsoring events that are not “constituent service events” with private entities.

Finally, Members may co-sponsor official House events with federal, state, or local government entities. Members are also free to cooperate in any event organized, financed, and conducted solely by another federal, state, or local government entity, even if it is not an official House event.

Background

In general, Members may not co-sponsor any event with outside private individuals or organizations. House Rule 24 prohibits Members from maintaining unofficial office accounts to support official House business. The Committee on House Administration and the Ethics Committee have interpreted House Rule 24 to prohibit the private subsidy of official House business. To this end, the regulations of the Committee on House Administration limit the use of official funds (i.e., the Member’s Representational Allowance (MRA)) and resources to official House business. These rules also state that official resources may not be used to support any outside organization. These rules apply to all official House business, including events organized and conducted by any Member.³

² The guidance in this memorandum is directed to individual Members acting through their respective personal offices to hold co-sponsored constituent service events within their congressional districts. It is not applicable to committees, which do not have constituents or represent a specific congressional district, or CMOs, which, by their very nature, cannot sponsor official House events and do not have constituents or represent a specific congressional district.

³ See Comm. on House Admin., *Member’s Cong. Handbook* at 5-6-; Comm. on Ethics, *House Ethics Manual December 2022 Print* at 345-46, 348-49.

As a result, the guidance of both Committees in the past has been that a Member may not use official resources or give any indication that the House is a “co-sponsor” of an event with any outside private entity. However, the Committees have permitted Members to “cooperate” with a private entity event. With respect to this guidance, the Committees use the following definitions:⁴

- “Co-sponsor” means both the House office and private entity are expending money and are involved in the logistics, publicity, and staffing of the event itself.
- “Cooperate” means the private entity is solely responsible for funding, organizing, and staffing the event, but the Member agrees to speak, appear, and/or lend his or her name to the invitations as an “honorary host,” “special guest,” or “in cooperation/conjunction with” the Member.

The Committees have reviewed the past guidance and have determined that, in the narrow context of “constituent service events” complying with the requirements of this memorandum, a reasonable interpretation of the rules permits a Member to co-sponsor an official House event with a qualified co-sponsor as described in this memorandum.

Summary of Distinctions Between Co-sponsoring and Cooperating in Events

	Co-sponsoring	Cooperating
Member	<p>Uses House resources, including staff time and MRA funds, to arrange, promote, and conduct the event.</p> <p>Does Not use campaign funds for promotional materials for the event.</p>	<p>Speaks, may be listed as “honorary host,” “honorary chair,” or “in cooperation/conjunction with,” sends follow-up Dear Colleague if event is on House grounds.</p> <p>Does Not use any House resources, including staff, letterhead, inside mail, and MRA funds, to arrange, promote, or conduct the event.</p>
Private Entity	<p>Uses the private entity’s staff and funds to arrange, promote, and conduct the event.</p>	<p>Uses the private entity’s staff and funds to arrange, promote, and conduct the event, including drafting invitation letters on the private entity’s letterhead and mailing such letters.</p>

Because House Rule 24 prohibits only private subsidies of official House business, Members may accept in-kind support for official events from domestic federal, state, or local government entities.⁵ For example, another government entity may pay for expenses associated with an event; provide use of its facilities free of charge; provide in-kind donations of food, beverages, or publicity for an event; and help to arrange, promote, and conduct an official House

⁴ See *House Ethics Manual December 2022 Print* at 349, 353.

⁵ See *id.* at 349. In addition, the gift rule permits Members to accept anything “paid for by” a domestic federal, state, or local government. See House Rule 25, cl. 5(a)(3)(O).

event. If an event is deemed an official House event, Members may co-sponsor an event with federal, state, or local government entities. Members are also free to cooperate in any event organized, financed, and conducted solely by another government entity, even if it is not an official House event.⁶

The New Exception

Under this new exception, Members may officially co-sponsor “**constituent service events**” with one or more entities qualified under IRC § 170(c), but only in the limited circumstances described below. This revised policy recognizes the beneficial purposes served by co-sponsored constituent service events while respecting the spirit and intent of the rules governing the use of official resources.⁷

NOTE: As mentioned above, House committees and CMOs, including ECMOs, may not co-sponsor constituent service events under this exception because they do not serve a specific home district constituency.⁸ Therefore, committee and CMO/ECMO participation in any events, and Member participation in events not falling within this exception, continue to be governed by the general rules prohibiting any co-sponsorship of events with private entities.

What is a constituent service event?

A **constituent service event** is an event held in the Member’s congressional district⁹ that directly provides information or some other tangible assistance¹⁰ to individual constituents. Per the Committee on House Administration’s *Members’ Congressional Handbook*, Members may conduct “official meetings and events (i.e., townhalls and constituent service events) inside the district to facilitate the exchange of information regarding the Member’s official and representational duties.” The event should be widely advertised and open to the public within the Member’s congressional district.

Some examples of events that will qualify under this exception are

- An information fair for small business owners;
- A town hall meeting about the immigration process;

⁶ To the extent that the first paragraph of the section entitled “Events with Outside Entities” on page 353 of the *House Ethics Manual December 2022 Print* can be interpreted to prohibit Members from co-sponsoring official House events with other government entities, this memorandum supersedes that language in the *Manual*.

⁷ This narrow exception also substantially aligns House practice with the Senate’s exception for co-sponsored constituent service events, which has been in place since 1977. See Senate Select Comm. on Ethics, *Senate Ethics Manual* at 112. Senate Rule 38 regarding the use of official resources is substantially similar to House Rule 24.

⁸ Similarly, House officers may not co-sponsor constituent service events under this exception.

⁹ To the extent permitted by the Committee on House Administration regulations, a joint official meeting held by Members representing adjoining congressional districts or U.S. Senators in the same state can qualify as a “constituent service event” if it meets all the other requirements of this memorandum.

¹⁰ For example, official events may include benefits from private organizations that the organization routinely offers without charge in similar situations, such as free blood pressure or diabetes screening provided by a hospital at a Member’s health fair. See *House Ethics Manual December 2022 Print* at 350-51.

- A seminar for high school seniors about student financial aid options for college; and
- A tax preparation event with a qualified Internal Revenue Service Volunteer Income Tax Assistance (VITA) partner organization (e.g., one that is qualified under IRC § 170(c)).

Some examples of events that will not qualify as co-sponsored constituent service events under this exception are

- Constituent “meet-and-greets” or district office open houses;
- Award presentations;
- Briefings or meetings between representatives of an organization and Members or House staff;
- Site visits for Members or House staff; and
- A clinic where a private law firm or legal services organization provides constituents with legal advice on-site.

Remember that some events may never be official events, including holiday parties, purely social events, and charitable giveaways.

What is a co-sponsored constituent service event?

A **co-sponsored constituent service event** is a qualifying constituent service event that is co-sponsored by a Member and one or more qualifying entities (described below).¹¹ The event must be organized, publicized, and paid for in part by both the Member and the co-sponsor(s). Neither the co-sponsor nor the Member may merely provide financial support without also providing logistical support, participation, and attendance at the event.¹² Members retain the discretion to host constituent service events exclusively as official events paid for with House funds. If a Member chooses to organize an event as a co-sponsored constituent service event, then the limitations in this memorandum apply.

When may a co-sponsored constituent service event be held?

A qualifying constituent service event may be held any time during a Member’s term except within the 60-day period immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member’s name will appear on an official ballot for election or re-election to public office. This coincides with the “blackout period” prohibiting

¹¹ This narrow exception is consistent with the restrictions of House Rule 24 and Committee on House Administration regulations because neither the Member, nor the private co-sponsor, is providing a financial subsidy of the other entity’s event. Instead, each equal co-sponsor is subsidizing their own participation in the event, as discussed further below.

¹² See Examples 1 and 2, below.

expenditures on unsolicited mass communications under the rules of the Communications Standards Commission.¹³

Who may serve as a co-sponsor of a co-sponsored constituent service event?

Under the exception announced in this memorandum, a Member may ONLY co-sponsor a constituent service event with one or more entities qualified under IRC § 170(c), including, for example, § 501(c)(3) charitable organizations.¹⁴ Therefore, private individuals, for-profit companies, and non-profit organizations with any other tax status may NOT be co-sponsors of a co-sponsored constituent service event.¹⁵

Numerous types of entities qualify under IRC § 170(c). In addition to § 501(c)(3) non-profit organizations, this section includes any federal government entity, any state, the District of Columbia, any possession of the United States, and any political subdivisions of each of these (such as county or city governments and public universities).¹⁶ Certain war veterans' groups, such as a post, organization, auxiliary unit or society, are also included. Members are responsible for verifying the tax status of any potential co-sponsoring organization before planning a co-sponsored constituent service event.

In addition to qualifying under IRC § 170(c), organizations must meet two additional requirements to co-sponsor a co-sponsored constituent service event:

- 1) The co-sponsoring organization must share a common core of interest with the Member in the subject matter of the event by virtue of the co-sponsor's routine organizational activities;¹⁷ and
- 2) If the co-sponsoring organization employs or retains any federally registered lobbyist, such lobbyists are prohibited from participating in any planning, organizing, requesting, or arranging of any elements of the co-sponsored constituent service event.

The "common core of interest" requirement limits which organizations may co-sponsor a co-sponsored constituent service event based on the information being delivered at each particular event. A qualifying constituent service event must provide information or some other tangible assistance to individual constituents on a particular topic, such as information about student

¹³ See Commc'n Standards Comm'n, *Commc'n Standards Manual* at 6.

¹⁴ See Example 3, below. In this respect, the guidance announced in this memorandum is narrower than that permitted by the Senate. See *Senate Ethics Manual* at 112.

¹⁵ However, such individuals and other organizations could be invited to participate in a co-sponsored constituent service event subject to the same rules for private participation in any official event described in the *House Ethics Manual December 2022 Print* on pages 349-50.

¹⁶ As discussed above, Members may co-sponsor official House events, including but not limited to, "constituent service events," with federal, state, or local government entities. Therefore, a briefing for state government officials regarding new federal laws and regulations on a certain subject may be an official House event co-sponsored by a federal government agency, even though that event would not qualify as a "constituent service event."

¹⁷ See Examples 1, 3 and 4, below.

financial aid. An organization has a “common core of interest” with the Member on the subject matter of the event if one of the main purposes of the organization is to deliver the information at issue in the event, such as a § 501(c)(3) charitable organization focused on access to higher education and helping disadvantaged students apply for funding for college. A qualifying co-sponsor should also have a history of providing information or services within the Member’s state.

What support may co-sponsors provide for a co-sponsored constituent service event?

Although federal law generally prohibits solicitations by Members and House employees, the Ethics Committee is authorized to issue rules or regulations for the House “providing for such reasonable exceptions as may be appropriate.”¹⁸ Accordingly, the Ethics Committee is providing for a limited exception to the solicitation ban for two aspects of a co-sponsored constituent service event:

- 1) When a Member asks a qualified entity to be a co-sponsor of a co-sponsored constituent service event; and
- 2) When a Member requests the use of government resources from a federal, state, or local government entity, including a public college or university, for a co-sponsored constituent service event.

This exception is appropriate based on the numerous restrictions placed on these events and the fact that the responsibility for events is shared between the Member and a qualified co-sponsor.¹⁹

General Support

A Member’s office and any qualified co-sponsor must be jointly responsible for the planning and organizing of a co-sponsored constituent service event. Moreover, qualifying co-sponsors, as described above, may generally provide financial or in-kind support for a co-sponsored constituent service event. Both the Member and any qualifying co-sponsors may only pay ordinary and necessary expenses related to the co-sponsored constituent service event. This includes food and beverages, production and postage costs for promotional materials, media releases, logistical support, room or equipment rental, and other general expenses for such an event.²⁰ However, a Member and any qualified co-sponsors should be responsible for reasonably proportionate shares of the overall cost of the co-sponsored constituent service event. A Member’s office may use MRA funds to cover its share of the costs of the event, subject to Committee on

¹⁸ See 5 U.S.C. § 7353.

¹⁹ See Example 1, below. In addition, permissible co-sponsors for co-sponsored constituent service events are limited to organizations that fall under the Ethics Committee’s long-standing general waiver to the solicitation ban permitting Members and House employees to solicit on behalf of organizations qualified under IRC § 170(c). See *House Ethics Manual December 2022 Print* at 355-57.

²⁰ See *Member’s Cong. Handbook* at 29-30 for a list of expenses that are ordinary and necessary for official meetings and events.

House Administration regulations. A Member's office may also use principal campaign committee funds to cover expenses for food and room rental.²¹

A qualified co-sponsor may only use money from its general funds to support a co-sponsored constituent service event. It may not use money received from private sources that have been raised or designated specially or specifically to support a Member's constituent service event or events. Similarly, neither the Member nor any qualified co-sponsor may fundraise or solicit in-kind donations from other private entities to support a co-sponsored constituent service event.²²

Promotional Materials

A Member and a qualified co-sponsor(s) must both promote a co-sponsored constituent service event proportionately. Promotional materials must conform to the following guidelines:

- All co-sponsors, including the Member, must be listed in equal size and prominence on all of the promotional materials created for the event;
- If congressional or organizational emblems, seals, or logos are displayed on any of the promotional materials, each co-sponsor's emblem, seal, or logo must be of equal or similar size and prominence;
- Promotional materials may list the Member and other qualified co-sponsors using phrases such as "co-sponsored by Member X and Group Y," "presented by Member X and Group Y," "Member X and Group Y present," or "Member X and Group Y invite you to" the co-sponsored constituent service event;
- A Member must promote a co-sponsored constituent service event as an official event of the Member's office similar to other official events it sponsors;
- Promotional materials distributed by the Member and the co-sponsor must be identical in content (excluding any required disclosure statements), must comply with the Communications Standards Manual regulations, and require an Advisory Opinion from the Communications Standards Commission prior to the materials being produced or disseminated by both the Member and co-sponsoring entity.²³ The Member office must provide the Communications Standards Commission with the certification designating the co-sponsor entity as a qualified entity under IRC § 170(c);
- In no case may promotional content regarding the co-sponsored constituent service event be shared on any local, state, or federal campaign or political social media

²¹ Because a co-sponsored constituent service event is treated as a Member's official event, the rules governing permissible use of campaign funds for official events also apply. See House Rule 24, cl. 1; *House Ethics Manual December 2022 Print* at 182-88.

²² See Example 5, below.

²³ Page 5 of the Communication Standards Manual requires that Member offices must disclose the source of payment for official advertisements and mass communications.

platform. Additionally, promotional materials may not be paid for with campaign funds.

- A Member may not provide a co-sponsor with official House letterhead to be included in any promotional materials produced or disseminated at the co-sponsor's expense;²⁴
- A Member may not lend his or her Frank to a co-sponsor and may not use the MRA to pay the postage for any promotional materials produced or disseminated by the co-sponsor(s);
- A Member may not provide the co-sponsor(s) with an official mailing list;²⁵ and
- Communications regarding the event must serve the district the Member represents, and to the greatest extent possible, shall not be targeted outside of the Member's district, regardless of who is sending the communication.

Travel Expenses

The MRA may be used to pay for Member and staff travel to a co-sponsored constituent service event, consistent with the Members' Congressional Handbook regulations. However, the travel expenses of a Member or staff connected with such an event may not be paid by any other co-sponsor of the event. Co-sponsors may pay the travel expenses of their own representatives or invited guest speakers (other than Members or House employees) to the event.

What other limitations apply to a co-sponsored constituent service event?

In addition to the requirements and limitations noted above, the following limitations apply to co-sponsored constituent service events:

- No federally registered lobbyists may be involved in planning, organizing, requesting, or arranging a co-sponsored constituent service event. This limitation applies to both co-sponsors and any other organizations or businesses that may be participating in the event, whether as a presenter or participant. Registered lobbyists are subject to this restriction regardless of how they are affiliated with the co-sponsor(s) or other participating entities.²⁶
- Co-sponsors may not use any contact information gathered from individual attendees for any purpose other than coordinating the co-sponsored constituent service event,

²⁴ In order to avoid any impermissible "coordinated communication" within the 90-day period prior to any federal election in which the Member is a candidate, a Member should also consult with the Federal Election Commission's congressional liaison office at (202) 694-1006 before allowing a co-sponsor to use the Member's name in materials promoting a co-sponsored constituent service event during that time.

²⁵ See *House Ethics Manual December 2022 Print* at 360-61.

²⁶ For example, a board member of a § 501(c)(3) organization co-sponsor who is a federally lobbyist registered on behalf of an unrelated entity may not be involved in the planning, organizing, requesting, or arranging of the event even though the § 501(c)(3) is not a lobbying client.

including, but not limited to, contacting attendees with information or solicitation materials from the co-sponsor.

- Co-sponsors may not refer to any co-sponsored constituent service event in any solicitation or other communication that implies the Member endorses or promotes the organization.
- No charitable solicitations or receipt of funds or donations may be included in the promotional materials for, or occur at, a co-sponsored constituent service event.²⁷
- No commercial endorsements or business transactions may occur at a co-sponsored constituent service event. Co-sponsors and other participating organizations or entities must not sign-up new members, enter into any commercial transactions, or solicit funds in any promotional materials for or at the event.²⁸
- No political or campaign activity may be conducted in any way connected to a co-sponsored constituent service event and no information gathered from individual attendees at such an event may be used by the Member or the co-sponsor in connection with any political or campaign activity.
- Neither the Member, nor any co-sponsor, may charge a registration fee from attendees at a co-sponsored constituent service event.

May co-sponsors provide services to constituents at a co-sponsored constituent service event?

The main purpose of allowing offices to co-sponsor constituent service events is to allow Members to work with outside organizations to provide information and resources to constituents on issues that relate to a Member's official and representational duties. Members may not co-sponsor constituent service events at which the co-sponsoring organization provides "services" to constituents except in very limited circumstances. At these events, the co-sponsor must provide the services, not the Member's office.

The only "services" that may be provided at co-sponsored constituent service events are

- Services provided by a local, state, or federal agency or department;

²⁷ *House Ethics Manual December 2022 Print* at 331. Members and staff who observe violations of this rule in promotional materials or at any official event must take immediate corrective action at the event. In such cases, it is recommended that the Member contact the Ethics Committee immediately after the event to determine if further remedial action is required.

²⁸ *House Ethics Manual December 2022 Print* at 357-58. Members have a responsibility to ensure that no commercial endorsements or business transactions take place at any official event, including a co-sponsored constituent service event. Members and staff who observe violations of this rule at any official event must take immediate corrective action at the event. In such cases, it is recommended that the Member contact the Ethics Committee immediately after the event to determine if further remedial action is required.

- Programs established and/or managed by a federal agency or department (e.g., tax counseling services through the Internal Revenue Service’s VITA and Tax Counseling for the Elderly (TCE) programs); and
- Benefits that a private organization routinely offers without charge at a range of community events (e.g., hospital or organization that routinely offer screening tests such as blood pressure, cholesterol, or diabetes screening tests).²⁹

Member offices and/or outside organizations may not provide any services that involve or establish a fiduciary relationship, such as providing legal advice or representation to a constituent.

Examples

Example 1: A Member is hosting a town hall meeting about the immigration process and asks a non-profit § 501(c)(3) immigrant services organization to co-sponsor the event by bringing speakers from the organization, preparing materials, and paying for coffee and cookies at the event. The Member’s staff coordinates with the non-profit organization regarding the topics of the town hall and the logistics of staging and promoting the event. This arrangement would qualify as a co-sponsored constituent service event because both the non-profit organization and the Member are providing logistical support, participation, and financial support for the event. In addition, the Member’s invitation to become a co-sponsor is permissible under the exception to the solicitation ban. Finally, the non-profit organization is a proper co-sponsor because it is qualified under IRC § 170(c) and shares a common core of interest with the Member in the subject matter of the event.

Example 2: A Member is hosting an information fair for small business owners and a non-profit § 501(c)(3) women-owned business organization offers to donate \$5,000 to offset the costs of the event but will not otherwise be involved in the event. Although the organization qualifies as an IRC § 170(c) organization, the Member may not accept this offer of financial support and call this event a co-sponsored constituent service event because the non-profit is not in any way providing logistical support, participation, or attendance at the event.

Example 3: A local coffee shop hears that the Member is having a town hall meeting on college student loan programs and wants to co-sponsor the event, including the donation of free donuts and coffee for the event. The coffee shop is not a qualified co-sponsor because it is not a non-profit organization qualified under IRC § 170(c) and it does not share a common core of interest with the Member in the subject matter of the event.

Example 4: A non-profit § 501(c)(3) animal rights organization may not be a co-sponsor of a co-sponsored constituent service event relating to home mortgage loan issues, even though it is a non-profit organization qualified under IRC § 170(c). However, a non-profit § 501(c)(3) mortgage assistance organization, also an IRC § 170(c) organization, could co-sponsor the event because the group shares a common core of interest in the subject matter of the event based on its normal organizational activities.

Example 5: A Member is organizing a co-sponsored constituent service event regarding higher education grants and loan programs with a § 501(c)(3) non-profit organization, which qualifies as

²⁹ See *House Ethics Manual December 2022 Print* at 351.

an IRC § 170(c) organization. Neither the Member nor the non-profit organization may solicit for free books about paying for college from a bookstore. However, the non-profit organization can use its general funds to pay for copies of books to hand out at the event.

Example 6: A Member is holding an event about tax preparation and asks a local non-profit that qualifies as an IRC § 170(c) organization to co-sponsor the event and provide tax counseling services to constituents. Because the individuals from the non-profit who will provide the services are certified by the IRS under the VITA program, a program established and managed by a federal agency, the co-sponsor may provide services within the scope of the VITA program at the co-sponsored event.

Example 7: A Member and a non-profit § 501(c)(3) housing organization, which qualifies as an IRC § 170(c) organization, are co-sponsoring an event related to housing. The organization provides rental assistance to individuals who apply to their program and qualify. Staff for the non-profit organization may not complete applications for their rental assistance program on behalf of constituents at the event, but the organization may provide general information about their program and the process of applying.

Example 8: A Member would like to hold a constituent event on healthcare. The state agency that administers the federal Medicaid program in the state may send employees to assist individuals with Medicaid issues at the event. The Member's staff may not provide the same services as the state agency's staff.

Sincerely,

**Bryan Steil, Chairman
Committee on House Administration**

**Joseph D. Morelle, Ranking Member
Committee on House Administration
Communications Standards Commission**

**Michael Guest, Chairman
Committee on Ethics**

**Susan Wild, Ranking Member
Committee on Ethics**

**Mike Carey, Chairman
Communications Standards Commission**

CO-SPONSORED CONSTITUENT SERVICE EVENTS

Members may co-sponsor constituent service events with one or more entities qualified under § 170(c) of the Internal Revenue Code (IRC) in limited circumstances. The Committees recommend that any office co-sponsoring a constituent service event provide a copy of the joint guidance to their co-sponsor. It is your responsibility to ensure compliance with these and all other relevant laws, rules, and regulations, but the Committees are available to discuss any questions you may have.

FREQUENTLY ASKED QUESTIONS

1. How can an office verify that a particular entity is qualified under § 170(c) of the Internal Revenue Code (IRC)?

Offices should request the organization's determination letter from the Internal Revenue Service (IRS) confirming the organization's status as qualified under IRC § 170(c). Offices must provide the Communications Standards Commission with the determination letter when seeking an Advisory Opinion prior to producing or disseminating promotional material by both the Member and co-sponsoring entity.

2. May a Member co-sponsor an event that raises or solicits funds or goods for a nonprofit, or one that distributes funds or goods?

No, a Member is prohibited from soliciting funds or goods in their official capacity. Additionally, official events, including co-sponsored constituent service events, may not be used to distribute funds or goods, including backpack or turkey giveaways.

3. May a Member office ask a qualified entity to be a co-sponsor of a constituent service event?

Although federal law prohibits solicitations by Members and House employees, the Ethics Committee has authorized a limited exception to the solicitation prohibition for two aspects of a co-sponsored constituent service event. First, a Member may ask a qualified entity to be a co-sponsor. Second, a Member may request the use of government resources from a federal, state, or local government entity, including a public college or university, for a co-sponsored constituent event.

4. What support may co-sponsors provide for a co-sponsored constituent service event?

A Member's office and any qualified co-sponsor must be jointly responsible for the planning and organizing of a co-sponsored constituent service event, and co-sponsors may generally provide financial or in-kind support for a co-sponsored constituent service event.

Members and the co-sponsoring entity may only pay ordinary and necessary expenses related to the co-sponsored constituent service event, including food and beverages, production and postage costs for promotional materials, media releases, logistical support, room or equipment rental, and other general expenses for such an event.

A qualified co-sponsor may only use money from its general funds to support a co-sponsored constituent service event. It may not use money received from private sources that have been raised or designated specially to support a Member's constituent service event or events. Similarly, neither the Member nor any qualified co-sponsor may fundraise or solicit in-kind donations from other private entities to support a co-sponsored constituent service event.

5. How should costs associated with a co-sponsored constituent event be split between the Member and qualified co-sponsor?

A Member and any qualified co-sponsors should be responsible for reasonably proportionate shares of the overall cost of the co-sponsored constituent service event. A Member's office may use MRA funds to cover its share of the costs of the event, subject to Committee on House Administration regulations. A Member's office may only use principal campaign committee funds to cover expenses for food, beverages, and room rental. The Member's office may not use campaign resources, including campaign social media accounts, to promote or discuss the event.

Although there is no specific requirement that costs be divided equally 50/50, the intent is that the Member office and qualified co-sponsor are planning, organizing, and financially contributing to the event equally. The Member office and/or qualified co-sponsor should not take on a disproportionate share of the planning, organizing, or paying for the event.

Both the Member's office and the co-sponsor must pay for their own expenses directly. A co-sponsor may not reimburse a Member or staff for expenses related to the co-sponsored event, nor may a Member reimburse a co-sponsor. Additionally, a co-sponsor may not pay for the travel expenses of a Member or Member's staff to attend the event. Co-sponsors may pay for their own travel expenses and the travel expenses of other, non-official, invitees.

6. What documentation does the Member office have to keep regarding the co-sponsored constituent event?

Although not required, as a best practice, Member offices are strongly encouraged to maintain documentation showing the breakdown of expenses, including who paid for each expense, should any questions arise. Additionally, Member offices should keep 1) a copy of the IRS designation letter showing the co-sponsor is qualified under IRC § 170(c), and 2) documentation showing which portions of the event were planned and organized by the Member and the co-sponsor.

7. Does the requirement that co-sponsors be responsible for a "reasonably proportionate share of the overall cost of a co-sponsored event" also apply when the cosponsor is a federal, state, or local government entity?

No. Members may co-sponsor an event with a federal, state, or local government, regardless of how costs are shared.

8. What are the requirements for promoting a co-sponsored constituent service event?

A Member and any qualified co-sponsors must promote a co-sponsored constituent service event proportionately. Promotional materials distributed by the Member and co-sponsors must be identical in content (excluding any required disclosure statement), must comply with the Communications Standards Manual regulations, and require an Advisory Opinion from the Communications Standards Commission prior to the materials being produced or disseminated by both the Member and co-sponsoring entities. Promotional materials and communications include flyers, postal mail, social media posts, invitations (print and emailed), television and radio ads, text messages, and robocalls. All promotional activities done by the Member must be over official channels.

All promotional materials and communications regarding the event must serve the district the Member represents, and to the greatest extent possible, shall not be targeted outside the Member's district, regardless of who is sending the communication. Please review the entire promotional materials section of the Co-Sponsored Constituent Event Joint Guidance for additional important requirements and details regarding all related communications.

9. How should an office submit a mass communication request announcing a jointly co-sponsored service event with an IRC § 170(c) organization to the House Communications Standards Commission (Franking)?

To expedite the approval process when submitting such a mass communication request for review, the office should provide proof that each co-sponsor is, in fact, an IRC § 170(c) organization. There are two ways the Commission will accept such proof. Because each submission only allows one attachment per request, an office may combine the mass communication and the documentation of the IRS designation letter showing each co-sponsor is qualified under IRC § 170(c) into a single attachment. Alternatively, the office may provide the URL in the IRS designation website (<https://www.irs.gov/charities-non-profits/eo-operational-requirements-obtaining-copies-of-exemption-determination-letter-from-irs>) in the "additional notes" section of the submission. Please note that if an office decides to combine the mass communication and the documentation as the attachment for review, it will be subject to public disclosure, whereas providing a link in the additional notes section will only be accessible to Commission staff.

10. May a Member provide the qualified co-sponsor(s) with an official mailing list, official stationery, and/or Franked envelopes?

No, a Member may not provide a qualified co-sponsor with an official mailing list or official stationery, and a Member is prohibited from lending his or her Frank to a co-sponsor. Further, a Member may not use the MRA to pay the postage for any promotional materials produced or disseminated by the co-sponsor(s).

11. May a qualified co-sponsor use contact information gathered from individual attendees at a co-sponsored constituent service event?

A co-sponsor may only use contact information gathered from individual event attendees to coordinate the co-sponsored constituent service event itself, such as to send an event reminder or to share information promised during the event. Co-sponsors may not then use the contact information gathered at the event to contact individual attendees with information unrelated to the event or any solicitation materials.

12. May a co-sponsor refer to a co-sponsored constituent event in any communication after the event is complete?

Yes, a co-sponsor may issue press releases and social media posts related to the event (in addition to sending out promotional materials before the event) consistent with the applicable regulations. However, co-sponsors may not refer to any co-sponsored constituent service event in any solicitation or other communication that implies the Member and/or House of Representatives endorses or promotes the organization.

13. May two or more Members host a co-sponsored constituent service event?

Yes, a Member may co-sponsor a constituent service event with Members representing adjoining congressional districts or U.S. Senators in the same state with a qualified co-sponsor(s).

14. If more than one Member co-sponsors a constituent service event, how should costs be split?

The costs of the event should be shared proportionately among all co-sponsors. Each Member office and qualified co-sponsor should assist in planning, organizing, and financially contributing to the event equally. One Member office and/or qualified co-sponsor should not take on a disproportionate share of the planning, organizing, or paying for the event.

Each Member office and the co-sponsor(s) must pay for their own expenses directly. A co-sponsor(s) may not reimburse a Member or staff for expenses related to the co-sponsored event, nor may a Member reimburse a co-sponsor. Additionally, a co-sponsor may not pay for the travel expenses of a Member or Member's staff to attend the event. Co-sponsors may pay for their own travel expenses and the travel expenses of other, non-official, invitees.

15. If more than one Member co-sponsors a constituent service event, does each office have to obtain an Advisory Opinion before sending out any promotional materials?

Yes, each Member office co-sponsoring a constituent service event must obtain an Advisory Opinion.

16. May a Member host a co-sponsored constituent service event with two or more co-sponsors?

Yes. A Member may have more than one co-sponsor that meets the criteria on a co-sponsored constituent service event, so long as the Member and the co-sponsors contribute to the event proportionately.

17. Does the Member have to appear at the event?

There is no requirement that the Member appear at a co-sponsored constituent service event.

18. Does the event have to take place in the district or in the Member's state?

Yes, a co-sponsored constituent service event must take place in the Member's congressional district. If more than one Member is hosting a co-sponsored constituent service event, the event must be held in the congressional district of one of the Members.

19. May federally registered lobbyists still attend the event, even if they are not involved in the planning?

Yes. If a co-sponsoring organization employs or retains any federally registered lobbyist, such lobbyists are prohibited from participating in any planning, organizing, requesting, or arranging any elements of the co-sponsored constituent service event. For example, the lobbyist may not be the Member office's contact regarding the event, assist with selecting invitees, book event space, plan the run of the event, invite speakers or participants, or other logistical efforts. However, the lobbyist may attend the event.

20. May co-sponsors provide services to constituents at a co-sponsored constituent service event?

The main purpose of co-sponsored constituent events is for Members to work with outside organizations to provide information and resources to constituents on issues that relate to a Member's official and representational duties. Thus, Members may not co-sponsor constituent service events at which the co-sponsoring organization provides "services" to constituents except in very limited circumstances, for example

- Services provided by a local, state or federal agency or department;
- Programs established and/or managed by a federal agency or department (e.g., tax counseling services through the Internal Revenue Service's VITA and Tax Counseling for the Elderly (TCE) programs); and
- Benefits that a private organization routinely offers without charge at a range of community events (e.g., hospital or organization that routinely offer screening tests such as blood pressure, cholesterol, or diabetes screening tests).

Members and/or outside organizations may not provide any services that involve or establish a fiduciary relationship, such as providing legal advice or representation to a constituent.

If a co-sponsor provides services to the community that fall outside of the allowance above, the co-sponsor may still provide general information about their services during a co-sponsored constituent service event. The co-sponsor would not, however, be able to complete applications or otherwise provide those services during the event.

21. May a Member office provide resources (e.g., computers, printed forms, pens, etc.) if “services” are provided by a qualified co-sponsor at a co-sponsored constituent service event?

Member office staff may not provide “services” to constituents or facilitate services by providing access to official equipment to complete or file any documents. In very limited circumstances, qualified co-sponsors may provide “services” at co-sponsored constituent service events (see above). In those limited circumstances, the qualified co-sponsor is responsible for providing any resources needed.

22. May Member office staff assist constituents in filling out applications or applying for a benefit for the “service” aspect of the event?

No, Member office staff may not assist constituents in filling out applications or apply for benefits at any time including at a co-sponsored constituent event.

23. May a Member office co-sponsor constituent service event(s) during their franking blackout periods?

No, offices MAY NOT co-sponsor constituent service event(s) during blackouts, including those with government entities.

24. May a co-sponsor provide materials or incidental items to participants attending the co-sponsored constituent service event?

Yes. Existing rules and guidance on materials and incidental items provided to event participants continue to apply. Thus, the co-sponsor may provide information and/or reference materials related to the issue of the event and may also provide directly to the participants items of nominal value (less than \$10.00) such as pens, pencils, pads of paper, etc., that have branding or the qualified co-sponsor’s logo. Any items provided may not include the name, likeness, or official logo of the Member(s) co-sponsoring the event.

Pursuant to the Members’ Congressional Handbook regulations, Members may not use their MRA to purchase gifts such as magnets, keychains, stickers, notepads, buttons, pens, or pencils.

Members may use campaign funds to pay for pens or other give-away items that just have the House seal or the district number on them, as long as the pens or give-away items are used for official business only. Members may not use campaign funds to purchase personalized items that have the Member’s name, image, likeness, contact information, or a personally-identifying mark for distribution at an official event or meeting.

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
Ranking Member

David P. Joyce, Ohio
John H. Rutherford, Florida
Andrew R. Garbarino, New York
Michelle Fischbach, Minnesota

Veronica Escobar, Texas
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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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May 28, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Michael Guest, Chairman
Susan Wild, Ranking Member

SUBJECT: Events Taking Place and Gifts Offered During a National Political Convention

The purpose of this advisory memorandum is to remind Members¹ about the House rules regarding Member participation at certain events held during a national political convention and gifts offered in relation to a convention. The first portion of the memo discusses a House Rule that specifically prohibits Member attendance at certain events, and the second portion relates to the application of the House Gift Rule to convention-related activity.

As of the dates of this memorandum, the Republican National Convention is scheduled for July 15 to 18, 2024, in Milwaukee, Wisconsin, and the Democratic National Convention is scheduled for August 19 to 22, 2024, in Chicago, Illinois.²

Events Honoring a Member

Under House Rules, Members are prohibited from attending certain events that honor them. Specifically, House Rule 25, clause 8 provides:

During the dates on which the national political party to which a Member (including a Delegate or Resident Commissioner) belongs holds its convention to nominate a candidate for the office of President or Vice President, the Member may not participate in an event honoring that Member, other than in the capacity as a candidate for such office, if such event is directly paid for by a registered lobbyist

¹ This memorandum uses the term “Member” to refer to House Members, Delegates, and the Resident Commissioner.

² Although these are the currently scheduled dates, these dates are subject to change. The restrictions under House Rule 25, clause 8 apply to the actual dates of the conventions.

under the Lobbying Disclosure Act of 1995 or a private entity that retains or employs such a registered lobbyist.³

Under this provision, a Member may not "participate in an event honoring that Member" if the event takes place during a national political convention and is paid for by a registered lobbyist or an entity that employs or retains a registered lobbyist.⁴ The statute provides an exception for an event that honors a Member in their capacity as a candidate for President or Vice President.

It is important to note that the provision does not establish a new type of event for which free attendance may be accepted under the House Gift Rule. This rule limits Members' participation in certain events, even if the Members purchase their own tickets. An offer of free attendance for an event in which Members may otherwise participate is only an acceptable gift if it satisfies all the criteria for an exception to the Gift Rule, for example, a reception, a widely-attended event, a charity event, or a fundraising or campaign event sponsored by a political organization, or a business meeting. The rules and standards relating to gifts received in connection with the national political conventions are summarized in the second section of this memo.

What does "honoring a Member" mean?

Members may not participate in an event where the Member is named, either officially or personally, as an honoree (including as a "special guest") in any invitations, promotional materials, or publicity for the event. A Member also may not participate in an event if the Member were to receive, through the Member's participation in the event, some special benefit or opportunity that would not be available to other participants, such as if the sponsor offers the Member an exclusive speaking role or a very prominent ceremonial role.

According to the legislative history of this provision, this restriction is intended to prevent registered federal lobbyists from directly paying for a party to honor a specific Member. Thus, an event that is organized to honor a convention delegation, House committee, or caucus, without naming any specific Member or providing any special benefit or opportunity to a specific Member, would be an event that Members may participate in under the rule. There is no specific minimum, or maximum size of the delegation or caucus required to be invited to or participate in such an event. Furthermore, a Member would not be prohibited from participating in an event taking place during a national convention if the Member's name appears, for example, in a listing of the names of the honorary host committee members for the event if that listing includes the names of non-congressional host committee members.

³ House Rule 25, cl. 8; *see also* The Honest Leadership and Open Government Act of 2007, Pub. L. No. 110-81, § 305, 121 Stat. 735, 753 (2007).

⁴ The term "participate" is not defined in the underlying statute or House Rule. In the Committee's view, the prohibition on participation in these events concerns Member attendance at the event. Members should contact the Committee with any questions regarding whether activities other than attendance may constitute participation in such events.

Example 1: A non-profit that retains a federal lobbyist is having a reception during the dates of and in the same city as the Republican Convention. On the invitation, the non-profit states that the event is “in honor of” a caucus. A Member of the caucus may attend because the event is not in honor of a specific Member, but of a group.

Example 2: A non-profit that retains a federal lobbyist is having a reception during the dates of and in the same city as the Democratic Convention. The invitation does not name any individual, but the non-profit offered one Member the opportunity to give the opening remarks. The Member may not attend the event and give the remarks, because the remarks constitute a special benefit or opportunity.

Example 3: A federal lobbyist is having a reception on the first night of the Democratic Convention. The reception will be in the same city as the convention. The invitation to the reception lists the Member’s name, along with several other non-congressional individuals, as an honorary host committee member. The Member may attend the event because the invitation lists the Member as a part of the honorary host committee.

Example 4: A local charitable organization that retains a federal lobbyist is hosting a fundraising dinner on the second night of the Republican Convention. The invitation to the dinner states that the event is being held “in conjunction with” three named Members. None of the listed Members may attend the dinner because, by naming them specifically on the invitation, the event would be in their honor.

What is an event that is “directly paid for by a registered lobbyist”?

The provision is very specific in prohibiting Member participation in an event that is "directly paid for" by a registered federal lobbyist or a private entity that retains or employs registered federal lobbyists. The fact that a private organization received some of its funding to hold or sponsor an event taking place during a national convention from a registered federal lobbyist or a private entity that retains or employs registered federal lobbyists, by itself, would not disqualify a Member from participating in the organization's event.

To what dates does this restriction apply?

The provision also states that Member participation is prohibited only at certain events taking place "[d]uring the dates" on which a national convention is held. Accordingly, the rule does not prohibit Member participation in an event that takes place on a date other than the dates during which the national convention is held.

Gift Rules Applicable to National Political Conventions

The following is a summary of the key provisions of the House Gift Rule (House Rule 25, clause 5) that apply in the context of the upcoming political conventions. Any questions on how these provisions apply to a specific proposed event or other gift should be directed to the Committee. Note that this section of the memorandum summarizes the general rules that are always applicable but places them in the context of the national political conventions.

The Gift Rule prohibits Members and House staff from accepting any gift - including any meal, entertainment, transportation, services, or anything else having monetary value - except as specifically provided in the rule. Members and staff are also generally prohibited from soliciting any gift, whether for themselves or for others. Finally, even if an event is permissible to attend under the Gift Rule, attendance may be prohibited by the provisions regarding events that honor Members as discussed above. Below are common examples of events held during the national conventions.

1. **Any gift paid for by the host cities of Milwaukee or Chicago, or any unit of federal, state, or local government**, may be accepted. However, this provision does not apply when a governmental entity is being used merely as a conduit for a gift from another person or entity. Thus, for example, if a city were given event tickets that were designated by the donor, either formally or informally, for distribution to Members or staff, those tickets would be deemed a gift from the original donor and would be subject to the restrictions of the rule that apply to gifts from that source.
2. For **gifts from a political organization in connection with a campaign or fundraising event that the organization is sponsoring**, the rule allows you to accept a range of gifts - including meals, lodging, entertainment, and transportation. Under this provision, Members and staff may accept such gifts provided in connection with the convention from the Democratic National Committee or Republican National Committee or the Democratic or Republican Convention Committee, as well as from the convention host committees for Milwaukee and Chicago. In addition, travel expenses to the convention may be accepted from a state or local party organization, or a Member may use the Member's principal campaign funds to pay travel expenses to the convention.⁵
3. At times, **state or local party organizations, campaign committees, and other political organizations sponsor their own campaign or fundraising events at the conventions**. Under the same Gift Rule provision that is referred to in item 2, Members and staff may accept an offer of free attendance, and related benefits, at such events from the sponsoring political organization (but not from anyone other than the sponsoring political organization). However,

⁵ The Federal Election Commission (FEC) has issued advisory opinions that address circumstances in which a Member may use campaign funds to pay for the convention-related travel expenses of the Member's spouse or child, or those of a congressional staff member. Please consult the FEC's Congressional Affairs office at (202) 694-1006 for more information regarding the use of campaign funds for convention-related travel expenses of those other individuals. Note that congressional employees may attend a convention only in their own time, not on official time.

Members and staff should consult with the FEC regarding their attendance at non-federal political fundraising events.

4. Attendance at **receptions**, at which the food served is limited to food and beverages of nominal value and does not include a meal, is permissible under the Gift Rule.
5. Staff and Members who are convention delegates may accept invitations to events and other gifts that are **offered to all the convention delegates or to, for example, all the convention delegates from their state as “widely-available benefits.”**
6. A Member or staff person, as well as one accompanying individual, may accept an offer of free attendance at a "**widely-attended**" event, if all of the following are true:
 - a. the invitation is extended by the event organizer;
 - b. the event will have at least 25 non-congressional attendees;
 - c. the event is open to the general public, or the non-congressional attendees represent a wide range of individuals interested in a given matter; and
 - d. the Member's or staff person's attendance is connected to the performance of their official duties.

This provision generally does not allow free attendance at events such as shows or sporting events. In addition, events that are political in nature or are fundraising events for any entity generally are deemed not to be connected to official duties for purposes of the Gift Rule.

7. A House Member or employee may accept free attendance at a **charity event** provided that
 - a. the invitation is extended by the event organizer; and
 - b. the primary purpose of the event is to raise funds for an organization qualified under § 170(c) of the Internal Revenue Code (including § 501(c)(3) charitable organizations).

This latter criterion is generally satisfied when more than half of the cost of the admission fee is deductible as a charitable donation.

8. A Member or staff person may also accept any **gift (other than cash or cash equivalent) having a value of less than \$50**, provided the donor is not a registered federal lobbyist, registered foreign agent, or an entity that employs or retains such individuals. Each Member or staff person has a cap of less than \$100 in gifts from any one source during the calendar year under this exception. Members and staff must be especially cautious about accepting invitations to sporting events, shows, recreational activities, or small group or one-on-one meals. Unless acceptable under one of the Gift Rule provisions noted above, attendance likely will be permissible only if the market value of the gift is worth less than \$50. For the purposes of valuing tickets to an event, the Gift Rule provides that a ticket to a sporting or entertainment event is "valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event." If individually priced tickets for a particular event are not made available for sale to the public, please contact the Committee for advice on the value of tickets.

9. At times **Members wish to hold an event of their own**, such as a reception, at the convention. As a general matter, Members may pay for such events with their campaign funds. Members should consult with the FEC regarding the use of campaign funds for campaign or political purposes.
10. This guidance is limited to the acceptance of gifts. Members and senior staff may need to **disclose the acceptance of gifts on their financial disclosure statements**. However, tickets to widely-attended events and political events are not required to be disclosed.

* * * * *

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

Congress of the United States

Washington, DC 20515

Committee on Ethics, Committee on House Administration, and Communications Standards
Commission

JOINT GUIDANCE REGARDING NATIONAL PARTY CONVENTIONS

July 11, 2024

Introduction

The purpose of this memorandum is to remind Members and staff about the provisions of House Rules that apply during National Party Conventions.

General Principles

- For the most part, activity related to the national party conventions is campaign and political activity; it is not official activity.
- House Rules still apply during this time, including the House Gift Rule and the Code of Conduct.
- House employees are free to engage in campaign activity as volunteers or for pay, provided they do so on their own time, outside of House space, and without using House resources. House employees may not be required to do campaign activity as a condition of House employment. House employees paid at or above the senior staff rate should be mindful of the limits on receiving outside earned income.¹
- The relevant dates of the national party conventions are set by the parties and any rules that apply during those dates will apply during the actual dates of the conventions.
- A special gift rule restriction applies to events that Members may wish to participate in during the national party conventions.

Convention Activity is Campaign Activity

Again, participating in activities related to the national party conventions is campaign and/or political activity. Here are some things to keep in mind:

- The restrictions that apply to campaign activity apply regardless of the level of the election; they apply equally to presidential elections as for local school board elections.
- You may not use any official resources to conduct campaign and/or political activity.

¹ In 2024, the senior staff rate for the purposes of determining whether the outside earned income limits apply is an annual base rate of pay of \$147,649 or a monthly salary of \$12,304 for more than 90 days in the calendar year. The outside earned income limit for senior staff this year is \$31,815.

- You may not engage in any campaign and/or political activity on federal government property, including personal and district offices, and rooms inside the Capitol complex.

Travel

- Official funds may not be used to travel to or from the national party conventions. Additionally, official funds may not be used for lodging or other transportation expenses (taxi, car service, etc.) incurred as a result of participation in convention-related activities.
- Members may be able to use campaign funds for travel to or from the national party conventions.
- For guidance concerning the proper use of campaign funds for political activity, please call the congressional liaisons at the Federal Election Commission at (202) 694-1006.
- Members may not use official funds to host meetings outside of their congressional districts.

Communications

- Official resources, including official social media accounts, may not be used to disseminate communications concerning the national party conventions.
- Activities and events that are entirely official in nature (and not related to the national party conventions) may be discussed using official resources, including official social media accounts. Please contact the Communications Standards Commission to determine whether an event or activity may be discussed using official social media or other official communications.
- Please contact the Committee on Ethics for guidance on how to respond to campaign or political communications sent to the official office.

Leave Requirements

If staff would like to attend the national party conventions, they must use annual leave, comp time (if provided by the office), or go on leave without pay (LWOP) to participate, as the national party conventions will take place during normal working hours.

- Staff may not use sick time or be given “lump sum payments” or “make up pay” for the time they were out of the official office while working or volunteering for a campaign.

Staff must be paid at a rate commensurate with their duties. If official staff have their official duties reduced to allow participation in outside activities their official pay must be reduced to reflect their new duties. Please consult with the Committees on Ethics and House Administration before entering into these types of arrangements.

Please be mindful, Members may not adjust the work requirements of the congressional office, or add unpaid interns during the campaign, to create more free time for staff to do campaign work. To help ensure compliance with the rules, office policies on employee leave and other free time should be in writing and distributed to all staff.

Gifts

The House Gift Rule, House Rule 25, continues to apply during the national party conventions. In general, you may not accept any gift—including meals, entertainment, transportation, services, or anything else having monetary value—except as specifically provided for in the Gift Rule. You also generally may not *solicit* any gift, whether for yourself or others.

Among other relevant provisions, you may accept gifts from a political organization in connection with a campaign or fundraising event; attendance at receptions; attendance at widely-attended events; and gifts worth less than \$50, if the donor is not a registered federal lobbyist or organization that employs or retains registered federal lobbyists.

For more detailed guidance concerning the applicability of the House Gift Rule during the national party conventions, please see the [pink sheet](#) issued by the Committee on Ethics on May 28, 2024, which is available on the Committee’s website.

Special Rule Concerning Events During National Party Conventions

During the dates of the national party conventions, Members are limited in their ability to participate in events that honor them. House Rule 25, clause 8 states:

During the dates on which the national political party to which a Member (including a Delegate or Resident Commissioner) belongs holds its convention to nominate a candidate for the office of President or Vice President, the Member may not participate in an event honoring that Member, other than in the capacity as a candidate for such office, if such event is directly paid for by a registered lobbyist under the Lobbying Disclosure Act of 1995 or a private entity that retains or employs such a registered lobbyist.

This provision does not establish a new type of event for which free attendance may be accepted under the House Gift Rule, nor does it eliminate the necessity to comply with all other relevant House Rules and federal statutes.

Although the rule does not define “participate,” this rule concerns Members’ attendance at the event.

Who may hold or sponsor the event?

The provision is very specific in prohibiting Member participation in an event that is “directly paid for” by a registered federal lobbyist or a private entity that retains or employs registered federal lobbyists.

The fact that a private organization received some of its funding to hold or sponsor an event taking place during a national convention from a registered federal lobbyist or a private entity that retains or employs registered federal lobbyists, by itself, would not disqualify a Member from participating in the organization's event.

What does it mean to “honor” a Member?

Members are prohibited from participating in an event where the Member is named, including through the use of any personal title,² as an honoree (including as a “special guest”) in any invitations, promotional materials, or publicity for the event.

Members are also prohibited from participating in an event where the Member were to receive, through the Member's participation in the event, some special benefit or opportunity that would not be available to some or all of the other participants, such as if the event organizer offers the Member an exclusive speaking role or a very prominent ceremonial role.

The restriction is intended to prevent registered federal lobbyists from directly paying for a party to honor a specific Member. Thus, an event that is organized to honor a convention delegation, House committee, or caucus, without naming any specific Member of the delegation, committee, or caucus, or providing any special benefit or opportunity to a particular Member, would be an event that Members may participate in under the rule. However, as discussed above, attendance at the event must otherwise be in compliance with the House gift rule.

There is no numerical minimum, or maximum, on the size of the delegation or caucus invited to or participating in such an event.

Members would not be prohibited from participating in an event taking place during a national convention if the Member's name appears, for example, in a listing of the names of the honorary host committee members for the event if that listing includes the names of non-congressional host committee members.

Example 1: A non-profit that retains a federal lobbyist is having a reception during the dates of and in the same city as the Republican Convention. On the invitation, the non-profit states that the event is “in honor of” a caucus. A Member of the caucus may attend because the event is not in honor of a specific Member, but of a group.

Example 2: A non-profit that retains a federal lobbyist is having a reception during the dates of and in the same city as the Democratic Convention. The invitation does not name any individual, but the non-profit offered one Member the opportunity to give the opening remarks. The Member may not attend the event and give the remarks, because the remarks constitute a special benefit or opportunity.

Example 3: A federal lobbyist is having a reception on the first night of the Democratic Convention. The reception will be in the same city as the convention. The invitation to the reception lists the Member's name, along with several other non-congressional individuals, as an

² A Member's personal titles include “Congressman/Congresswoman,” “Representative,” and “Member of Congress,” as well as any role in House leadership, or service as chair or ranking member of a full committee.

honorary host committee member. The Member may attend the event because the invitation lists the Member as a part of the honorary host committee.

Example 4: A local charitable organization that retains a federal lobbyist is hosting a fundraising dinner on the second night of the Republican Convention. The invitation to the dinner states that the event is being held “in conjunction with” three named Members. None of the listed Members may attend the dinner because, by naming them specifically on the invitation, the event would be in their honor.

On which dates does this rule apply?

The provision also states that Member participation is prohibited only at certain events taking place “[d]uring the dates” on which a national convention is held. As of the date of this memorandum, the Republican National Convention is scheduled for July 15 to 18, 2024, in Milwaukee, Wisconsin, and the Democratic National Convention is scheduled for August 19 to 22, 2024, in Chicago, Illinois. Although these are the currently scheduled dates, these dates are subject to change. The restrictions under House Rule 25, clause 8 apply to the actual dates of the conventions.

The rule does not prohibit Member participation in an event that takes place on a date other than the dates during which the national convention is held.

For more information, please see the [pink sheet](#) issued by the Committee on Ethics on May 28, 2024, which is available on the [Committee’s website](#).

Frequently Asked Questions

Q: A staffer attending the national party convention while on vacation takes a number of photos of the activities occurring during the convention. May that staffer post those photos on the Member's official Facebook page?

A: No, the staffer may not post those photos to the Member's official Facebook page. Even though the staffer is employed by the House, that staffer is not attending the national party convention in the course of their official duties, nor are the activities occurring during the convention official in nature. Therefore, official resources may not be used to disseminate information concerning the national party conventions.

Q: An official staffer would like to work part-time so that they can also work for the campaign office. How does the official office calculate the new official salary?

A: Staff may work part-time for the official office, but they must be paid commensurate with the work performed for the office. For example, if the staffer will now be working 50% of the time for the official office, their official salary must be reduced by 50% to be commensurate with their duties. Additionally, staffers may not be given a "lump sum payment" or "make up pay" when they return to a full-time official position as a means of making up the time and salary that they lost while away.

Q: An organization that is organized under section 501(c)(3) of the Internal Revenue Code and does not employ or retain a registered federal lobbyist is holding an event. The "platinum level sponsor" is a company that does retain a registered federal lobbyist. The § 501(c)(3) organization wants to honor the Member at their event. May the Member participate in the event?

A: Yes, the Member may still participate in this event if the event otherwise meets an exception to the House Gift Rule. For the purposes of this rule, the organization that "directly pays" for the event and is primarily responsible for organizing the event is the event organizer. An organization that merely contributes money to an event is not considered the event organizer.

Q: An organization that employs or retains a registered federal lobbyist is holding an event honoring a caucus. It lists all of the members of the caucus on the invitation. It also wants to list a specific Member as the keynote speaker. May the Member participate in the event if listed as a keynote speaker?

A: No, the Member may not participate in this event. Even though the Member is a part of the caucus that is being honored, the Member is also honored by being singled out as the keynote speaker.

Q: An organization that employs or retains a registered federal lobbyist is holding an event and the invitation does not single out any Member. May a Member provide opening remarks at that event?

A: Although the Member could attend the event, the Member may not provide the opening remarks, even if that role was not advertised, because that Member would be receiving a special opportunity not available to the other participants.

Q: An organization that employs or retains a registered federal lobbyist is holding an event that honors a committee. The invitation lists all of the members of the committee. May a Member participate in that event?

A: Yes, the Member may participate in this event. Although the Member's name is listed on the invitation, it is listed as part of a larger class and no Members are being singled out.

Q: A constituent company that retains a registered federal lobbyist is planning an event during the national convention. They reach out to their Member for information from a CRS report so they can better identify their speakers and create their agenda. May the Member respond to this request?

A: Yes, the Member could still provide this information. This rule does not prohibit Members from providing regular constituent services and otherwise performing their official duties. It simply limits Members' participation in certain events held at certain times. It also does not change the application of any other House Rule or federal statute; therefore, the Member may not help the constituent company undertake any of the logistics for the constituent company's event.

For More Information or Questions Regarding this Guidance, Please Contact:

Committee on Ethics	202-225-7103
Committee on House Administration	<i>Republican Office: 5-8281 Democrat Office: 5-2061</i>
Communication Standards Commission	<i>Republican Office: 6-0647 Democrat Office: 5-9337</i>
Federal Election Commission Congressional Affairs	202-694-1006
CAO Technical Service Desk	202-225-6002

Contact the Federal Election Commission for questions regarding appropriate uses of principal campaign committee funds. The Committee on Ethics has overlapping jurisdiction regarding the use of principal campaign committee funds for official purposes; therefore, please contact the Committee on Ethics first if you would like to use principal campaign committee funds to offset certain official expenses.

Sincerely,

**Bryan Steil, Chairman
Committee on House Administration**

**Joseph D. Morelle, Ranking Member
Committee on House Administration
and
Communications Standards Commission**

**Michael Guest, Chairman
Committee on Ethics**

**Susan Wild, Ranking Member
Committee on Ethics**

**Mike Carey, Chairman
Communications Standards Commission**

Michael Guest, Mississippi
Chairman
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Veronica Escobar, Texas
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Glenn F. Ivey, Maryland



ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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July 30, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Michael Guest, Chairman
Susan Wild, Ranking Member

SUBJECT: Rules Regarding Providing a Hyperlink from Campaign Websites to Official Websites

In order to reduce confusion among constituents and the general public, and to help clarify the difference between campaign media and official media, the Committee announced in 2012 a change in policy regarding whether Members' campaign websites and other digital communications resources, such as Facebook, X, Snapchat, and YouTube, may contain language notifying constituents of Members' official sites and provide hyperlinks to those resources. Under the policy, Members' campaign websites may provide a hyperlink to Members' official websites if that hyperlink is presented in a brief notification that has been approved by the Committee in advance. The purpose of this memorandum is to update the list of approved messages a Member's campaign websites and social media accounts may include to redirect constituents to the official accounts. This memorandum also clarifies how these messages may be used.

The Committee has approved the use of the following notifications:

- Thank you for visiting my campaign (website/X page/Facebook page, etc.). If your intention was to visit my official House of Representatives (website/X page/Facebook page, etc.), please click here. [The "click here" would be hyperlinked to the appropriate website.]
- Thanks for following my campaign account! If you'd like updates on my official work in the House, please go follow (website/X page/Facebook page, etc.).
- If you meant to visit my official page, visit my (website/X page/Facebook page, etc.).
- Thank you for communicating with me at this address. Unfortunately, as of [DATE], this account will be shut down and no longer monitored. If you would

like to send [a message] about official U.S. House of Representatives matters, please do so through my official (website/X page/Facebook page, etc.). Regarding campaign-related matters, you can [message] my campaign through (campaign website/X page/Facebook page, etc.).

- Thank you for visiting my campaign website. If your intention was to visit my official U.S. House of Representatives website, please click here. [The “click here” would be hyperlinked to the appropriate website.]
- My official House of Reps account is (website/X page/Facebook page, etc.).

Members must seek written approval from the Committee prior to using any other language in their disclaimer. This policy remains an exception to the general rule that campaign resources may not be used to advertise contact information, such as the address or telephone number, for the official congressional office. Therefore, any websites that do not use a specifically-approved notification, including the notifications listed above, may not contain a hyperlink or reference to a Member’s official website.

These messages must live passively on the Member’s campaign accounts, such as on the “about” page or as a pinned post. These messages may not be actively pushed out in communications, including periodic posts or tweets, in campaign emails, or as part of a campaign newsletter.

Note that this exception applies only to a hyperlink to an official website from a Member’s campaign website. The new policy does not cover the reverse situation; thus, a Member’s official website or social media accounts still may not contain a reference or link to any campaign website.

* * *

Any questions on these matters should be directed to the Committee’s Office of Advice and Education at extension 5-7103.

Michael Guest, Mississippi
Chairman
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MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Michael Guest, Chairman
Susan Wild, Ranking Member

SUBJECT: Campaign Activity Guidance

We would like to remind the community of the rules and standards that affect whether, how, when, and where Members, officers, and employees of the House may engage in campaign activities. Those standards include House Rules; rules promulgated by the Committee on House Administration, the Communications Standards Commission, and the Building Commission; federal statutes; and federal regulations. This pink sheet does not announce any new standards or interpretations of existing standards,¹ but instead reviews key issues related to campaign activity and commonly encountered questions.

This document is organized into three parts:

1. A list of [“Top Ten Things to Remember about Campaign Activity,”](#) which contains ten important reminders governing House Members, officers, and employees’ participation in campaign activities. The Committee on Ethics (“Committee”) encourages congressional offices to post the “Top Ten Things to Remember about Campaign Activity” in common areas as a reminder of the rules, and to disseminate this information to staff widely.
2. A [more in-depth discussion, in question-and-answer format](#), tied to each of the ten reminders.
3. Finally, a [list of additional Committee resources and contact information for other relevant offices](#).

¹ Although the pink sheet does not announce new guidance, it does memorialize the Committee’s guidance that campaign use of any portion of an interview means that the official office may not use any part of it.

Although this document contains a lot of information, it is not comprehensive, and it does not address every situation House Members, officers, and employees face when engaging in campaign activities. Members may also wish to share this pink sheet with their campaign staff. The Committee is always happy to schedule office briefings as well.

Remember, the answer to any ethics question will always depend on the specific facts and circumstances, which is why the list contains an important reminder: **Consult with the Committee if you have questions about participation in campaign activities.**

Top Ten Things to Remember about Campaign Activity

1. You may not conduct campaign activities in official buildings or using official resources. This restriction applies to campaign activity at all levels and is not limited to fundraising activities.
2. Principal campaign committee funds may be used for official purposes in some circumstances. Members may not, however, use campaign resources for certain official purposes—communications, salary for performing official duties, office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices). Leadership PAC funds may not be used to offset any official expenses.
3. Members, as well as their communications and press staffers, may answer some campaign-related inquiries in the official office so long as it is not the primary purpose of an interview or inquiry.
4. In many cases, House officers and employees may volunteer for or be paid by a political campaign.
5. House officers and staff who are paid at the “senior staff rate” by the House for their official duties may be paid for campaign work. Senior staffers are subject to a limit on both the type of work and amount of money they may be paid by the campaign and must report their campaign income on their annual financial disclosure statement.
6. A federal statute prohibits House officers and employees from contributing to their employing Member’s campaign. This includes making “outlays,” or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your own campaign-related travel expenses.
7. Although the general rule is complete separation between official and campaign resources, there are a few, very limited, and very specific exceptions that permit the use of official resources for campaign purposes.
8. The staff in charge of the official schedule is permitted to use official resources for limited communication and coordination with the Member’s campaign on the Member’s official and campaign activities. However, there are specific rules for how and what you may coordinate for your employing Member’s schedule.
9. The campaign may only use material created with official resources after its official use has been exhausted. For help with exhaustion, see the [Exhaustion Decision Tree](#).
10. Consult with the Committee on Ethics if you have questions about participation in campaign activities by calling (202) 225-7103.

USE OF OFFICIAL RESOURCES

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

Q. Do these rules apply to my participation in any federal, state, or local campaign?

A. The rules for campaign activity apply to **all** campaign activity, whether for a local, state, or federal office. The rules are the same for Members, officers, and employees, with some limited exceptions.

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

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

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

TIP: A “best practice” is to designate an event as either campaign or official at the beginning stages so that everyone knows what resources may be used to plan and/or staff an event. Note that if a Member intends to conduct campaign activity at the event, including campaign fundraising, or intends to use any media footage or other content generated by the event for campaign purposes, the event should be clearly designated as a campaign event.

Q. What do you mean by official buildings?

A. Official buildings (also called official office spaces) encompass House office buildings, including Members’ personal offices, and all other House facilities; district office space; any Senate office building; the Capitol; the Library of Congress, and any other federal building.

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

Q. What is an official resource?

A. An official resource is anything paid for with official funds appropriated to a personal office, a committee, or other office. Official resources include tangible things like computers, printers, letterhead, desks, and telephones. Official resources can also be

services paid for with official funds and work product created for a congressional office, such as a constituent database, social media platform, policy memo, or press release. While on the official payroll or doing official work, officers and employees are also considered to be an official resource (see below for further guidance concerning when your time may be considered your own). Finally, both paid and unpaid interns and fellows are an official resource while they are performing official tasks for a congressional office.

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

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

A. Yes. What constitutes a staff member’s “own time” is determined by the personnel policies that are in place in the employing office. Time that is available to a staff member under those policies to engage in personal or other outside activities may instead be used to do campaign work, if the individual so chooses. This free time may include, for example, a lunch period, time after the end of the business day, and annual leave. Please note, this does not include the use of sick time. Additionally, under no circumstances may staff be required to work on a campaign as a condition of their House employment.

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

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

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

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

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

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

A. Yes, as the staff member in charge of maintaining the official schedule, you may use any House resource necessary to coordinate with the campaign. The purpose of this exception is to ensure that your employing Member is not scheduled to be in two places at once. However, there are specific rules for how and what you coordinate for your employing Member's schedule (see number 8, below, or consult with the Committee). For example, although the congressional office and the campaign office may communicate about the schedule, the official office and the campaign may not coordinate on strategy for scheduling, social media posts, or any other business. Staff who serve both the official and campaign offices should review the section titled "campaign or political activity by House officers and employees" below.

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

Q. May Members, press secretaries, communications directors, or other official staff talk about campaign activities as part of an official interview?

A. Yes, though it should not be the primary purpose of the interview. A Member, the press secretary, or other staff in the congressional office may answer occasional questions on political matters and may also respond to such questions that are merely incidental to an interview focused on the Member's official activities. However, while in the congressional office, a Member, press secretary, or other staff should not give an interview that is substantially devoted to the campaign, or initiate any communication, such as a press call or email, that is campaign-related. A Member or staff who wishes to do either of those things should do so outside of the congressional office and on their own time.

TIP: Before a Member appears for a campaign-related medial appearance, review the Committee's [2020 Guidance on Campaign-related Media Appearances on Congressional Grounds](#).

Q. Are there specific interview topics to avoid if an interview is held on congressional grounds?

A. Yes, as mentioned above, an interview on congressional grounds may not be substantially devoted to the campaign. Although an official interview could include one or two campaign-related questions, a Member or staffer giving an interview on congressional grounds may not provide information about where to make a campaign

contribution because that would be soliciting campaign donations in a federal building, discussed in more detail below.

TIP: Even if an interview is **not** on federal grounds and a Member or official staffer provides information on where to donate to the campaign, the interview is automatically considered a campaign resource and may not be used by the official side at all.

Q. What do I do if people contact the congressional office about campaign activities?

A. The congressional office may refer to the campaign office letters and other communications and inquiries that it receives concerning the campaign. Likewise, the campaign office may refer to the congressional office any officially-related matters that it receives. A “best practice” is to use the least amount of official resources to get the person contacting your office for a campaign purpose where they need to go. For example, if the campaign-related communication is conducted orally (e.g., a phone call or walk-in), you may in that phone call or during that conversation provide the campaign’s phone number or email address. For letters received in the official office, you may forward the communication to the campaign using campaign-provided envelopes and postage and let the campaign respond. For emails, forward the email to the campaign’s email address. You may respond to the original inquiry to let that person know you may not answer political questions, but that you have forwarded the communication to the campaign for their response.

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

A. You may not provide campaign contact information except as discussed above. You may not include a link to the campaign in congressional communications, on official websites, or on official social media. The campaign, however, may redirect constituents who contact the campaign for an official purpose to the official sites only in specific instances, and only using approved language. For more information about when and how the campaign may redirect constituents, please review the Committee’s July 30, 2024, Advisory, titled “Rules Regarding Providing a Hyperlink from Campaign Websites to Official Websites,” which is available on the [Committee’s website](#).

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

Q. May I use my personal phone to post to a campaign’s social media page while inside a House building or the Capitol?

A. No, even if you are using a personal device, you may not engage in any campaign-related activities while in official buildings.

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

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

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

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

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

Q. May an email from the campaign include any official information?

A. Yes, a campaign email may include information about the Member’s voting record (i.e., past official action). However, it may not include any contact information or insignia of the official office. The impermissible information in the example below is circled in red.



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

A. Yes, you may provide **one** copy of any **public** document the campaign requests. You may also respond to an electronic request from the campaign by providing a link to or attach a public document, so long as you would do the same for any other constituent. You may not use official resources to create material specifically to provide a copy to the campaign. The campaign may use the substance in these documents to create its own material. You may not provide the campaign with internal or confidential materials.

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

USE OF CAMPAIGN RESOURCES

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

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

A. Where permitted, Members may use funds from their principal campaign committee for their House position for an official purpose, including activities for House committees.

TIP: Occasionally Members wish to supply food or refreshments for a caucus or other official meeting. This may be paid for only with principal campaign funds or the Members' personal funds. If the Member would like to use official funds, the Member should seek guidance from the Committee on House Administration.

Q. May a Member use funds from leadership PAC, multicandidate committee, or other campaign entity that is not a principal campaign committee for any of the permissible expenses?

A. No. The allowance only applies to principal campaign committee funds. Questions about the use of other types of campaign funds for non-official purposes should be directed to the Federal Election Commission (FEC).

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

A. Yes. Members may use principal campaign committee funds for a smartphone or tablet for themselves and their staff to be used for both official and campaign purposes. However, use of a smartphone or tablet for either purpose must be done in the appropriate place, at the appropriate time, and using the appropriate resources. House Information Resources may also have additional restrictions. As discussed more fully in number 4, this provision does not extend to laptop or desktop computers.

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

Q. May a Member use principal campaign committee funds for a car that they use for both campaign and official purposes?

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

TIP: Remember, though the car may be used for both campaign and official activities, the role of the individual who drives must be consistent with the type of activity. Campaign staff may drive the Member to a campaign event in the dual-use car but may not drive the Member to an official event in the dual-use car. The same is true for official staff – yes to an official event, no to a campaign event (unless they are volunteering on their own time). Please note, the Committee on House Administration (CHA) issues regulations and guidance regarding mileage reimbursements from the Members' Representational Allowance (MRA). Please contact CHA for questions regarding the appropriate use of the MRA. See number 7 below for guidance on driving someone other than yourself for the campaign.

Q. May a Member use principal campaign committee funds to pay for refreshments at their official town hall meeting? What about for a social event for official staff?

A. Yes. Members may use principal campaign committee funds to pay for expenses related to an official constituent event including, but not limited to, providing refreshments. If you want to use these funds for expenses related to events for official staff, such as a holiday party, you should seek guidance from the FEC. Remember, however, that there are certain categories for which use of campaign funds is expressly prohibited. (See Top Ten Things to Remember.)

TIP: Generally, you should only use principal campaign committee funds for an official event where at least one constituent is in attendance. If you would like to use principal campaign committee funds for other events, please contact the congressional liaisons at the FEC.

Q. May a Member use principal campaign committee funds to pay for travel expenses for a speaker to appear at a hearing?

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

TIP: The class of travel (e.g., coach, business, etc.) paid for with principal campaign committee funds for this purpose is not limited by House Rules. However, you should check with the FEC to see if it limits the type of travel a Member may provide to a speaker using their principal campaign committee funds.

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

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

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

Q. May my employing Member purchase gifts using principal campaign committee funds from the House gift shop for foreign dignitaries they will be meeting next week?

A. Yes. Members may use principal campaign committee funds for gifts intended to be given to foreign dignitaries, regardless of where purchased.

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

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

A. No. Members may **never** use principal campaign committee funds for personal expenses. Personal expenses generally arise due to activities that are unrelated to a Member being a federal candidate or officeholder, whereas official expenses often arise **solely** as a result of a Member being an officeholder. Additionally, House Rules require Members to take steps and keep sufficient records to ensure that the legitimacy of their campaign spending can be verified.

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

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

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

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

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

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

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

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

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

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

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

TIP: Seek out government owned meeting space (such as a City Hall) for satellite office hours to manage expenses.

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

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

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

Q. May we use campaign funds to pay for official database management services or a mailing list?

A. No, you may not use campaign funds to pay for any services for an official purpose, nor for expenses related to official mail or communications.

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

Q. May a Member purchase challenge coins with principal campaign funds?

A. If the Member wants to purchase challenge coins for **official use** and the coin will have the Member’s name or any personally identifying mark (e.g., the office logo, a military rank, or personal slogan), you may not use campaign funds to pay for the coins because campaign funds may not be used for an official communication. If the coins will not include the Members’s official name or identifying mark, such as a coin that only displays the House seal purchased from the House gift shop, then you may use campaign funds to purchase the coins. Any person who wishes to make a purchase from the gift shop using

campaign funds should contact the House Gift shop to ensure the shop will accept those funds.

TIP: If the Member wants to purchase challenge coins for **campaign use**, you may use principal campaign funds to pay for challenge coins that have the campaign's identifying marks, such as a campaign seal or slogan, imprinted on them. The coins may not contain the words "House of Representatives," "United States Congress," or "congressional," unless clearly in the context describing the office for which the Member is running. Further, the coins may not include any likeness of any official seal, including the Seal of the United States, or the Seal of the House or the Congress. A coin that displays the House seal purchased from the House gift shop may not be used by the Member's campaign. You can find additional guidance on challenge coins from the Committee on House Administration in [the Members' Congressional Handbook](#). The Member's office should also contact the FEC about campaign challenge coins to confirm the proposal meets all campaign laws.

CAMPAIGN OR POLITICAL ACTIVITY BY HOUSE OFFICERS AND EMPLOYEES

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

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

A. **Absolutely not.** If you wish to work for your employing Member's campaign, you certainly may do so as long as you do it voluntarily, without using official resources, not on official grounds, and on your own time (item 1 in this list has more information about what is "your own time"). Work on your employing Member's campaign may not be coercive. **Your position in the congressional office may not be threatened or influenced if you choose not to work on any campaign.** If you feel pressured to do campaign work to keep or improve your congressional employment, you should immediately address the matter with a supervisor or contact the Committee. The Committee takes allegations of coerced campaign work very seriously and the House has disciplined Members for such actions.

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

Q. May my employing Member prohibit me from working on a campaign?

A. Although a Member may not fire or refuse to hire an employee on the basis of race, color, religion, sex (including marital or parental status), sexual orientation, gender identity, disability, age, or national origin, Members may take domicile, political affiliation, and political compatibility with the employing office into consideration when making employment decisions for their campaign.

Q. May I be paid by the campaign?

A. Yes, if offered, you may accept compensation for working on a campaign. However, your pay must be commensurate with the work you are doing for the campaign and may not be over-inflated to make up for the salary your employing Member wishes they could give you in the congressional office. In addition, if you are paid at the senior staff rate, there may be restrictions on the kind of work you may do and the amount of income you may accept from the campaign (see number 6, below).

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

TIP: If you will have any contact with a federal government entity as part of your work for a campaign, you should first consult with the Committee.

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

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

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

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

A. Although it may be possible, you are strongly encouraged to contact the Committee for further guidance before beginning service in the elected position. There may be limits on the work you do in your new elected position, and there may be limits on your ability to be compensated for that office. The Committee also encourages you to discuss your new elected position with your employing Member to ensure that your new duties will not conflict with your duties for your House position. Whenever possible, the Committee encourages you to seek guidance before running for state or local elected office. Also, please keep in mind that the other elected body may be subject to its own laws, rules, or other standards of conduct that may affect whether and how you may serve in both roles.

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

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

A. House officers and employees who are paid at the senior staff rate for 60 days or more in a calendar year must file an annual financial disclosure statement. For 2024, the senior staff rate is \$147,649, or a monthly salary at or above \$12,304. An officer or employee who is paid by a campaign and files a financial disclosure statement must report their income from the campaign on their statement. In addition, House officers and employees who are paid at the senior staff rate for more than 90 days in a calendar year are subject to a limit on the amount of outside earned income they may receive in a calendar year and the types of work for which they may be paid. For 2024, the annual outside earned income limit is \$31,815. In addition, senior staff may not be paid to perform work that involves a fiduciary duty. For example, a House employee paid at the senior staff rate for more than 90 days in a calendar year could not be paid to act as a campaign’s legal counsel, although they could volunteer to do that work without compensation.

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

Q. I want to support my employing Member. May I contribute to their campaign?

A. No. Federal law prohibits you from making any contribution or outlay, whether monetary or in-kind, to your employing Member. Purchasing tickets for a fundraiser for your Member’s campaign or hosting a fundraiser for your employing Member in your home are prohibited by this law. This prohibition extends to any outlay, regardless of whether or not the outlay will be reimbursed.

TIP: If an individual with whom you share an account – such as your spouse – expresses interest in contributing to your employing Member, ensure that they make the contribution using their own individual funds. Please recognize that some assets may not be separable, such as your personal residence. Please contact the FEC for further guidance regarding shared assets.

TIP: Review the Committee’s Pink Sheet “[Reminder: Prohibition Concerning Campaign Contributions and Outlays](#)” for an in-depth review.

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

A. An outlay is using your own funds to pay for something for the campaign, and the campaign reimburses you for your expenses (for example, buying pizza for the campaign office or gas for the Member's car). This also extends to making in-kind or non-monetary contributions. Goods or services offered for free or at less than the usual charge result in an in-kind contribution.

The prohibition on making campaign contributions to your employing Member's campaign applies to outlays as well. However, you are permitted to make an outlay to your employing Member's campaign for your **own** campaign travel so long as the campaign reimburses you for your travel expenses within the appropriate timeframe, as specified by the FEC. If you wish to drive your employing Member to and from campaign events in your personal vehicle, please contact the FEC congressional liaison office at (202) 694-1006 prior to providing such transportation.

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

Q. As a House employee, may I solicit campaign contributions for my employing Member?

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

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

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

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

8. The staff in charge of maintaining the official schedule is permitted to use official resources for limited communication and coordination with the Member's campaign on the Member's schedule, subject to specific rules on how and what you may coordinate.

Q. What may the staff in charge of maintaining the official schedule share with the campaign?

A. Those who maintain the official schedule may share information about the Member's availability and may share publicly-available details of the Member's official activities, e.g., the Member hosting a town hall event, when Congress is in session, or when

Committee hearings or mark-ups will take place. Staff may also use official resources to inform the staff point of contact for the campaign event if there is a schedule change. However, **staff may not use official resources to actually schedule campaign events.** The staff may not confirm attendance at campaign events or schedule travel or other logistics for a Member's attendance at a campaign event.

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

Q. May the staff in charge of maintaining the official schedule maintain a “master calendar” for the Member?

A. Yes, the staff in charge of the official calendar may maintain a master calendar for the Member, with details of both official and campaign related activities. The Member may determine that they would like other House staff to have access to the master calendar, and those staff may access the top-line details about the campaign events on the master calendar. Those top-line details are (1) date, (2) time, (3) location, (4) subject line, and (5) staff point of contact. Official staff who are not in charge of the official calendar may not access additional details about campaign events (for example, donor information, talking points, invitees, etc.) from their House accounts. The same restriction applies for campaign staff and the details of official events.

TIP: Depending on the calendar program you use, consider managing the levels of user permissions to ensure that congressional staff only receive the information they should receive regarding particular events from the appropriate calendar. The official and campaign staff may not share a calendar between them; each office must maintain their own calendar.

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

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

TIP: If your employing Member has provided you a smartphone, tablet, or other handheld communications device for you to use for official and campaign activity, leave the House premises to schedule campaign activities for your employing Member using that device on your own time.

This will help to ensure that you are not engaging in campaign activity while you are in official House office space or on House time.

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

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

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

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

TIP: This memo includes an [exhaustion decision tree](#) at page 24 to assist you with determining whether a resource has been exhausted.

Q. If I previously created a memo for the Member and now that memo has relevance for a campaign event, may I share that previously created memo if I don't do anything to update it?

A. The memo may be shared with the campaign if you would share it with anyone else who asks. Unless the Member has absolutely no plans to ever use it again, the memo's official use has not been exhausted. The official office may not solely provide a list of background materials for the campaign office to use. The campaign must conduct its own research.

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

A. No. Official resources may only be used for official purposes. Congressional staff may not create something and immediately exhaust its official use simply to provide source

material for the campaign. Doing so could be interpreted as using official resources to prepare a campaign document, which is a prohibited use of official resources.

TIP: Remind staff that they may only use official resources for official purposes. The campaign's need for content is not an appropriate official purpose for which congressional offices may use official resources, including staff time to create official materials.

Q. May the campaign use confidential official materials or information?


A. The campaign may be able to use official materials or information that were once but are no longer confidential, so long as their use is consistent with ethics rules, including exhaustion. However, the campaign may not be the first source to disclose previously confidential official materials. For example, if a Member plans to vote on a bill, but the official office has not released any information to the public about how the Member will vote, the campaign may not send out a press release regarding how the Member plans to vote.

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

A. Generally, an official press release has exhausted its official use 72 hours after its release. If the press release announces an event, the press release exhausts its official use after the event occurs, or 72 hours after the press release is issued, whichever is later. Once a press release has exhausted its official use, the campaign may use it word-for-word, but must remove any official indicia (e.g., logo/letterhead) or contact information from the press release and the Member may only be referred to using their personal title, not their official title. The congressional office and campaign may simultaneously release their own press releases where appropriate, but the congressional office must use its own resources and intellectual property to create the official press release. The campaign must similarly use its own resources and intellectual property to create the campaign press release. This might occur if both sides would like to respond to an important issue on social media, but the campaign and official offices may not coordinate on the issuance of press releases. Unlike other official materials, a press release may remain on the official website after it has exhausted its official use for purposes of this rule. An example of permissible official and campaign press releases is on the following page.


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

**Congressional
Press
Release**



**CONGRESSWOMAN
CECILIA CEDAR**

PRESS RELEASE




**Congresswoman Cedar Announces \$2 Million Grant
Towards Hospital Facility**
October 20, 2023, 12:00 PM

Washington, D.C. — On October 20, U.S. House of Representatives Congresswoman Cecilia Cedar announced a \$2 million grant has been awarded to the Poplar Hill Hospital through federal Community Project Funding. The hospital provides care to over 3,000 citizens every year, with an entire wing devoted to pediatric care.

"The grant is crucial for the hospital in order to provide better, more efficient care to its patients. We can't thank Congresswoman Cedar enough, she worked tirelessly to make sure the hospital got this funding," state Senator Mary Magnolia said of the grant.

The grant will be used to update the hospital's equipment.

Please contact us with questions at CedarPress@mail.house.gov, or give our office a call at 202-225-1234



**CONGRESSWOMAN
CECILIA CEDAR
FOR CONGRESS**

PRESS RELEASE

**Congresswoman Cedar Announces \$2 Million Grant
Towards Hospital Facility**
October 23, 2023, 12:00 PM

Washington, D.C. — Today, Congresswoman Cecilia Cedar announced a \$2 million grant has been awarded to the Poplar Hill Hospital through federal Community Project Funding. The hospital provides care to over 3,000 citizens every year, with an entire wing devoted to pediatric care.

"The grant is crucial for the hospital in order to provide better, more efficient care to its patients. We can't thank Congresswoman Cedar enough, she worked tirelessly to make sure the hospital got this funding," state Senator Mary Magnolia said of the grant.

The grant will be used to update the hospital's equipment.

**Campaign
Press
Release**

Q. Do social media posts follow the press release rule?

A. No, social media posts follow the standard exhaustion rule and not the 72-hour rule for press releases. Therefore, a social media account of the campaign may not share, like, retweet, etc., a post from an official social media account because that post's official use has not been exhausted if it is still active on the official social media account.

Q. What if the Member issues a video “press release,” does that follow the press release rule?

A. No. Because the media is a video, it may not be exhausted in the same way as a traditional press release. However, if the congressional office removes the video from any official website and social media and no longer uses it, then the campaign could use it after removing anything official from the video, including any congressional floor or committee footage.

Q. May the official office coordinate with the campaign office on social media posting or other communications?

A. No, the campaign office may not coordinate with the official office on social media posts, for example by determining which materials the campaign will publish and which the official office will publish. However, the campaign office may follow and review the Member's official public activities to ensure that any resources the campaign plans to use have not been used by the congressional office. But remember, the campaign may not be the first source to disclose previously confidential materials or information.

Q. What if the Member wants to make a statement about an issue on both the campaign and official side at the same time?

A. A Member's official office may craft a statement and the campaign office may separately craft a statement about the issue. The official office may post their statement on official channels and the campaign office may post their statement on campaign channels around the same time. However, the two offices may not assist each other or coordinate on the posts. In addition, the official office may not provide materials other than publicly-available materials to the campaign office to assist the campaign in creating its post.

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

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

TIP: Because an official photograph has not exhausted its official use until it comes down from all official sites and there is no plan to use it in the future, you may need to remove materials from your website that contain the photograph in question. For example, if you use a photograph in a newsletter, and the newsletter is on your website, the photograph has not yet exhausted its official use.

Q. May the campaign take photographs at official events to use in campaign materials?

A. Yes, if the event is held outside of official House or federal space and is open to other constituents, the campaign may attend just like any other constituent. However, the campaign staff must not engage in overt campaign or political activity while at an official event. Nor may the campaign coordinate with the official office on covering the event.

Q. May a Member conduct an interview in their campaign capacity and discuss an official meeting that was not open to the public?

A. Yes, as long as the Member does not use any official resources to prepare for that campaign-related appearance. For example, if official House staff prepared the Member for the meeting, the Member and their campaign staff may not rely on those same preparations for the campaign-related appearance, unless the Member is willing to share that information with anyone who asks for them, and the official office has otherwise exhausted their use.

Q. May the campaign use a clip from an interview where House staff booked the appearance, coordinated the logistics of the trip, and prepared the talking points for the appearance?

A. Because official resources were used to schedule and prepare for the interview, it is an official resource and must be exhausted on the official side before the campaign may use it.

TIP: Although Members have some flexibility to determine whether their appearances are officially-related or campaign-related, always take into consideration what other resources the Member used in connection with those appearances. The use of official office staff on House time would make an appearance an official one.

Q. The Member gave an official interview to a local news channel and the news channel posted the interview on their website. The campaign used a clip of the interview, but not the whole interview. May the official office use the portion of the interview that the campaign didn't use?

A. No, once the campaign uses any portion of the interview, the official office may not use any part of it.

Q. May the campaign ever use footage of House or Senate Floor activities or committee proceedings? Does the same "exhaust its official use" standard apply?

A. No. House rules specifically prohibit the use of footage of House Floor activities and committee proceedings for any partisan political purpose. Additionally, the Committee has determined that under House Rule 23, clause 2, Members may not use footage of Senate Floor or committee proceedings for any partisan political purpose, either. **Footage of the House or Senate Floor or of committee proceedings may never be exhausted.** If such footage is embedded in a third-party article or news clip, the campaign may use the article or clip if otherwise appropriate but must first remove the prohibited footage. The example

below shows a social media post on a Member's campaign account that impermissibly uses Senate floor footage.

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



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

Q. How do I contact the Ethics Committee?

A. Call (202) 225-7103 and ask to speak to an attorney. If you have a relationship with a particular attorney, you may email or call them directly. Advice and Education attorneys are available Monday through Thursday, from 9 AM until 6 PM, and Friday from 9 AM to 5 PM Eastern time. In addition, the Committee routinely makes attorneys available to conduct in-person training sessions for individual offices.

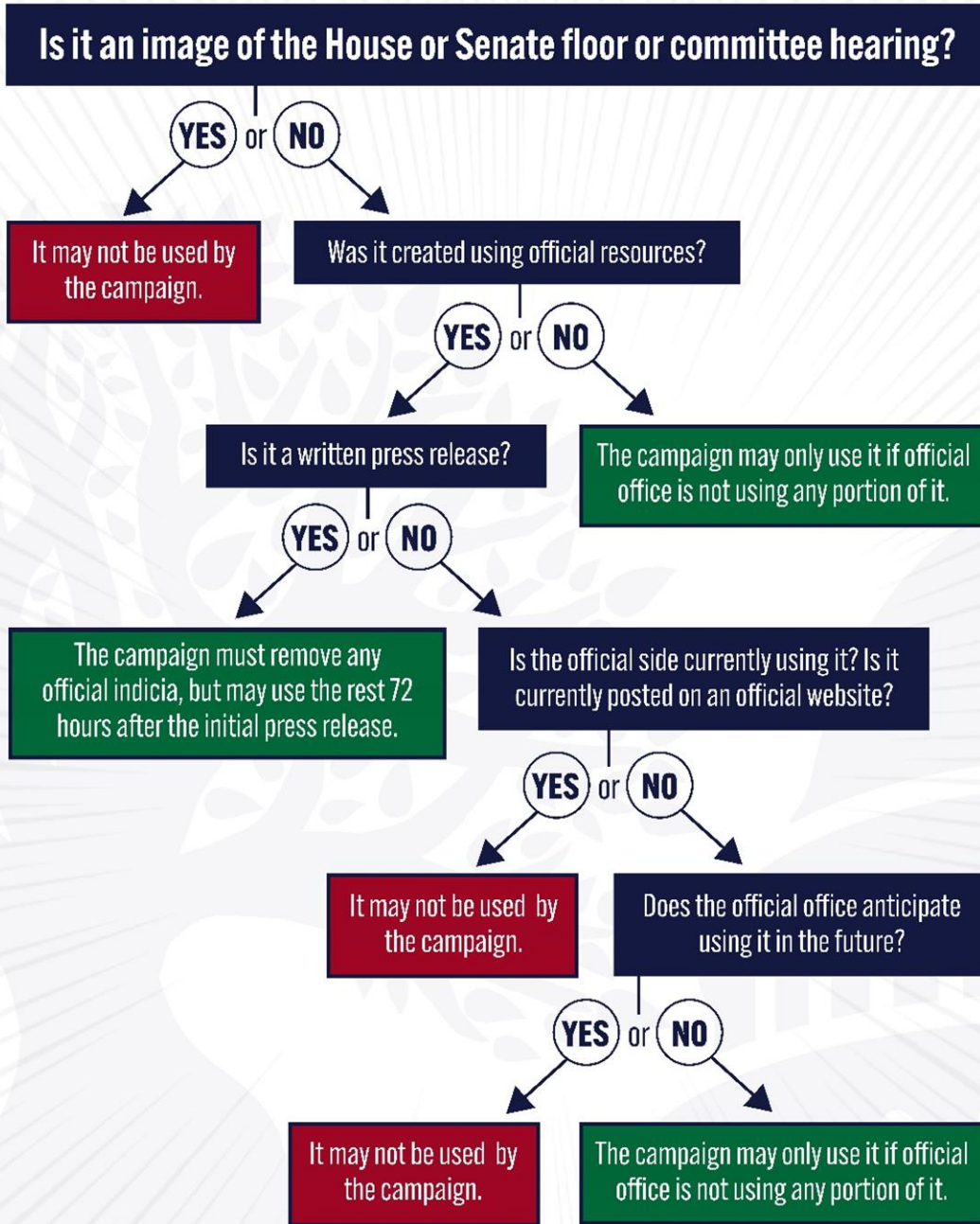
TIP: Your conversations with Committee counsel are confidential. The benefit of asking for advice before taking an action is that you can often avoid even the appearance of an inappropriate action. Ask as many questions as you have, ask as often as you like, and always ask before acting if you have any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

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

A. From time to time the Committee issues general advisory memoranda (or pink sheets) like this one, to provide reminders or updates to the House community about existing rules or issue guidance about new standards. Those memoranda are distributed by email to the House community and posted on the Committee's website, <https://ethics.house.gov/>. Be on the lookout for our newsletters and other emails in your inbox.

EXHAUSTION DECISION TREE

Can you use the item on the campaign side?



Additional Committee Resources:

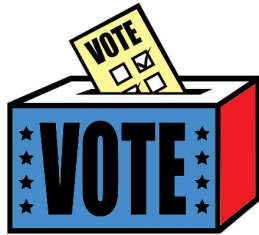
1. The Committee’s 2020 Reminder on the Prohibition Concerning Campaign Contributions and Outlays, available [here](#).
2. The Committee’s 2020 Guidance on Campaign-related Media Appearances on Congressional Grounds, available [here](#).
3. House Ethics Manual December 2022 Print, Chapter 4: Campaign Activity, available [here](#).

Additional Contact Information:

Committee on House Administration	<i>Republican Office: 5-8281 Democrat Office: 5-2061</i>
Communication Standards Commission	<i>Republican Office: 6-0647 Democrat Office: 5-9337</i>
Federal Election Commission (Congressional Liaison)	(202) 694-1006
CAO Technical Service Desk	5-6002

July 31, 2024

Committee on Ethics Quarterly Review



Campaign Tips and Tricks

As election day nears, refresh your memory with our campaign-related pink sheets. The 10 most important reminders are listed, but the two pink sheets below go into more detail on each point. There are always exceptions, and our guidance will always depend on specific facts, so please call us with any questions.

1. You may not conduct campaign activities in official buildings or using official resources. This restriction applies to campaign activity at all levels and is not limited to fundraising activities.
2. Principal campaign committee funds **may** be used for official purposes in some circumstances. Members **may not, however**, use campaign resources for official communications, salary for performing official duties, official office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices). Leadership PAC funds may not be used to offset any official expenses.
3. Members and their communications staffers may answer some campaign related inquiries in the official office so long as it is not the primary purpose of an interview or inquiry.
4. In many cases, House officers and employees **may** volunteer for or be paid by a political campaign.
5. House officers and staff who are paid at the “senior staff rate” are subject to a limit on the type of work they may do and the amount of money they may be paid by the campaign. They must report their campaign income on their annual financial disclosure statement.
6. A federal statute prohibits House officers and employees from contributing to their employing Member’s campaign. This includes making “outlays,” or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your **own** campaign-related travel expenses.
7. Although the general rule is complete separation between official and campaign resources, there are a **few, very limited, and very specific** exceptions that permit the use of official resources for campaign purposes.
8. The staff in charge of the official schedule is permitted to use official resources to have limited communications and coordination with the Member’s campaign on the Member’s official and campaign activities. However, there are specific rules for how and what you may coordinate for your employing Member’s schedule.
9. The campaign may only use material created with official resources after its official use has been exhausted.

10. Consult with the Committee on Ethics if you have questions about participation in campaign activities by calling (202) 225-7103.

[Campaign Activity Pink Sheet](#)

[Campaign-Related Media Appearances Pink Sheet](#)

Don't forget that convention activity is likely campaign activity. Read the below pink sheet and joint guidance with the Committee on House Administration for more information.

[Joint Guidance Regarding National Party Conventions](#)

The Committee recently released a pink sheet including an updated list of approved messages a Member's campaign website and social media accounts may include to redirect constituents to the official accounts. This policy does not cover the reverse situation, which is linking to a Member's campaign accounts from the official sites.

[Updated Hyperlink Language Pink Sheet](#)

Fundraising Reminders

The Anti-Solicitation Statute generally prohibits Members, officers, and employees from soliciting for anything of value from someone else. Members, officers, and employees may participate in fundraising activities in certain, limited circumstances. The pink sheet below goes into more detail, but here are some key reminders about fundraising.

1. Any use of your name, image, or likeness in connection with a fundraising effort is considered assisting with fundraising.
2. Fundraising may not use any official House resources, including social media.
3. Ethics Committee approval is required for any fundraising that is not for a § 170(c) organization. § 170(c) organizations include § 501(c)(3) charities.
4. GoFundMe pages do not typically benefit a § 170(c) and would therefore need Committee approval.
5. Fundraising must be approved by the Committee when it benefits an organization that is founded or controlled by a current Member, officer, or employee.
6. Political fundraising is not governed by the Anti-Solicitation Statute.

[Fundraising Activity Pink Sheet](#)

[Solicitation Waiver](#)

In Case You Missed It

The Committee on Ethics and the Committee on House Administration released joint guidance regarding co-sponsored constituent service events. The link below provides the updated guidance and a list of frequently asked questions.

Joint Guidance Regarding Co-Sponsored Constituent Service Events

Contact the Committee

Talk to us anytime. All communications are confidential!

Office: 1015 Longworth House Office Building

Phone: 202-225-7103

Email: EthicsCommittee@mail.house.gov

Web: <https://ethics.house.gov>

US House of Representatives Committee on Ethics | 1015 Longworth House Office Building |
Washington, DC 20515 US

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Congress of the United States

Washington, DC 20515

Committee on Ethics, Committee on House Administration, and Communications Standards
Commission

JOINT GUIDANCE REGARDING LEADERSHIP RACES

October 28, 2024

As we look to selecting leadership for the next Congress, the Committee on Ethics, the Committee on House Administration, and the Communications Standards Commission would like to offer reminders and examples of the rules surrounding House leadership elections.

Elections for House Positions

Elections for a House position are official House activities. These elections include races for House leadership positions, committee chair and ranking member positions, committee assignments, and Caucus/Conference leadership. Members should use official resources to run the elections themselves, including, but not limited to, making recommendations to the Democratic Caucus or Republican Conference, managing ballot boxes, counting ballots, and managing whip counts leading up to the election. Committee funds and committee staff may not be used.

Campaigning for a House Position

Members often wish to campaign for a leadership position or committee assignment by communicating and interacting with their colleagues. We understand those communications may include official achievements as well as political achievements. The content of the communication will often drive which resources a Member should use to conduct the activity.

General Rule

Depending on the activity, Members may be able to use official resources or campaign resources. For any particular activity, the Member should choose which set of resources they will use and stick with it for the entirety of that activity.¹ Resources may not be comingled for any particular activity.² “Activity” does not mean each action that must occur to put on an event; prepare and mail a brochure; or source, prepare, and distribute gifts, but rather the end result.

Two Exceptions

1. Members may use principal campaign committee funds to pay for food at an official reception.³

¹ Comm. on Ethics, *House Ethics Manual December 2022 Print* at 171.

² “Resources” generally refers to staff time, office equipment, websites and social media accounts, letterhead, mailing services and postage, subscriber lists, and office space. “Funds” refers to money.

³ House Rule 24 allows the use of principal campaign committee funds for some official purposes, but campaign staff, campaign social media accounts, campaign communications, campaign letterhead, campaign mailing lists, and campaign office equipment are all resources that may not be used to support official purposes. House Rule 24, cl. 1; *House Ethics Manual December 2022 Print* at 171.

2. Official staff may provide a copy of the Member's official record to the campaign, if the official office has a policy of providing that information to anyone who asks for it.

How to Decide

Members often send letters or mailers and host receptions for their colleagues to share why they are the best choice for the position. If the content of the letter or mailer, or the discussion during the reception, is only about official House achievements, then the Member may use official resources for that activity, including official staff. Using official funds, official letterhead, and the Frank are still governed by the regulations of the Committee on House Administration and the Communications Standards Commission and must adhere to those regulations. If the Member would like to include information about political achievements, the Member should handle that activity using campaign resources, including campaign staff and funds.

Information about official activities includes, but is not limited to, legislative work, committee work, votes in support of or against House leadership, official press releases, official press conferences, House floor speeches, and other communications from the official office.

Information about political activities includes, but is not limited to, fundraising for a party, fundraising for candidates, fundraising for other organizations, party organizing in support of candidates, political events hosted in support of candidates, and other campaign assistance.

Decisions about which resources a Member will use for leadership races should be made on an activity-by-activity basis, and should be made up front, as part of the planning process. Both the Committee on Ethics and the Committee on House Administration are available to provide guidance.

Examples

Q. A Member wants to host a reception for other Members to discuss a committee assignment. The Member only plans to discuss official House achievements during the reception. Which resources may the Member use for this activity?

A. The Member may host the reception in a House room and have official staff assist with the logistics for the reception. The Member may also use principal campaign committee funds to pay for food at the reception. The Member may not use the MRA to pay for food at this reception. Additionally, the Member and staff may not distribute any materials prepared by the campaign during this reception.

Q. A Member wants to send other Members a letter on official stationery discussing why the Member is the best candidate for a committee leadership position. The Member only wants to include details about his or her official activities, voting record, legislative achievements, and pertinent geographic or demographic information. Which resources may the Member use for this activity?

A. The Member may send the letter on official letterhead to other Members for their consideration. Official staff and other official resources may also be used to prepare and mail the letter. If the Member uses official resources to prepare and mail the letter, it is an

official activity and campaign resources may not be used. The Member also may not use campaign funds to mail the letter, because campaign funds may not be used to defray the cost of official communications.

Q. A Member wants to send other Members a letter discussing that Member's party involvement, fundraising, and payment of party dues. Which resources may the Member use for this activity?

A. The Member may not put that information on official letterhead. The Member may use campaign stationery or strictly personal stationery to send that letter. Because the content of the letter discusses political activity, the Member also may not use official staff and official resources to prepare or mail the letter. The Member, campaign staff, or House staff acting in their capacities as campaign volunteers or staff may distribute the letter on House grounds. Official staff on House time may not assist. Any official staff acting as campaign volunteers or staff should keep records to demonstrate personal or leave time used for these activities.

Q. If the campaign asks, may official staff share information about the Member's official record to include in a leadership race mailer that also highlights the Member's political achievements?

A. Yes, official staff may provide this information to the campaign if they would share it with anyone who asks. Official staff may respond to an electronic request from the campaign by providing a link or attaching documents. The official office may not provide the campaign with internal or confidential materials. Official staff may not provide any other assistance to the campaign for the mailer.

Q. A Member wants to purchase and distribute token gifts for other Members. Which resources may the Member use for this activity?

A. Existing rules regarding gifts and giveaway items still apply. Official funds may not be used to purchase gifts for other Members. However, the Member may use principal campaign committee funds to pay for gifts to other Members, including gifts that have the House seal, district number, or the words "U.S. House of Representatives" on them. Official staff and resources may be used to distribute the gifts.

If the Member would like to purchase gifts with the Member's name, image, likeness, contact information, or a personally identifying mark, the Member may use personal funds, principal campaign committee funds, or leadership PAC funds to pay for those gifts. However, if campaign funds are used to purchase these gifts, official staff and resources may not be used to distribute them.⁴ Campaign staff and resources must be used to distribute gifts with the Member's name or other personally identifying marks or information that are paid for with campaign funds. All campaign communications must adhere to the general rules regarding campaign communications, including the use of

⁴ An item that includes a Member's name, image, likeness, contact information, or a personally-identifying mark is a "communication." House Rule 24 prohibits the use of campaign funds for official communications.

personal titles rather than official titles.⁵ Please contact the Ethics Committee if you have any questions regarding gifts.

For More Information or Questions Regarding this Guidance, Please Contact:

Committee on Ethics	202-225-7103
Committee on House Administration	<i>Republican Office: 5-8281</i> <i>Democrat Office: 5-2061</i>
Communication Standards Commission	<i>Republican Office: 6-0647</i> <i>Democrat Office: 5-9337</i>
Federal Election Commission Congressional Affairs	202-694-1006

Sincerely,

Bryan Steil, Chairman
Committee on House Administration

Joseph D. Morelle, Ranking Member
Committee on House Administration
and
Communications Standards Commission

Michael Guest, Chairman
Committee on Ethics

Susan Wild, Ranking Member
Committee on Ethics

Mike Carey, Chairman
Communications Standards Commission

⁵ *House Ethics Manual December 2022 Print* at 188-190.

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
Ranking Member

David P. Joyce, Ohio
John H. Rutherford, Florida
Andrew R. Garbarino, New York
Michelle Fischbach, Minnesota

Veronica Escobar, Texas
Mark DeSaulnier, California
Deborah K. Ross, North Carolina
Glenn F. Ivey, Maryland



ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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October 30, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Michael Guest, Chairman
Susan Wild, Ranking Member

SUBJECT: Guidance for House Staff Assisting in the Presidential Transition¹

Consistent with past practice, the Committee issues this guidance to summarize the rules and address frequently asked questions related to a House employee's assistance to a Presidential Transition Team (PTT).

"I am a House employee. I would like to assist in the Presidential transition. Is that possible?"

There are several ways House employees may be able to assist in the Presidential transition. You can find further information on the topic below. And remember, you can always "Ask Ethics" at (202) 225-7103.

Some key things to remember:

1. This memorandum applies only to work performed for one or more apparent successful candidates as part of a PTT.² The guidance below does not apply to work for any other entity, including for a campaign or a nonprofit organization.
2. Under each option below, House staff remain at all times subject to provisions of the Constitution and federal statutes applicable to all federal employees, in addition to all

¹ For purposes of this memorandum, the terms "Presidential transition" and "transition" refer to the period immediately *following* a Presidential election.

² Section (3)(c)(1)(A) of the Presidential Transition Act of 1963 (PTA), as amended, explains the determination of an "apparent successful candidate" or candidates. Of note, it is possible for more than one eligible candidate for the office of President or Vice President to be an apparent successful candidate. Accordingly, more than one PTT may operate after a Presidential election takes place. 3 U.S.C. § 102 note (as amended by Pub. L. No. 117-328, 2022).

House Rules. Moreover, all PTT employees and volunteers are required to sign a separate ethical code of conduct with the PTT.³

3. If you are asked to solicit on behalf of a PTT, keep in mind that your solicitation activities must be consistent with the Anti-Solicitation Statute and the Committee's related guidance.⁴
4. By its very nature, Presidential transition work is temporary.
5. In addition to consulting with the Committee on Ethics, you may need or wish to contact Payroll & Benefits or the Committee on House Administration prior to assisting a PTT if you would like to go on Leave Without Pay (LWOP), be a reimbursed detailee, or be assigned to a PTT as part of your official duties. Your employing Member may want to contact the Office of House Employment Counsel.
6. Whether you are employed by a PTT or you volunteer for a PTT, your ability to communicate with federal agencies may be limited.⁵ These restrictions do not apply if you are assisting a PTT as part of your congressional duties or are a reimbursed detailee.
7. If you decide to leave House employment to work for a PTT, post-employment restrictions may apply, and we encourage you to call the Committee so we can help you familiarize yourself with these restrictions.⁶

³ *Id.* at § (4)(g)(3)(B)(iii).

⁴ 5 U.S.C. § 7353; Comm. on Ethics, [Member, Officer, and Employee Participation in Fundraising Activities](#) (May 2, 2019). Solicitations for a PTT likely benefit a 501(c)(4) organization. Note that fundraising for a political candidate or campaign does not implicate the Anti-Solicitation Statute, as noted in the Committee's related guidance.

⁵ 18 U.S.C. §§ 203 and 205 prohibit federal employees from representing anyone before a federal department, agency, officer, or court in any particular matter in which the United States is a party or has a direct and substantial interest, whether the employee is compensated or not. These statutes are administered by the Department of Justice, and any advice the Committee provides about these statutes is advisory only.

⁶ Staff subject to the post-employment restrictions are those employees of the House who are paid at or above an annual rate of \$130,500 (\$10,875 per month) for any two months during the preceding twelve-month period, including any federal civil service or military annuities. See Comm. on Ethics, [Negotiations for Future Employment and Restrictions on Post-Employment for House Staff](#) (Dec. 15, 2022).

Please note, the PTA, as amended, allows eligible candidates to solicit for and collect private funds to supplement funds Congress appropriates for Presidential transition activities. For those former House employees who are subject to the one-year post-employment restrictions and serve on a PTT within that one-year period, it is unclear how the provisions at 18 U.S.C. § 207 apply, but the Department of Justice's Office of Legal Counsel has provided some insight as it applies to executive branch staff. See Definition of "Candidate" Under 18 U.S.C. §207(j)(7), 24 Op. O.L.C. 288 (2000); Applicability of 18 U.S.C. §207(c) to President-Elect's Transition Team, 12 Op. O.L.C. 264 (1988).

FIRST OPTION

“My employing Member told me I can assist the transition as part of my congressional duties. Is that true?”

House Members⁷ and officers have broad latitude to determine how to deploy their official staff, consistent with certain rules. For example, Members may not retain a staff person who does not perform duties commensurate with their compensation.⁸ Similarly, committee staff may only conduct committee business during congressional working hours and may not perform duties other than those pertaining to committee business.⁹ And of course, do not forget the Purpose Statute. Paraphrasing, that statute says anything paid for with appropriated funds—including staff when they are expected to perform work for the House—may only be used for the purposes for which they were appropriated.¹⁰ In other words, official funds may not be used for a personal, political, or campaign-related purpose.¹¹

However, the Ethics Committee considers transition work for the apparent successful candidate(s) to be governmental, rather than political in nature. As a result, within these parameters, Members may reasonably determine that having their staff assist an incoming or re-elected Administration would ultimately benefit their constituents, their committee, or their leadership office.¹² Your employing Member may therefore appropriately determine your assistance to a PTT is part of your official, congressional duties.

If your employing Member determines you may or should assist a PTT as part of your congressional duties, you remain responsible to and under the direction of your employing Member. You do not become an employee of an apparent successful candidate, the President-elect, or the PTT. In short, you may be able to add a line or two to your resume under “duties,” but you may not add an entirely new employer.

⁷ This Memorandum uses the term “Member” to refer to House Members, Delegates, and the Resident Commissioner.

⁸ House Rule 23, cl. 8.

⁹ House Rule 10, cl. 9(b)(1).

¹⁰ 31 U.S.C. § 1301(a).

¹¹ *See Comm. on House Admin., Members’ Congressional Handbook*, <https://cha.house.gov/members-congressional-handbook>, (last accessed October 8, 2024).

¹² By signing the monthly salary certification, your employing Member in effect represents that you continue to perform congressional work, even if that work is for a PTT.

SECOND OPTION

“I’m wondering if I can assist the transition on nights and weekends.”

House employees must receive approval from their employing Member before engaging in any outside activity, whether the activity is compensated or not. In addition, House employees’ participation in outside activities must be consistent with House Rules and other applicable legal requirements; for example, your ability to communicate with federal agencies may be limited.¹³ With these two cautions in mind, House staff generally may spend their non-working hours or their “own time” doing whatever they choose. Thus, for example, House staff may use accrued annual leave or go on LWOP, pursuant to established office policy, to assist a PTT.¹⁴

Because assisting a PTT as a volunteer is an outside activity, you must follow the guidance above and ensure you understand which laws apply to your volunteer activities for the PTT. In addition, you report and are responsible to the PTT while volunteering, rather than being responsible to your employing Member. In other words, you may add an entire new line to your resume, wherever you list volunteer activities. Remember that if you choose to go on LWOP to assist a PTT, you may not perform any official House duties for the duration of your time on LWOP.¹⁵

THIRD OPTION

“Can I work for the transition for compensation while I am also a House employee?”

House employees must receive approval from their employing Member before engaging in any outside activity, whether the activity is compensated or not. In addition, House employees’ participation in outside activities must be consistent with House Rules and other applicable legal requirements; for example, your ability to communicate with federal agencies may be limited.¹⁶ With these cautions in mind, House staff generally may spend their non-working hours or their “own time” working for another employer. Thus, for example, House staff may use accrued annual leave or go on LWOP, pursuant to established office policy, to assist a PTT.¹⁷

¹³ Employees who serve on a PTT as a volunteer outside activity generally may not communicate with federal officers or employees on behalf of the PTT pursuant to 18 U.S.C. § 205(a)(2). *See supra* note 5.

¹⁴ Any staff members wishing to go on LWOP status may do so only in accordance with the guidelines on LWOP issued by the Committee on House Administration.

¹⁵ House Rule 23, cl. 8(a). Staff on LWOP are not receiving compensation from the House; therefore, they may not perform duties for the House, including minor, administrative duties.

¹⁶ 18 U.S.C. § 203(a). *See supra* note 5.

¹⁷ *See supra* note 14.

A PTT may offer a House employee a paid position to serve on a PTT, including as part of a landing team.¹⁸ House employees who are considered “senior staff”¹⁹ pursuant to the Ethics in Government Act (EIGA) may be subject to a limit on the cumulative amount of income they are permitted to receive from all outside sources in a calendar year. Currently, the outside earned income limit (OEIL) is \$31,815. Further, outside employment restrictions define certain activities for which senior staff may not receive any compensation whatsoever. Among other things, senior staff are prohibited from (1) receiving compensation for practicing any profession that involves a fiduciary relationship, including, for example, law or accounting, and (2) serving for compensation as an officer or director of any entity.

Because working for a PTT (other than as part of your congressional duties or as a detailee) is an outside activity,²⁰ you must follow the guidance above and ensure you understand which laws apply to your paid position with the PTT. In addition, you report and are responsible to the PTT while performing work and receiving compensation from the PTT, rather than being responsible to your employing Member. In other words, you may add a new line to your resume where you list your employers and paid positions. Remember that if you choose to go on LWOP to accept a paid position with the PTT, you may not perform any official House duties for the duration of your time on LWOP.²¹

If you are not senior staff, the EIGA restrictions and prohibitions do not apply. If you are senior staff, make sure your compensation does not exceed the OEIL, and you do not receive compensation that falls into one of the prohibited categories.

FOURTH OPTION

“Can I assist the transition as a reimbursed detailee?”

The PTA provides that House employees, among other federal employees, may be detailed to assist a PTT on a reimbursable basis, with the consent of their employing Member. The PTA provides, in pertinent part:

[A]ny employee of any agency of any branch of the Government, or an employee of a committee of either House of Congress, a joint committee of the Congress, or an individual Member of Congress, may be detailed to such

¹⁸ It is important for House employees who are offered compensation to work on a PTT to confirm that their pay does not come from a federal appropriation, to avoid application of the Dual Compensation statute, 5 U.S.C., § 5533(c)(1). That statute generally prohibits House employees from receiving pay from a non-House federal job if the gross pay for the two positions, *combined*, would exceed the dual compensation limit for the calendar year. The dual compensation limit for 2024 is \$42,450. Note that employment with a PTT through a detail does not implicate this statute.

¹⁹ Senior staff who are subject to the outside earned income limit are those employees whose rate of basic pay is equal to or greater than \$147,649 annually, or \$12,304 per month for more than 90 days in 2024. These employees are also subject to additional restrictions and some absolute prohibitions concerning compensation and affiliations. *See* 5 U.S.C. § 13101, *et seq.*

²⁰ *See* Presidential Transition Act § 3(a)(2).

²¹ *See supra*, note 15.

[transition] staffs on a reimbursable basis with the consent of the supervising Member of Congress; and while so detailed such employee shall be responsible only to the apparent successful candidate for the performance of his duties: Provided further, [t]hat any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption.²²

The legislative history of the 1976 amendments to the PTA indicates that “on a reimbursable basis” means that reimbursement of the employees’ salaries by a PTT is required. One purpose of the amendments, according to the Senate report accompanying the amendments, was to “require that when personnel is detailed to the office staffs of the incoming and outgoing Presidents and Vice Presidents from a federal department or agency, *reimbursements must be made* to the appropriate agency for such services.”²³ As a result, during a detail to a PTT, House employees retain full House salary and benefits, even though the PTT must reimburse the House for the detailed employee’s salary.²⁴ Accordingly, House employees who are detailed to a PTT may not accept compensation directly from the PTT or from any other source, including from nonprofit organizations or campaign committees for their transition work, pursuant to House Rule 24. In addition, House employees on detail to a PTT are not prohibited from communicating with other federal officials on behalf of the PTT because their communications are made in the discharge of official duties.²⁵

Because being detailed to a PTT essentially means you are a loaned transition employee, you report and are responsible to the PTT throughout the duration of your detail, rather than being responsible to your employing Member. In other words, you may add a new line to your resume where you list employers, or you may add your detail as a line item under your current employment with the House. Be sure to check with Payroll & Benefits and any other House office involved in effectuating a detail if you would like to become a reimbursed detailee.

What all of this together means is that House employees may assist a Presidential transition team in a variety of ways, so long as their activities on behalf of a PTT comply with the guidance above. When in doubt, “Ask Ethics” by contacting the Committee’s Office of Advice and Education at extension 5-7103.

²² 3 U.S.C. § 102 note (as amended by Pub. L. No. 117-328, 2022).

²³ S. Rep. No. 94-1322, 94th Cong., 2d Sess., at 1 (1976) (emphasis added).

²⁴ See Presidential Transition Act § 3(a)(2).

²⁵ 18 U.S.C. § 203(a), 205(a); see also Applicability of 18 U.S.C. § 207(c) to President-Elect’s Transition Team, 12 Op. O.L.C. 264, 265 (1988) (“[T]he prohibitions in section 203 and 205 do not apply to...detailed employees by virtue of the ‘official duties’ exception to those provisions.”).

October 31, 2024

Committee on Ethics Quarterly Review

Reminders for Event Attendance

Members, Officers, and staff are frequently invited to events in their official and unofficial capacities. Below is a quick overview of the four most common types of events and what you may accept under the Gift Rule exceptions. The Pink Sheet linked below includes a chart showing what you may accept for each type of event under the Gift Rule exceptions.

Charitable Fundraiser

- This is an event to raise funds or in-kind donations for an Internal Revenue Code (IRC) § 170(c) charitable organization.
- You must attend in your personal capacity and may not use official House resources.
- You may accept if offered by the event organizer: free attendance for yourself and a guest; appetizers, drinks, and/or meals; local and long-distance transportation and one night of lodging from the event organizer; informational materials; and entertainment at the event.

Political Event

- A political event can be a campaign fundraiser or other event organized by an IRC § 527 political organization.
- You must attend in your personal capacity and may not use official House resources.
- You may accept if offered by the event organizer: free attendance for yourself and a guest; appetizers, drinks, and/or meals; local and long-distance transportation; lodging; informational materials; and entertainment at the event.

Widely Attended Event

- This is an event related to your official or representational duties and the event organizer must expect at least 25 other attendees from a broad group of people other than Congressional attendees and the organization's employees.
- You must attend in your official capacity.

Reception

- A reception is organized for the purposes of networking or socializing and does not have to include officially-connected programming.
- You may attend a reception in your official or personal capacity, depending on the situation.

- You may accept if offered by the event organizer: free attendance for yourself and a guest; appetizers, drinks, and/or meals; local transportation; and informational materials.

- You may accept if offered: free attendance for yourself and a guest, appetizers, drinks, and informational materials.

Event Attendance Pink Sheet

Ethics Training Reminders

The deadline to complete annual ethics training is **December 31, 2024**. To satisfy this requirement, staff can attend one of the below in person trainings or complete the on-demand training.

<u>Date</u>	<u>Time</u>	<u>Location</u>
November 7	2:30-3:30	HVC 215
December 13	2:30-3:30	HVC 215

On-Demand General Ethics Training

Senior staff are required to complete an additional hour of senior staff ethics training once per Congress by **January 3, 2025**.

On-Demand Senior Staff Training

Members must also complete ethics training by **December 31, 2024**. To receive the link and password to Member training, or to check your Member's training status, please email Ethics.Training@mail.house.gov.

In Case You Missed It

The Committee on Ethics, the Committee on House Administration, and the Communications Standards Commission released joint guidance regarding leadership and steering committee races. Click below to read the joint guidance.

Joint Guidance Regarding Leadership Races

The Committee on Ethics also released a pink sheet regarding House staff assisting with the Presidential transition. Click below to read the pink sheet.

Contact the Committee

Talk to us anytime. All communications are confidential!

Office: 1015 Longworth House Office Building

Phone: 202-225-7103

Email: EthicsCommittee@mail.house.gov

Web: <https://ethics.house.gov>

US House of Representatives Committee on Ethics | 1015 Longworth House Office Building |
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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

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December 16, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

SUBJECT: Reminder of Ethics Training Requirements for 2024

As we look forward to a new calendar year, the Committee on Ethics reminds all House Members, officers, and employees of their annual ethics training and certification requirements. This memorandum explains 2024 ethics training requirements, how to access ethics training, and the required certifications for both live and on-demand ethics training.

The Committee is required to provide ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.¹ The Committee provides a general ethics training, as well as sessions designed for New Members, existing Members, and senior staff. Committee staff also provide individual trainings for Members or offices to focus on topics most helpful for their unique needs or issues. Ethics trainings are presented throughout the year, live and on-demand. For the second session of the 118th Congress to date, the Committee has held 28 in-person training sessions and provided training to more than 15,176 House Members,² officers, and employees.

House Members and employees must also certify to the Committee that they have satisfied their annual ethics training requirement by January 31st of the following year.³ In other words, current Members and employees must certify that they have completed the required 2024 annual training no later than January 31, 2025.

¹ 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.

² For all purposes in this memorandum, “Member is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

³ House Rule 11, clause 3(a)(6)(B)(ii).

2024 ETHICS TRAINING REQUIREMENTS AND ACCESS

The Committee’s non-partisan staff presents live training sessions throughout the year, as well as online training modules available on-demand through the Congressional Staff Academy. New House Members and employees must complete an ethics training session within 60 days of joining the House.⁴ Existing House Members and employees are required to take one hour of general ethics training each calendar year. **In addition, the Committee requires all senior staff⁵ – whether new or existing employees – to complete an additional hour of specialized training at least once per Congress.**

Members

House Members must complete one hour of ethics training per year:

- **New House Members.** A new House Member must complete a live, dedicated training session within 60 days of joining the House. A “new” Member for the purposes of the 2024 training requirement is an individual who was *first* sworn in on or after January 3, 2024. Before each Congress, the Committee provides ethics training for incoming new Members at the New Member Orientation organized by the Committee on House Administration. The Committee reaches out to new Members elected through a special election to schedule individual, live ethics training within their first 60 days.
- **Existing House Members.** Existing House Members must complete one hour of ethics training by December 31, 2024. Members, or staff on their behalf, may request a link to the Member on-demand training module by contacting the Committee at ethics.training@mail.house.gov.

House Employees

House employees must complete *at least* one hour of ethics training per calendar year:

- **New employees.** A new House employee must complete one hour of ethics training within 60 days of beginning House employment. A “new” House employee for purposes of the 2024 training requirement is an individual who first began employment with the House on or after January 3, 2024. Any former House employee who returns to House employment after a gap of more than 90 consecutive calendar days is also a “new” employee. Fellows and interns paid by the House for more than 60 days also

⁴ House Rule 11, clause 3(a)(6)(B)(i).

⁵ “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 2024, the senior staff annual salary rate is \$147,649, or a monthly pay rate at or above \$12,304. Please note that the senior staff annual salary rate is subject to change in 2025.

must comply with this requirement.⁶ New Employees and fellows and interns paid by the House may satisfy this requirement by completing the 118th Congress General Ethics 2024 Training live or on-demand.⁷

- **Existing employees.** Existing House Employees must complete one hour of ethics training before the end of the calendar year, by December 31, 2024. **There are no extensions to this deadline, for any reason.** Employees may satisfy this requirement by completing the 118th Congress General Ethics 2024 Training live or on-demand.
- **Senior Staff.** House employees paid at or above the senior staff level (“senior staff”⁸) are required to complete an additional hour of ethics training once per Congress on issues primarily of concern to senior staff or supervisors. For the 118th Congress, this means all senior staff must complete one hour of senior staff training by January 3, 2025. Senior staff training may be completed live or on-demand. **To be clear, the senior staff training requirement is in addition to the annual one-hour House Ethics Training module/requirement for all staff.** The Committee offers designated senior staff ethics training on-demand, but other briefings may also satisfy the senior staff training requirement: general sessions on issues of concern to senior staff, sessions on completing financial disclosure (FD) reports or Periodic Transaction Reports (PTRs), and sessions on post-employment restrictions. Note that employees may *not* complete more than one hour of senior staff training in lieu of completing their annual general ethics training requirement.

Employees can complete ethics training on-demand through the Congressional Staff Academy website. Ethics training can be found under the “required training” tab. Employees must complete the entire on-demand training program to receive credit. Access to the Congressional Staff Academy website requires use of a House computer. Employees who do not have access to a House computer or who do not have a House email account should email the Ethics Committee at ethics.training@mail.house.gov to make alternate arrangements for completing their training.

⁶ Detailees, fellows not paid by the House, unpaid interns, and individuals who are employed by the House and paid for fewer than 60 days are not required to attend ethics training in 2024. 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.

⁷ 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 118th Congress General Ethics 2024 Training available through the Congressional Staff Academy.

⁸ See *supra* note 4.

Summary

Position	Training Required	Deadline
New Member	Email ethics.training@mail.house.gov to schedule a one-on-one training	Within first 60 days
Existing Member	Email ethics.training@mail.house.gov for link to on-demand training	December 31, 2024
New Staff	118 th Congress General Ethics 2024 Training	Within first 60 days
Existing Staff	118 th Congress General Ethics 2024 Training	December 31, 2024
New Senior Staff	118 th Congress General Ethics 2024 Training <i>and</i> Senior Staff Ethics 2024 Training or other ethics briefing on senior staff or supervisor issues.	Within first 60 days
		January 3, 2025
Existing Senior Staff	118 th Congress General Ethics 2024 Training <i>and</i> Senior Staff Ethics 2024 Training or other ethics briefing on senior staff or supervisor issues.	December 31, 2024
		January 3, 2025

TRAINING CERTIFICATION

House Members and employees must certify that they have satisfied their 2024 annual ethics training requirement no later than January 31, 2025.⁹

Members

The Committee automatically certifies New Members who complete the live ethics training and Existing Members who complete the on-demand training. Members may email the Committee at ethics.training@mail.house.gov to request confirmation that they have completed required ethics training.

Employees

Each House employee is responsible for completing their annual ethics training requirement and certifying completion. The Committee records when employees complete live ethics training sessions. After an employee completes an online training program, the Congressional Staff Academy will log the employee as “complete;” this information is transmitted to the Ethics Committee, automatically certifying the annual training requirement once

⁹ House Rule 11, clause 3(a)(6)(B)(ii).

met. Employees may check their Congressional Staff Academy transcript at any time to verify the completion and certification of their own annual ethics training requirement.

A chief of staff (or staff director or other supervisor) can confirm employee ethics training completion by requesting each staff person provide the 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 Rules¹⁰ and may result in any of the specified disciplinary sanctions for House Members 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.

¹⁰ See House Rule 11, clause 3(a)(6)(B)(ii).

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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

December 20, 2024

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

SUBJECT: Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers

This memorandum reminds you about issues facing House Members¹ and officers² who are negotiating for future employment or departing from employment with the House of Representatives.³ These issues include negotiations for future employment, post-employment restrictions, financial disclosure requirements (Termination Reports), and outside employment and earned income restrictions.⁴ Although this memorandum will be of particular interest to departing Members, current Members should also familiarize themselves with these restrictions, particularly on post-employment communications. Current Members and staff may not aide former House Members or officers in violating these restrictions.

In addition, the Committee notes one statutory provision that applies to **all House Members and staff**: you may not use confidential information that you obtained by personal and substantial participation in trade or treaty negotiations in the year before leaving House employment to benefit anyone other than the United States in those ongoing negotiations.⁵ As

¹ This Memorandum uses the term “Member” to refer to House Members, Delegates, and the Resident Commissioner.

² The elected officers of the House are the Clerk, Sergeant-at-Arms, Chaplain, and Chief Administrative Officer. *See* House Rule 2, cl. 1.

³ The restrictions discussed herein apply uniformly to House Members, Delegates, the Resident Commissioner, and officers, except where noted with regard to the elected House officers.

⁴ The Committee has issued a separate memorandum addressing similar issues for departing employees of the House and certain other legislative offices. Employees seeking future employment or departing the House should consult that memorandum, titled “Negotiations for Future Employment and Restrictions on Post-Employment for House Staff,” rather than this memorandum, for guidance.

⁵ 18 U.S.C. § 207(b). For purposes of this provision, the term “trade negotiation” means “negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made”

with other provisions of this statute, this prohibition lasts for one year after departure from the House payroll.⁶

TOP FIVE THINGS TO REMEMBER ABOUT POST-HOUSE EMPLOYMENT

1. The so-called “lobbying ban” prohibits much more than lobbying; you may not communicate with or appear before any Member, officer, or employee of Congress (House or Senate) in their official capacity when you do so on behalf of others with the intent to influence official actions. This restriction applies for 1 year after you leave office and there are **few, very limited, and very specific** exceptions.
2. You must file a Notification of Negotiations or Agreement for Future Employment (Negotiations Form) with the Committee within **3 business days** of entering negotiations or reaching an agreement with a **private** entity for your future employment, whichever occurs first. If there is a conflict of interest between your official duties and the private position, you have additional obligations: (1) file a Statement of Recusal with the Committee, (2) file the Negotiations Form with the Clerk of the House, and (3) recuse from official actions pertaining to the private employer while the conflict persists. Filings with the Committee are confidential, filings with the Clerk are **public**.
3. You may not represent, aid, or advise foreign entities regarding the U.S. federal government or for the purpose of influencing U.S. federal officials. You may not use confidential information you obtained from personal and substantive participation in **ongoing** treaty or trade negotiations to benefit anyone other than the U.S. in those negotiations. These restrictions apply for 1 year after you leave office.
4. You must file a termination financial disclosure report **within 30 days** of leaving office unless you remain an officer or employee of the federal government and are required to file a public financial disclosure report.
5. Consult the Committee if you have questions about post-House employment.

NEGOTIATING FOR FUTURE EMPLOYMENT

The Committee’s general guidance on job negotiations has long been that House Members and employees are free to pursue future employment while still employed by the House, subject to certain ethical constraints. This memorandum provides more detailed guidance on the issues

and the term “treaty” means “an international agreement made by the President that requires the advice and consent of the Senate.” *Id.* at § 207(b)(2).

⁶ *Id.*

presented by such negotiations, as well as mandatory disclosure obligations such negotiations may trigger.

The general guidance for any Member who wishes to engage in negotiations for future employment is as follows. First and foremost, it would be improper for a Member to permit any future employment prospect to influence their official actions.⁷ Some Members use an agent (e.g., a “headhunter”) to solicit job offers on their behalf to avoid any appearance of improper activity. Regardless of whether you undertake job negotiations personally or through an agent, you should observe the following principles.

The term “negotiation” is undefined in the relevant statute or House rule. Although the Committee construes the term “negotiation” broadly, the Committee does not consider preliminary or exploratory talks to be “negotiations,” which trigger the rule.⁸ The term “negotiations” connotes “a communication between two parties with a view toward reaching an agreement” and in which there is “active interest on both sides.”⁹ Thus, merely sending a copy of one’s résumé to a private entity is not considered “negotiating” for future employment.

Other, more general, ethical rules also impact employment negotiations. The House Code of Official Conduct prohibits Members, officers, and employees from receiving compensation “by virtue of influence improperly exerted” from a congressional position.¹⁰ The Code of Ethics for Government Service forbids anyone in government service from accepting “favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance” of governmental duties.¹¹ Federal criminal law prohibits a federal official from soliciting or accepting a “bribe” – i.e., anything of value given in exchange for being influenced in an official act.¹² Although bribery necessarily entails a *quid pro quo* arrangement, the same statute also bans seeking or accepting “illegal gratuities” – i.e., anything given because of, or in reward

⁷ See House Rule 23, cl. 3; Code of Ethics for Government Service ¶¶ 5, 6, *reprinted in House Ethics Manual December 2022 Print* at 363.

⁸ In its past guidance, the Committee has deferred to court decisions interpreting a related federal criminal statute that bars Executive Branch employees from participating in matters affecting the financial interests of an entity with which the employee is “negotiating or has any arrangement” concerning future employment. See 18 U.S.C. § 208. Those decisions found that the term “negotiation” should be construed broadly. See, e.g., *United States v. Schaltenbrand*, 930 F.2d 1554, 1559 (11th Cir. 1991); *United States v. Conlon*, 628 F.2d 150, 155 (D.C. Cir. 1980). However, these decisions distinguish between “negotiations,” which trigger the rule, and “[p]reliminary or exploratory talks,” which do not. *Schaltenbrand*, 930 F.2d at 1558-59.

⁹ *United States v. Hedges*, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990) (quoting jury instruction); see also *Schaltenbrand*, 930 F.2d at 1558, 1559 n.2.

¹⁰ House Rule 23, cl. 3.

¹¹ Code of Ethics for Government Service ¶ 5, *reprinted in House Ethics Manual December 2022 Print* at 363.

¹² 18 U.S.C. § 201(b)(2)(A).

for, a future or past official act, whether or not the official action would be, or would have been, taken absent the reward.¹³

In other words, you should be particularly careful in negotiating for future employment, especially when negotiating with anyone who could be substantially affected by the Member's performance of official duties.¹⁴ It may be prudent to advise any prospective employer in writing and stipulate that they will receive no official favors in connection with the job negotiations. Members may also wish to establish in writing that the prospective future employer understands that (1) it will receive no official favors as a result of the job negotiations, and (2) the Member is subject to post-employment restrictions, which should be briefly outlined.¹⁵ Departing Members who are lawyers should consult their local bar associations about rules governing their involvement in matters in which they participated personally and substantially during their time with the House.¹⁶ In addition, as addressed in the next section, Members must disclose employment negotiations in writing to the Committee.

Finally, as a reminder, Members should not be actively involved in personally selling or endorsing goods or services in which they or their family have a financial interest. Thus, as Members prepare to terminate their House service, they should refrain from allowing their name to be used in the selling or endorsing of a company, product, or service. The Committee strongly recommends that Members contact the Committee for additional guidance on specific questions about how to discuss work they may engage in after they leave the House.

Provided that Members act in accordance with the considerations discussed above, they may engage in negotiations for employment in the same manner as any other job applicant. Discussions may specifically address salary, duties, benefits, and other terms.

¹³ *Id.* § 201(c)(1)(B).

¹⁴ See Code of Ethics for Government Service ¶ 5, reprinted in *House Ethics Manual December 2022 Print* at 363.

¹⁵ See 18 U.S.C. § 207. These restrictions are explained in detail later in this memorandum and explained briefly in "Top Five Things to Remember about Post-House Employment" on page 2 of this memorandum.

¹⁶ A former Member who joins a law firm should also be aware that a separate statutory provision, 18 U.S.C. § 203, has been interpreted to prohibit a former federal official who joins a firm from sharing in fees attributable to representational services in federally related matters when those services were provided by the firm while the individual was still employed by the government. See, e.g., *Application of 18 U.S.C. § 203 to Former Employee's Receipt of Attorney's Fees in Qui Tam Action*, 26 Op. O.L.C. 10 (2002), <https://www.justice.gov/olc/file/623846/download>.

Please note that 18 U.S.C. § 203 is a federal criminal statute within the jurisdiction of the U.S. Department of Justice; therefore, Members may wish to seek guidance from outside counsel prior to accepting fees that may implicate 18 U.S.C. § 203.

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSAL REQUIREMENTS

Members 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.¹⁷ As stated above, the term “negotiation” is undefined in the relevant statute or House rule. The Committee views negotiations using the standard discussed earlier in this memorandum, namely that there has been “a communication between two parties with a view to reaching an agreement” and in which there is “discussion and active interest on both sides.”¹⁸ For example, an exploratory conversation or an initial interview may not constitute “negotiations,” but an interview after the “exploratory” stage would if there is active interest on both sides, even if the terms of employment are not yet discussed.

In addition, Members 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 Committee in writing of such recusal.¹⁹ Members who recuse themselves also must, at that time, file their Negotiations Form with the Clerk of the House in the Legislative Resource Center (B-81 Cannon House Office Building) for public disclosure.²⁰ We encourage you to contact the Committee if you are unsure whether an actual or potential conflict of interest exists.

When notifying the Committee of negotiations or agreements for future employment or compensation, Members and officers should complete and sign the “Notification of Negotiations or Agreement for Future Employment” form, available on the Committee’s website (<https://ethics.house.gov/forms/>). The completed form must be submitted to the Committee and may be sent by email to EthicsCommittee@mail.house.gov. All filers should keep a copy of their submission. There is a separate “Statement of Recusal” form available on the Committee’s website for notifying the Committee of recusal. Members and officers who recuse themselves from official matters pursuant to House Rule 27 must complete and submit the recusal form to the Committee. At that time, Members must *also* submit to the Clerk a copy of the completed Negotiations Form regarding that private entity, which they had previously submitted to the Committee. The Clerk will make that form available for public disclosure. As noted above, the requirement to make a simultaneous filing with the Clerk of the corresponding Negotiations Form applies only to Members and not to House officers or employees.

The terms “conflict” and “appearance of conflict” are undefined in the rule. The Committee has stated that a “conflict of interest becomes problematic when a Member uses their

¹⁷ House Rule 27, cl. 1; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter “STOCK Act”) § 17.

¹⁸ *See Hedges*, 912 F.2d at 1403 n.2.

¹⁹ House Rule 27, cl. 4.

²⁰ *Id.*

position to enhance their personal financial interests or their personal financial interests impair their judgment in conducting public duties.”²¹ Members should also avoid situations that might be viewed as presenting even a risk that the Member might be improperly influenced by personal financial interests.²² We encourage you to contact the Committee if you are unsure whether an actual or potential conflict of interest exists.

Among the “official matters” covered by the recusal provision discussed above is abstention from voting, or affirmatively taking official actions, on matters that would affect an outside party with whom the Member is negotiating, or from whom the Member has accepted employment. On voting, House Rule 3 states that abstention from voting on the House floor is not warranted unless the Member has “a direct personal or pecuniary interest in” the matter.²³ Longstanding House precedent has interpreted this rule to mean that Members may vote on any matter that affects them merely as part of a large class of individuals or entities rather than with particularity.²⁴ Thus, for example, Members who were veterans were permitted to vote on military pay and pensions, which affected them only as members of a class of thousands of individuals who held or had held similar positions.²⁵ Historical practice has established that, with regard to House Rule 3, there is no authority to force a Member to abstain from voting, and the decision on whether abstention was necessary has been left for individual Members to determine for themselves under the circumstances.²⁶

²¹ House Comm. on Standards of Official Conduct, *In the Matter of Representative Sam Graves*, H. Rep. No. 111-320, at 16 (2009); *see also* House Bipartisan Task Force on Ethics, 101st Cong. Report on H.R. 3660 (Comm. Print 1989), *reprinted in* 135 Cong. Rec. 30740 at 30742 (daily ed. Nov. 21, 1989) (“A conflict of interest is generally defined as a situation in which an official’s private financial interests conflict or appear to conflict with the public interest.”); House Rule 23, cl. 3 (“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.”).

²² *See* Staff of H. Comm. on the Judiciary, 85th Cong., Federal Conflict of Interest Legislation 1 (Comm. Print 1958) (“Within reasonable limits, also, the importance of public confidence in the integrity of the Federal service justifies the requirement that the Federal employee shall avoid the appearance of evil, as well as evil itself.”); Code of Ethics for Government Service ¶ 5, *reprinted in House Ethics Manual December 2022 Print* at 363 (“Any person in government service should . . . never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”); *see also* House Rule 23, cl. 2 (“A Member . . . shall adhere to the spirit and letter of the Rules of the House . . .”).

²³ House Rule 3, cl. 1.

²⁴ *See* 5 Asher C. Hinds, *Hinds’ Precedents of the House of Representatives* § 5952 at 503-04 (1907) (hereinafter “*Hinds’ Precedents*”); *see also* Jason A. Smith, *Parliamentarian, Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Eighteenth Congress*, H.R. Doc. No. 117-161 (2023), § 673 (hereinafter “*House Rules and Manual*”).

²⁵ *See Hinds’ Precedents* § 5952, at 503-04; *see also House Ethics Manual December 2022 Print* at 243-44.

²⁶ *See Hinds’ Precedents* §§ 5950, 5952 at 502-04; *see also House Rules and Manual* § 672.

House Rule 27 also imposes a requirement on Members negotiating for future employment; Members “shall recuse” themselves “from any matter in which there is a conflict of interest or an appearance of a conflict for that Member.”²⁷ At a minimum, Members faced with a vote on a matter that directly impacts a private entity with which they are negotiating would have difficulty balancing the duty they owe to their constituents with the recusal provisions of House Rule 27. Members are strongly encouraged to abstain from voting on legislation that provides a benefit targeted to any entity with which the Member is negotiating or from which the Member has accepted future employment. Members likewise are discouraged from sponsoring legislation or earmarks for such an entity. House Rule 23, clause 17 requires that Members who request an earmark certify to the chairman and ranking member of the committee of jurisdiction that the Member and the Member’s spouse have “no financial interest” in the earmark.²⁸ Any earmark benefitting an entity with which a Member is negotiating or accepted future employment could be deemed to provide a financial interest to the Member under this provision.

Example 1. Member *A* is retiring from the House at the end of his term. Corporation *Z* asks *A* to join their compensated board of directors after *A* leaves the House. *A* tells *Z* he is interested in the position if he can work remotely and would, of course, discuss the offer with his family before making any decision. *A* is in negotiations with *Z* and must file a Negotiations Form with the Committee within three business days of this conversation.

Example 2. Member *B* accepts Interest Group *Y*’s offer of employment and asks to delay her start date for three months to conclude important House business. *Y* agrees and asks that in the meantime *B* take a meeting with *Y*’s lobbyist to consider co-sponsoring a bill that is important to *Y*. *B* must recuse from taking this meeting and file a Statement of Recusal with the Committee if she has not yet done so. Upon filing the Statement of Recusal, *B* must also make her Negotiations Form public by filing it with the Legislative Resource Center.

BENEFITS OFFERED BY PROSPECTIVE EMPLOYERS DURING JOB NEGOTIATIONS

Members may accept “[f]ood, refreshments, lodging, transportation, and other benefits . . . customarily provided by a prospective employer in connection with bona fide employment discussions.”²⁹ Thus, subject to the limitations set out in the rule, you may accept travel expenses from an entity with which you are interviewing for a position to meet prospective colleagues. Such travel is *not* subject to the requirement for prior, written approval from the Committee that applies to privately-funded travel undertaken as part of one’s House duties. However, travel expenses that exceed \$480 from any one source must be disclosed on Schedule H (“Travel Payments and

²⁷ House Rule 27, cl. 4.

²⁸ House Rule 23, cl. 17.

²⁹ House Rule 25, cl. 5(a)(3)(G)(ii).

Reimbursements”) of the termination financial disclosure report required of departing Members.³⁰ In addition, any agreement for future employment also must be disclosed on Schedule F (“Agreements”) of that report, if the agreement was entered into prior to the employee’s last date on House payroll.³¹

POST-EMPLOYMENT RESTRICTIONS

Since 1989, legislative branch officials, including certain employees, have been subject to restrictions on their post-House employment under the Ethics Reform Act.³² These limitations, which are part of the federal criminal code, apply to Members and officers of the House³³ as well as employees of Member, committee, and leadership offices who are paid at least 75% of a Member’s salary, inclusive of any federal civil service or military annuity.³⁴ For these covered individuals, the law establishes a one-year “cooling-off period” measured from the date of the individual’s departure from House payroll.³⁵ For Members who are not re-elected to the House, this date will be January 3 of the year following the election (not the date of adjournment *sine die*),³⁶ unless the Member resigns prior to that date.

Below is a detailed description of prohibited and permitted post-employment activities of former Members under the statute. This explanation is followed by a table that summarizes the statutory restrictions. Please note that the statute, as part of the criminal code, is enforced by the Department of Justice (DOJ), rather than by the Committee. Although Committee interpretations of 18 U.S.C. § 207 are not binding on DOJ, those interpretations are based on the Committee’s analysis of the terms and purposes of the statute as well as applicable opinions and guidance of DOJ and the U.S. Office of Government Ethics (OGE.) Accordingly, a Member (or former Member) who has any concerns about the applicability of the post-employment restrictions to their proposed conduct should contact the Committee for guidance.³⁷ The Committee also recommends Members seek guidance from outside counsel.

³⁰ 5 U.S.C. § 13104(a)(2)(B).

³¹ *Id.* § 13104(a)(7)(A).

³² 18 U.S.C. § 207 (e), (f).

³³ *Id.* § 207(e)(1).

³⁴ *Id.* § 207(e)(7).

³⁵ *Id.* § 207(e).

³⁶ *See* U.S. Const. amend. XX, § 2 (establishing the start of the congressional session at noon on January 3).

³⁷ One court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was undertaken in good faith reliance upon erroneous legal advice received from the official’s supervising ethics office. *Hedges*, 912 F.2d at 1404-06.

Prohibited Activity

Under the statute, former Members may **not**, for a period of **one year** after leaving office

- ✗ **Knowingly communicate with or appear before any Member, officer, or employee of the House or the Senate,**³⁸ or current employees of any other legislative office,³⁹ with the intent to influence, on behalf of any other person, the official actions or decisions of such Member, officer, or employee.⁴⁰ The statute excepts certain representations made on behalf of specific types of entities. These exceptions are described below in the context of “permissible activity.”
- ✗ **Knowingly represent a foreign entity, i.e., a foreign government or foreign political party,** before any federal official (including any Member of Congress) with the intent to influence a decision of such official in carrying out his or her official duties.⁴¹
- ✗ **Knowingly aid or advise a foreign entity, i.e., a foreign government or foreign political party,** with the intent to influence a decision of any federal official (including any Member of Congress) in carrying out his or her official duties.⁴²

³⁸ Unlike former Members, former elected officers of the House are unrestricted in their post-employment interactions with the Senate and may similarly interact with employees of “other legislative offices.” *See* 18 U.S.C. § 207(e)(1)(B)(iii). Put another way, during the statutory “cooling-off” period, a former House officer is restricted from contacting only Members, officers, and employees *of the House*.

³⁹ “[O]ther legislative offices” include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. The term also includes any other House legislative branch office not covered by the other provisions of the statute, such as the Clerk, Parliamentarian, Office of General Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

⁴⁰ 18 U.S.C. § 207(e)(1).

⁴¹ *Id.* §§ 207(f)(1)(A) and (i)(1)(B). Section § 207 restricts activities with respect to a “foreign entity, which is defined as either the “government of a foreign country” or a “foreign political party” as those terms are, in turn, defined in the Foreign Agents Registration Act (22 U.S.C. § 611(e), (f)). *See id.* § 207(f)(3). A U.S. Office of Legal Counsel (OLC) opinion of August 13, 2008, concluded that a foreign corporation is to be considered a foreign entity for purposes of 18 U.S.C. § 207(f) if it “exercises sovereign authority or functions de jure (i.e., by formal delegation) or de facto.” *See* Applicability of 18 U.S.C. § 207(f) to Public Relations Activities Undertaken by a Foreign Corporation Controlled by a Foreign Government, 32 Op. O.L.C. 115 (2008), <https://www.justice.gov/sites/default/files/olc/opinions/attachments/2015/06/23/op-olc-v032-p0115.pdf>; *see also* OGE, Legal Advisory 16-08: Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees, at 10 (Sept. 23, 2016), [https://www.oge.gov/web/oge.nsf/News+Releases/F38156B03E4055EE852585BA005BEC54/\\$FILE/LA-16-08.pdf](https://www.oge.gov/web/oge.nsf/News+Releases/F38156B03E4055EE852585BA005BEC54/$FILE/LA-16-08.pdf). Also pertinent to these provisions of the statute is an OLC opinion of June 22, 2004, which concludes that 18 U.S.C. § 207(f) covers representational contacts with Members of Congress. *See* Application of 18 U.S.C. § 207(f) to a Former Senior Employee, 28 Op. O.L.C. 97 (2004), www.justice.gov/sites/default/files/olc/opinions/2004/06/31/op-olc-v028-p0097_0.pdf.

⁴² 18 U.S.C. § 207(f)(1)(B).

- × **Use confidential information obtained by means of personal and substantial participation in ongoing trade or treaty negotiations** within one year preceding their departure from office, in the course of representing, aiding, or advising anyone other than the United States regarding those ongoing negotiations.⁴³

As to the prohibition against making any “communication to or appearance before” anyone in the legislative branch, former Members should be aware of the broad manner in which the DOJ has defined those terms.⁴⁴ A DOJ opinion defines “communication” as “the act of imparting or transmitting information with the intent that the information be attributed to the former official.”⁴⁵ Further, an advisory memorandum issued by OGE for Executive Branch employees states that a former employee’s “mere presence” at a meeting may violate 18 U.S.C. § 207: “Your presence, even without any explicit communication, may in many instances be construed as an attempt to influence the Government.”⁴⁶ The provision is broad enough to preclude a former Member even from, for example, requesting or scheduling, for or on behalf of any other person, a meeting with any current Member, officer, or employee on official business.⁴⁷ Although OGE guidance is merely persuasive, rather than binding, on Committee interpretations of the statute, this Committee endeavors when possible to interpret the statute consistent with OGE practice.

In addition to the one-year “cooling-off period” restrictions set out above, Members should further be aware of a permanent federal statutory restriction that prohibits any U.S. citizen acting without authority of the United States from

- × **Directly or indirectly commencing or carrying on any correspondence or intercourse with any foreign government**, or any officer or agent thereof, with the intent to influence the measures or conduct of any foreign government or of any officer

⁴³ *Id.* § 207(b).

⁴⁴ 18 U.S.C. § 207. The provisions of 18 U.S.C. § 207 should not be confused with those of the Lobbying Disclosure Act (2 U.S.C. §§ 1601 *et seq.*). In other words, merely because a particular activity does not constitute “lobbying” for purposes of that Act does **not** mean that the activity is permissible under 18 U.S.C. § 207.

⁴⁵ “Communications” Under 18 U.S.C. § 207, 25 Op. O.L.C. 59, 62 (2001), http://www.justice.gov/sites/default/files/olc/opinions/2001/01/31/op-olc-v025-p0059_0.pdf. In that opinion, the OLC provides the following illustrative examples: “A high-ranking official who aggressively publicizes the fact that he is leaving an agency to start a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm, almost certainly intends that the report will be attributed to him. Similarly, a former official who is not introduced by name, but participates on a conference call with his former agency colleagues, almost certainly intends this his colleagues will recognize his voice.” *Id.* at 62-63.

⁴⁶ Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees, note 41 above, at 6.

⁴⁷ Committee interpretations of the statute contained in this memorandum are based on analysis of the statutory terms and purposes, and opinions and guidance, issued by DOJ and OGE. However, as noted above, 18 U.S.C. § 207 is a criminal statute, and Committee interpretations of it are not binding on DOJ (*but see* note 37, above).

or agent thereof in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.⁴⁸

Permissible Activity

Under federal statutory law, former Members **may, immediately** upon leaving office

- ✓ **Aid or advise clients** (other than foreign entities, i.e., foreign governments or foreign political parties) **concerning how to lobby Congress**, provided the former Member makes no appearance before or communication to Members or employees of Congress. Such a “background role” would not pose the contemplated risk of improper influence because the current officials would not be aware of the former official’s participation.⁴⁹ However, any such participation must remain behind-the-scenes; during the one-year “cooling-off” period, former Members must not permit their name to be openly associated with contacts made by other persons.⁵⁰
- ✓ **Contact Executive Branch** officials with the intent to influence official action so long as not representing a foreign entity, i.e., a foreign government or foreign political party.⁵¹
- ✓ **Contact state government officials** with the intent to influence state government actions or decisions. Former Members should comply with any state laws governing such contacts.

⁴⁸ 18 U.S.C. § 953 (the Logan Act). An eighteenth-century law, the Logan Act restricts private correspondence with foreign governments. This statute, which appears to have been a reaction to the attempts of one citizen to engage in private diplomacy, has never been the basis of a prosecution, and this Committee has publicly questioned its constitutionality. House Comm. on Standards of Official Conduct, 95th Cong. Manual of Offenses and Procedures, Korean Influence Investigation 18-19 (Comm. Print 1977). Members should be aware, however, that the law remains part of the criminal code.

⁴⁹ Former Members who are lawyers may have additional restrictions, as explained above in note 16.

⁵⁰ As noted above, the major restrictions set forth in 18 U.S.C. § 207(e) focus on communications and appearances. By contrast, if a former Member plays a background role, and does not appear in person or convey his or her name on any communications, the law does not appear to prohibit that person from advising those who seek official action from the Congress (with the exception of the provision that applies to all former employees relating to ongoing trade or treaty negotiations). This construction is consistent with regulations promulgated by OGE, interpreting a comparable prohibition that applies to Executive Branch personnel. *See* 5 C.F.R. § 2641.201(d)(3). This matter is also addressed in the 2001 OLC opinion cited in note 45 above, including with regard to activities that do not constitute permissible “behind-the-scenes” activities.

⁵¹ Former Members who are representing a tribal government as an employee of the tribe or as an officer or employee of the United States assigned to a tribe have an additional restriction on contacts with the Executive Branch and certain other entities. Such individuals must first notify the head of the department, agency, court, or commission being contacted of “any personal and substantial involvement” they had in the matter while a Member. *See* 25 U.S.C. § 5323(j) (formerly 25 U.S.C. § 450i(j)); 18 U.S.C. § 207(j)(1)(B).

- ✓ **Contact one foreign government on behalf of another** foreign government.⁵²
- ✓ **Contact Members, officers and employees of the House and Senate and other Legislative Branch officials** under any of the following circumstances.
 - The former Member is carrying out official duties on behalf of the **federal government** or the District of Columbia;⁵³
 - The former Member is acting as an **elected official of a state or local government**;⁵⁴
 - The former Member is an **employee** (not a private consultant or other independent contractor) of a **state or local government**, or an agency or instrumentality thereof, acting on its behalf;⁵⁵
 - The former Member is an **employee** of an accredited, degree-granting **institution of higher education** and is acting on behalf of such institution;⁵⁶ or
 - The former Member is an **employee** of a **charitable hospital or medical research organization** and is acting on behalf of such hospital or organization.⁵⁷
- ✓ **Represent or give aid or advice to international organizations** of which the United States is a member **if** the Secretary of State certifies in advance that such activities are

⁵² No federal statute expressly permits such contacts, but so far as the Committee is aware, no federal statute prohibits such contacts. Thus, it appears that such contacts are permissible under federal law. Members who intend to undertake such activity, however, should carefully review the Foreign Agents Registration Act (22 U.S.C. §§ 611 *et seq.*) (FARA) to ensure compliance with its requirements. Briefly stated, FARA provides that anyone who acts within the United States under the direction or control of a foreign principal to influence official decisions, official policies, or public opinion on behalf of a foreign principal must register with DOJ. *See generally* 22 U.S.C. §§ 611 *et seq.*; U.S. Dep't of Justice (DOJ), FARA FAQs, <https://www.justice.gov/nsd-fara/frequently-asked-questions>.

⁵³ 18 U.S.C. § 207(j)(1)(A).

⁵⁴ *Id.*

⁵⁵ *Id.* § 207(j)(2)(A).

⁵⁶ *Id.* § 207(j)(2)(B). The statute uses the definition of “institution of higher education” contained in § 101 of the Higher Education Act of 1965 (20 U.S.C. §§ 1001 *et seq.*). As a general matter, the definition includes only nonprofit, degree-granting educational institutions located in the United States or its territories. *See* 20 U.S.C. § 1001(a)-(b).

⁵⁷ 18 U.S.C. § 207(j)(2)(B). For this exception to apply, the hospital or medical research organization must be exempted under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). *Id.*

in the interest of the United States.⁵⁸ Otherwise, former Members must wait one year before engaging in such activities.

- ✓ **Make statements or communications as an employee of a candidate, authorized campaign committee, national or state party, or political committee**, if acting on behalf of that committee or party.⁵⁹ However, if the former Member is employed by a person or entity who represents, aids, or advises only such persons or entities, the communications would be prohibited.⁶⁰
- ✓ **Make statements based upon the “special knowledge”** of the former Member concerning the particular area that is the subject of the statement, if no compensation is received in connection therewith.⁶¹
- ✓ **Give testimony under oath** or make statements required to be made under penalty of perjury.⁶²
- ✓ **Contact staff of the Clerk of the House** regarding the Member’s compliance with the disclosure requirements under the Lobbying Disclosure Act.⁶³
- ✓ **Make political contributions** to, and **sponsor or attend political fundraisers** for, current Members of Congress, *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁶⁴
- ✓ **Interact socially with current Members of Congress and staff** *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁶⁵

⁵⁸ *Id.* § 207(j)(3).

⁵⁹ *Id.* § 207(j)(7)(A).

⁶⁰ *Id.* § 207(j)(7)(B)(ii)(II).

⁶¹ *Id.* § 207(j)(4). “Special knowledge” is undefined in the statute. The Federal Register, which provides rules on the application of the statute to employees in the Executive Branch, states that a “former employee has special knowledge concerning a subject area if he is familiar with the subject area as a result of education, interaction with experts, or other unique or particularized experience.” 5 C.F.R. § 2641.301(d)(1). In addition, in the proposed rulemaking for this provision, OGE emphasized that it regarded its interpretation of this exception as being “relatively narrow.” *See* 73 Fed. Reg. 36183 (June 25, 2008). Although these definitions are not binding on the Committee, they provide guidance as to how the term should be interpreted.

⁶² 18 U.S.C. § 207(j)(6).

⁶³ *Id.* § 207(e)(8).

⁶⁴ *See id.* § 207.

⁶⁵ *See id.*

Example 3. Member *C* retires to accept an appointed position in an Executive Branch agency. *C* may immediately contact Congress on behalf of the agency.

Example 4. Member *D* retires to become governor of his state. *D* may immediately contact Congress on behalf of his state.

Example 5. Member *E* retires to become the president of a private, non-profit, accredited university. *E* may immediately contact Congress on behalf of the university.

Example 6. Member *F* retires and moves back to her home state. *F* may immediately contact state government officials on behalf of any clients.

Example 7. Member *G* retires to become a lobbyist. During her first year out of office, *G* lobbies only Executive Branch personnel, *G* never contacts Members or employees of Congress on behalf of clients, and *G* has no foreign clients. *G* is complying with the law.

Example 8. During his one-year “cooling-off” period, former Member *H* wishes to call a current Member to request that she meet with representatives of his client to discuss legislation of interest to the client. *H* would not be present at the meeting. *H* would violate the statute by requesting the meeting, in that the request would be a communication intended to influence official action.

Example 9. During his first year out of office, former Member *I* wishes to contact a current Member to urge him to support federal funding for a non-profit organization operated by a friend of *I*. The non-profit organization is not a client of *I*, and *I* would receive no compensation for making the contact. *I* would violate the statute, which bars such contacts regardless of whether the former official would be compensated for them.

Example 10. During her one-year “cooling-off” period, former Member *J*, who has become a lobbyist, is asked by a current Member about the views of *J*’s client on a pending piece of legislation. *J* would violate the statute if she were to state her client’s views to the current Member; the statute has no exception for covered communications that are solicited by a current Member or staff person. However, it may be permissible for *J* to refer the Member to one of her lobbyist colleagues who is not subject to post-employment restrictions.

Example 11. Immediately after leaving the House, former Member *K* opens a consulting firm. One of *K*’s clients, a gubernatorial candidate, asks her to set up a meeting on the Hill with his state’s congressional delegation about a federal agency’s response efforts in their state. *K* is prohibited from fulfilling this request as she is a contractor, not an employee, of the gubernatorial candidate.

ACTIVITY DURING ONE-YEAR COOLING OFF PERIOD

Entity Contacted by Former Member

Entity Represented by Former Member

	Congress	Executive Branch	Foreign Entity	State Governments
Private Entity	Must wait 1 year before contacting Congress directly. May advise entity behind scenes immediately	May contact immediately	May contact immediately	May contact immediately
Federal, State, or Local Government	May contact Congress immediately if elected official or employee of the federal, state, or local government	May contact immediately	May contact immediately	May contact immediately
Tribal Government	Must wait 1 year before contacting Congress directly. May advise entity behind scenes immediately	May contact immediately if employed by tribe or U.S.; must inform head of agency or department of any personal and substantial involvement in matter while a Member	May contact immediately	May contact immediately
Foreign Entity	Must wait 1 year before contacting Congress or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	Must wait 1 year before contacting Executive Branch or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	May contact immediately	May contact immediately. Must register with the Justice Department if acting as a foreign agent in the U.S.
International Org. of which U.S. is a Member	If Secretary of State classifies the subject matter as one of national interest, former Member may immediately advise international organization and contact Congress directly; otherwise, must wait 1 year to do either	If Secretary of State classifies the subject matter as one of national interest, former Member may immediately advise international organization and contact executive branch directly; otherwise, must wait 1 year to do either	May contact immediately	May contact immediately
Accredited U.S. College or University	May contact immediately if an employee of the college or university	May contact immediately	May contact immediately	May contact immediately
Charitable Hospital or Medical Research Organization	May contact immediately if an employee of the hospital or organization	May contact immediately	May contact immediately	May contact immediately
Candidate, Political Campaign, or Party	May make communications immediately as employee of candidate, authorized campaign committee, or federal or state party or committee, unless employed by entity that advises only such entities	May contact immediately	May contact immediately	May contact immediately

Penalties

Each violation of the statutory post-employment restrictions is a felony punishable by imprisonment up to one year (or up to five years for willful violations) and a fine of up to \$122,480 for each violation or the value of the compensation received for the act that violated the restrictions, whichever is greater.⁶⁶ The statute further authorizes the Attorney General to seek an injunction prohibiting a person from engaging in conduct that violates the act.⁶⁷

By its terms, 18 U.S.C. § 207 governs the conduct of **former** Members, officers, and employees, and does not apply to the conduct of **current** Members, officers, and employees. However, the post-employment restrictions have been the subject of close attention by DOJ, as reflected in the guilty pleas by former House staff and others to criminal violations of the statute.⁶⁸ Therefore, current Members and staff who receive or otherwise participate in improper contacts by a covered former employee should be aware that, depending on the circumstances, they may be subject to criminal or House disciplinary action. The examples involving § 207 violations indicate that a Member who aids and abets a covered former employee in the violation may be prosecuted for conspiracy to violate the post-employment restrictions.⁶⁹

Example 12. Staff member *L* resigned as chief of staff for Member *X* last month to become a registered federal lobbyist for a local non-profit organization. *L* is a covered employee and subject to the post-employment ban for a year. *X* asks *L* to support increased funding for the non-profit and schedules a time for them to discuss the matter further. If *L* accepts the meeting with *X*, he could be considered aiding and abetting *L* to violate her post-employment restrictions.

Furthermore, in a Committee disciplinary case that was completed in the 106th Congress, a Member admitted to engaging in several forms of conduct that violated House rules requiring that each Member and staff person “conduct himself at all times in a manner that shall reflect creditably on the House.”⁷⁰ One of those violations was his engaging in a pattern and practice of knowingly allowing his former chief of staff to appear before and communicate with him in his official capacity during the one-year period following her resignation, “in a manner that created the appearance that his official decisions might have been improperly affected.”⁷¹

⁶⁶ See 18 U.S.C. § 216; see also 28 C.F.R § 85.5 (2024).

⁶⁷ See 18 § 216(c).

⁶⁸ See, e.g., *United States v. Jack A. Abramoff*, Docket No. 06-CR-001 (D.D.C.) (hereinafter “*Abramoff* action”). In addition, in September 2006, former Representative Robert W. Ney pleaded guilty to conspiracy to violate, among other statutes, the post-employment restrictions for former covered employees (hereinafter “*Ney* action”). Also note, in September 2012, a former Senate staffer, Doug Hampton, was sentenced to one year probation for violating the post-employment restriction (hereinafter “*Hampton* action”).

⁶⁹ See, e.g., *Abramoff* and *Ney* actions, note 68 above.

⁷⁰ House Rule 23, cl. 1; see also House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. “Bud” Shuster*, H. Rep. 106-979, vol. I (July 19, 2002) (hereinafter “*Shuster Report*”).

⁷¹ House Comm. on Standards of Official Conduct, *Summary of Activities, One Hundred Sixth Congress*, H. Rep. 106-1044, at 10, 13, 16 (2000); see also *Shuster Report*, note 70 above, vol. I; see also, Senate Select Comm. on Ethics, *Report of the Preliminary Inquiry into the Matter of Senator John E. Ensign* (May 10, 2011),

FLOOR PRIVILEGES OF A FORMER MEMBER

The type of work that a Member does after leaving office may limit the Member's future floor privileges. Although former Members generally are entitled to admission to the Hall of the House, this privilege is not extended to those who (1) are registered lobbyists or agents of a foreign principal; (2) have any direct personal or pecuniary interest in any pending legislation; *or* (3) work for or represent anyone "for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal."⁷² In short, a Member may not take advantage of his or her status as a former Member to lobby current Members on the House floor (that is, those areas restricted to the public). Unlike the post-employment restrictions, this rule has no time limit.⁷³

In the 118th Congress, the House adopted a resolution providing that former Members and officers, as well as their spouses, who are registered federal lobbyists or agents of a foreign principal are prohibited from access "to any exercise facility which is made available exclusively to Members and former Members, officers and former officers."⁷⁴

FINANCIAL DISCLOSURE REQUIREMENTS FOLLOWING DEPARTURE FROM HOUSE EMPLOYMENT

A departing Member of Congress must file a termination financial disclosure report, called a Termination Report, **within 30 days of leaving office**.⁷⁵ Extensions of up to 90 days are available upon written request to the Committee when made prior to the original due date.⁷⁶ Members are encouraged to update their contact information in the online FD system prior to leaving the House to ensure they receive timely alerts from the Clerk to file the Termination Report.

This Termination Report, filed on the same form as the annual report, covers all financial activity through the end of the Member's term.⁷⁷ Schedule F ("Agreements") of the report requires disclosure of any agreement entered into by the filer, oral or written, with respect to future employment.⁷⁸ Thus, if a Member accepts a future position while still on the House payroll, the Member will have to disclose the agreement on the Member's Termination Report. The date of

https://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=676ADD17-2C7F-40F7-A4D9-B35526E4DA97.

⁷² House Rule 4, cl. 4(a).

⁷³ Departing Members may also wish to review a memorandum issued by the Congressional Research Service, *Selected Privileges and Courtesies Extended to Former Members of Congress*, Report No. R41121 (Sept. 15, 2020).

⁷⁴ See H. Res. 5 § 3(r) (adopted Jan. 9, 2023). Although this restriction applies only through the 118th Congress, departing Members should note that similar language has been adopted in previous Congresses.

⁷⁵ 5 U.S.C. § 13103(e).

⁷⁶ *Id.* § 13103(g); Comm. on Ethics, *2024 Instruction Guide; Financial Disclosure Reports for Calendar Year 2023 and Periodic Transaction Reports* (hereinafter "2024 FD and PTR Instructions") at 13.

⁷⁷ *Id.* § 13103(e). For Members who serve out their full term, this date will be January 3; Members retiring prior to the end of the term will have different end date.

⁷⁸ *Id.* § 13104(a)(7).

the agreement, the future employer, the position or title and the starting date must be disclosed, but the amount of the compensation need not be reported.⁷⁹ The Member will also have to disclose, on Schedule H (“Travel Payments and Reimbursements”) of the report, any travel reimbursements exceeding \$480 received from any source in connection with job-search activity.⁸⁰

However, a departing Member who, prior to thirty days after leaving office, has accepted another federal position requiring the filing of a *public* financial disclosure report need not file a Termination Report.⁸¹ Any departing Member who is not required to file a Termination Report for this reason must notify the Clerk *in writing* of that fact.⁸²

USE OF EXCESS CAMPAIGN FUNDS

Members are prohibited by House rules from converting campaign funds to personal use.⁸³ Federal election law, as implemented by a set of regulations issued by the Federal Election Commission (FEC), bans the use of excess campaign funds for personal purposes by anyone, incumbents and non-incumbents alike.⁸⁴ All campaign resources (including equipment, furniture, and vehicles) are subject to the same restrictions.⁸⁵ A Member may not keep campaign property upon retirement from Congress unless he or she pays the campaign fair market value.⁸⁶ In valuing the property, the Member may take into account the fact that it has been used.⁸⁷

Example 12. Member *M* would like to keep the car owned by his campaign when he retires. If he pays the campaign the car’s fair market value, *M* may do so.

As to excess campaign funds, among the permissible uses under statutory law are donation to charities described in § 170(c) of the Internal Revenue Code,⁸⁸ and contribution to any national, state, or local committee of a political party.⁸⁹ A former Member may use campaign funds to defray the costs of winding down his or her congressional office for a period of up to six months after leaving office.⁹⁰ In addition, both the FEC and the Committee have ruled that a retiring Member may use campaign funds to pay the expenses of moving both congressional office

⁷⁹ *See id.*; *see also 2024 FD and PTR Instructions* at 65.

⁸⁰ 5 U.S.C. § 13104(a)(2)(B). Such travel must be disclosed on the Member’s financial disclosure report even if the Member ultimately remains in Congress rather than accepting private employment.

⁸¹ *Id.* § 13103(e).

⁸² *See 2024 FD and PTR Instructions* at 5. A form for this purpose is available on the Committee’s website, at <https://ethics.house.gov/wp-content/uploads/2024/11/Term-Exemption-Form.pdf>.

⁸³ House Rule 23, cl. 8.

⁸⁴ 52 U.S.C. § 30114(b)(1); 11 C.F.R. § 113.2(e).

⁸⁵ *See generally* 52 U.S.C. § 30114(b)(1); 11 C.F.R. § 113.1.

⁸⁶ 11 C.F.R. §§ 113.1(g)(3) and 113.2(e).

⁸⁷ 11 C.F.R. § 113.1(g)(3).

⁸⁸ 52 U.S.C. § 30114(a)(3); 11 C.F.R. § 113.2(b); *see also* 11 C.F.R. § 113.1(g)(2).

⁸⁹ 52 U.S.C. § 30114(a)(4); 11 C.F.R. § 113.2(c).

⁹⁰ 11 C.F.R. § 113.2(a)(2).

furnishings and personal household furnishings and effects back to the Member's home state.⁹¹ A retiring Member should consult with FEC staff on the specifics of statutory law and FEC rules on the use or disposition of excess campaign funds, including with regard to maintaining those funds for use in a future campaign, or making donations to other candidates.

OUTSIDE EMPLOYMENT AND EARNED INCOME RESTRICTIONS

All departing Members remain subject to all House rules, including the gift rule and the limitations on outside employment and earned income,⁹² even after adjournment *sine die*, until the end of their term, unless they elect to resign earlier. These rules are particularly important to bear in mind for a departing Member whose prospective employer suggests that the Member start work prior to leaving office. In calendar year 2024, a Member may not receive outside earned income (including, for example, a signing bonus) in excess of \$31,815, and **no** earned income may be received for (1) providing professional services involving a fiduciary relationship, including the practice of law, or any consulting or advising; (2) being employed by an entity that provides such services; or (3) serving as a board member or officer of any organization.⁹³ Regardless of whether compensation is received, a Member may not allow his or her name to be used by an organization that provides fiduciary services. In addition, a Member may not receive any honoraria (i.e., a payment for a speech, article, or appearance),⁹⁴ although he or she may receive compensation for teaching, if the Member first secures specific prior permission from this Committee.⁹⁵

Example 13. Member *N* plans to join a law firm when she leaves office. Because the firm provides professional services of a fiduciary nature, *N* may not commence employment there until the new Congress is sworn in, unless she resigns early.

ACCEPTANCE OF OFFICIALLY-CONNECTED TRAVEL FUNDED BY A PRIVATE SOURCE

Several rules may affect a departing Member's travel decisions. House rules prohibit the use of committee funds and local currencies owned by the United States to pay for travel by a Member: (1) after the date of a general election in which he or she was not elected to the succeeding Congress; or (2) in the case of a Member who is not a candidate in a general election, after the **earlier** of the date of the general election or adjournment *sine die* of Congress.⁹⁶

⁹¹ FEC, Advisory Opinion 1996-14 (May 31, 1996), <https://saos.fec.gov/aodocs/1996-14.pdf>; *House Ethics Manual December 2022 Print* at 171.

⁹² House Rule 25, cls. 1-5. The outside employment and earned income limitations are also codified at 5 U.S.C. §§ 13143-13144.

⁹³ House Rule 25, cls. 1-4; *see also* 5 U.S.C. §§ 13143-13144.

⁹⁴ House Rule 23, cl. 5; House Rule 25, cl. 1(a)(2).

⁹⁵ House Rule 25, cl. 2(e).

⁹⁶ House Rule 24, cl. 10.

With regard to privately-funded travel that is fact-finding in nature, because the gift rule requires that such travel be related to official duties,⁹⁷ it is questionable whether a departing Member may accept an invitation for a such travel that would take place after the adjournment *sine die* of the House. As of that time, the official responsibilities that may justify acceptance of travel expenses for such a purpose will practically have come to an end. However, this consideration does not limit the ability of a departing Member to accept travel expenses from a private source for the purpose of enabling the Member to participate substantially in an officially-related event, such as to give a speech.

* * *

Any questions on these matters should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

⁹⁷ House Rule 25, cl. 5(b)(1)(A); *see also* House Rule 25, cl. 5(b)(3)(G).

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Chairman
Susan Wild, Pennsylvania
Ranking Member

David P. Joyce, Ohio
John H. Rutherford, Florida
Andrew R. Garbarino, New York
Michelle Fischbach, Minnesota

Veronica Escobar, Texas
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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

December 20, 2024

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

SUBJECT: Negotiations for Future Employment and Restrictions on Post-Employment for House Staff

This memorandum reminds you about issues facing staff members¹ who are negotiating for future employment or departing from employment with the House of Representatives or one of the legislative branch offices.² These issues include negotiations for future employment, post-employment restrictions, financial disclosure requirements (Termination Reports), and outside employment and earned income restrictions. Although this memorandum will be of particular interest to departing staff, current staff and their employing Members should also familiarize themselves with these restrictions, particularly on post-employment communications.³ Current Members and staff may not aide former House Members and staff in violating these restrictions.

In addition, the Committee notes one statutory provision that applies to **all House Members and staff**: you may not use confidential information that you obtained by personal and substantial participation in trade or treaty negotiations in the year before leaving House employment to benefit anyone other than the United States in those ongoing negotiations.⁴ As

¹ The terms “staff” and “employee” are used interchangeably in this memorandum to refer to persons employed by a Member, committee, leadership office, or other legislative offices (*see* note 2, below). Distinctions among these categories of employees are noted as necessary.

² “[O]ther legislative offices” include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. It also includes any other House legislative branch office not covered by the other provisions such as the Clerk, Parliamentarian, Office of General Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

³ This memorandum does not address specific, additional requirements for House Members and officers, nor explain how they differ from those pertaining to House staff. Members and officers seeking guidance should consult the companion memorandum entitled “Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers.”

⁴ 18 U.S.C. § 207(b). For purposes of this provision, the term “trade negotiation” means “negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made”

with other provisions of this statute, this prohibition lasts for one year after departure from the House payroll.⁵

TOP FIVE THINGS TO REMEMBER ABOUT POST-HOUSE EMPLOYMENT

1. Former House staff paid at or above a rate of \$130,500 (\$10,875 per month) for 2 months or more in their last 12 months in the House may not communicate with or appear before any congressional office that employed them in their last 12 months on House payroll when doing so on behalf of others. This so-called “lobbying-ban” prohibits much more than lobbying and applies for 1 year from an employee’s last day on House payroll. There are **few, very limited,** and **very specific** exceptions.
2. House employees subject to the lobbying-ban described in #1 above must file a Notification of Negotiations or Agreement for Future Employment (Negotiations Form) with the Committee within **3 business days** of reaching an agreement or entering into negotiations for future employment with a **private** employer. If there is a conflict of interest between current House duties and the future private position, the employee must also file a Statement of Recusal with the Committee and recuse from official actions pertaining to the private employer while the conflict persists. Filings with the Committee are confidential.
3. Federal law prohibits **all former House staff** from using confidential information obtained from their personal and substantive participation in **ongoing** treaty or trade negotiations to benefit anyone other than the U.S. in those negotiations. These restrictions apply for 1 year after leaving the House.
4. House employees required to file annual financial disclosure statements must file a termination financial disclosure report **within 30 days** of leaving the House unless they remain an employee of the federal government and are required to file a public financial disclosure report.
5. Consult the Committee if you have questions about post-House employment.

NEGOTIATING FOR FUTURE EMPLOYMENT

The Committee’s general guidance on job negotiations has long been that House Members and employees are free to pursue future employment while still employed by the House, subject to certain ethical constraints. This memorandum provides more detailed guidance on the issues presented by such negotiations, as well as mandatory disclosure obligations such negotiations may trigger.

The general guidance for any House employee, regardless of salary level, who wishes to engage in negotiations for future employment is as follows. First and foremost, it would be

and the term “treaty” means “an international agreement made by the President that requires the advice and consent of the Senate.” *Id.* at § 207(b)(2).

⁵ *Id.*

improper for a House employee to permit any prospective employer to influence the employee's (or their office's) official actions.⁶ Some employees use an agent (e.g., a "headhunter") to solicit job offers on their behalf in order to avoid any appearance of improper activity. Regardless of whether you undertake job negotiations personally or through an agent, you should observe the following general principles.

The term "negotiation" is undefined in the relevant statute or House rule. Although the Committee construes the term "negotiation" broadly, the Committee does not consider preliminary or exploratory talks to be "negotiations," which trigger the rule.⁷ The term "negotiations" connotes "a communication between two parties with a view toward reaching an agreement" and in which there is "active interest on both sides."⁸ Thus, merely sending a copy of one's résumé to a private entity is not considered "negotiating" for future employment.

Other, more general, ethical rules also impact employment negotiations. The House Code of Official Conduct prohibits House Members, officers, and employees from receiving compensation "by virtue of influence improperly exerted" from a congressional position.⁹ The Code of Ethics for Government Service forbids anyone in government service from accepting "favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance" of governmental duties.¹⁰ Federal criminal law prohibits a federal official from soliciting or accepting a "bribe"—i.e., anything of value given in exchange for being influenced in an official act.¹¹ Although bribery necessarily entails a *quid pro quo* arrangement, the same statute also bans seeking or accepting "illegal gratuities"—i.e., anything given because of, or in reward for, a future or past official act, whether or not the official action would be, or would have been, taken absent the reward.¹²

You should be particularly careful in negotiating for future employment, especially when negotiating with anyone who could be substantially affected by the performance of your official

⁶ See House Rule 23, cl. 3; Code of Ethics for Government Service ¶¶ 5, 6, *reprinted in House Ethics Manual December 2022 Print* at 363.

⁷ In its past guidance, the Committee has deferred to court decisions interpreting a related federal criminal statute that bars Executive Branch employees from participating in matters affecting the financial interests of an entity with which the employee is "negotiating or has any arrangement" concerning future employment. See 18 U.S.C. § 208. Those decisions found that the term "negotiation" should be construed broadly. See, e.g., *United States v. Schaltenbrand*, 930 F.2d 1554, 1559 (11th Cir. 1991); *United States v. Conlon*, 628 F.2d 150, 155 (D.C. Cir. 1980). However, these decisions distinguish between "negotiations," which trigger the rule, and "[p]reliminary or exploratory talks," which do not. *Schaltenbrand*, 930 F.2d at 1558-59.

⁸ *United States v. Hedges*, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990) (quoting jury instruction); see also *Schaltenbrand*, 930 F.2d at 1558, 1559 n.2.

⁹ House Rule 23, cl. 3.

¹⁰ Code of Ethics for Government Service ¶ 5, *reprinted in House Ethics Manual December 2022 Print* at 363.

¹¹ 18 U.S.C. § 201(b)(2)(A).

¹² *Id.* § 201(c)(1)(B).

duties.¹³ It may be prudent to advise any serious negotiating partner in writing that the prospective employer will not receive any official favors in connection with the job negotiations. Employees who will be subject to the post-employment restrictions, which are addressed later in this memorandum, may also wish to establish in writing that the prospective future employer understands that (1) it will not receive any official favors as a result of the job negotiations, and (2) the employee is subject to post-employment restrictions, which should be briefly outlined.¹⁴ Departing employees who are lawyers should consult their local bar associations about rules governing their involvement in matters in which they participated personally and substantially during their time with the House.¹⁵ In addition, as addressed in the next section, those employees subject to the post-employment restrictions must disclose employment negotiations in writing to the Committee.

Provided that employees act in accordance with the considerations discussed above, they may engage in negotiations for employment in the same manner as any other job applicant. Discussions may specifically address salary, duties, benefits, and other terms.

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSAL REQUIREMENTS

Certain House staff 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.¹⁶ Staff subject to this disclosure requirement are House employees who are paid at or above an annual rate of \$130,500 (\$10,875 per month) for any two months during the preceding twelve

¹³ See Code of Ethics for Government Service ¶ 5, *reprinted in House Ethics Manual December 2022 Print* at 363.

¹⁴ See 18 U.S.C. § 207. These restrictions are explained in detail later in this memorandum. Briefly, covered House employees may not contact their former employing Member or Members on official business for one year after leaving office, nor may they assist any foreign entity, i.e., a foreign government or foreign political party, in seeking to influence a decision of any federal official during that year.

¹⁵ A former employee who joins a law firm should also be aware that a separate statutory provision, 18 U.S.C. § 203, has been interpreted to prohibit a former federal official who joins a firm from sharing in fees attributable to representational services in federally related matters where those services were provided by the firm while the individual was still employed by the government. See, e.g., *Application of 18 U.S.C. § 203 to Former Employee's Receipt of Attorney's Fees in Qui Tam Action*, 26 Op. O.L.C. 10 (2002), <https://www.justice.gov/olc/file/623846/download>.

Please note that 18 U.S.C. § 203 is a federal criminal statute within the jurisdiction of the U.S. Department of Justice; therefore, staff may wish to seek guidance from outside counsel prior to accepting fees that may implicate 18 U.S.C. § 203.

¹⁶ House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter "STOCK Act") § 17. House Rule 27, clause 1, which imposes a similar restriction on House Members, limits the disclosure requirement for Members to negotiations with *private* employers. Although the express language of clause 2, which covers employees, does not limit its terms to negotiations with private employers, the Committee has read the two clauses consistently as excluding from the disclosure requirement any job negotiations with government entities for both Members and employees.

month period, including any federal civil service or military annuities.¹⁷ This rate is referred to as the post-employment rate.

The term “negotiation” is undefined in the relevant statute or House rule. The Committee views negotiations using the standard discussed earlier in this memorandum, namely that there has been “a communication between two parties with a view to reaching an agreement” and in which there is “discussion and active interest on both sides.”¹⁸ For example, an exploratory conversation or an initial interview may not constitute “negotiations,” but an interview after the “exploratory” stage would if there is active interest on both sides, even if the terms of employment are not yet discussed. In addition, staff paid at or above 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 Committee in writing of such recusal.¹⁹

The terms “conflict” and “appearance of conflict” also are undefined in the rule. The Committee has stated that a “conflict of interest becomes problematic when [an employee] uses his position to enhance his personal financial interests or his personal financial interests impair his judgment in conducting his public duties.”²⁰ Employees should also avoid situations that might be viewed as presenting even a risk that the individual might be improperly influenced by personal financial interests.²¹ We encourage you to contact the Committee if you are unsure whether an actual or potential conflict of interest exists.

Staff who are required to notify the Committee of negotiations or agreements for future employment, should complete the “Notification of Negotiations or Agreement for Future Employment” form.²² Staff subject to the post-employment restrictions who recuse themselves

¹⁷ House Rule 27, clause 2, imposes the disclosure requirement on any “employee of the House earning in excess of 75 percent of the salary paid to a Member.” In 2024, that rate is \$130,500 per year for most House employees. Section 7 of the Further Consolidated Appropriations Act, 2024, Pub. L. No. 118-47 (Mar. 23, 2024), prohibited a scheduled cost-of-living pay raise for Members. As a result, Member pay remained at \$174,000 for 2024.

¹⁸ See *Hedges*, 921 F.2d at 1403 n.2.

¹⁹ House Rule 27, cl. 4.

²⁰ House Comm. on Standards of Official Conduct, *In the Matter of Representative Sam Graves*, H. Rep. No. 111-320, at 16 (2009); see also House Bipartisan Task Force on Ethics, 101st Cong., Report on H.R. 3660, (Comm. Print 1989), reprinted in 135 Cong. Rec. 30740 at 30742 (daily ed. Nov. 21, 1989) (“A conflict of interest is generally defined as a situation in which an official’s private financial interests conflict or appear to conflict with the public interest.”); House Rule 23, cl. 3 (“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.”).

²¹ See Staff of H. Comm. on the Judiciary, 85th Cong., Federal Conflict of Interest Legislation 1 (Comm. Print 1958) (“Within reasonable limits, also, the importance of public confidence in the integrity of the Federal service justifies the requirement that the Federal employee shall avoid the appearance of evil, as well as evil itself.”); Code of Ethics for Government Service ¶ 5, reprinted in *House Ethics Manual December 2022 Print* at 363 (“Any person in government service should . . . never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”); see also House Rule 23, cl. 2 (“[An] . . . employee of the House shall adhere to the spirit and letter of the Rules of the House . . .”).

²² House Rule 27, cls. 1-3.

from official matters pursuant to House Rule 27 and/or the STOCK Act must complete and submit the “Statement of Recusal” form.²³ Both forms are available on the Committee’s website (<https://ethics.house.gov/forms/>). Completed forms may be emailed to EthicsCommittee@mail.house.gov. All filers should keep a copy of their submissions for their records. Unlike Member post-employment disclosures, staff disclosures are not required to be made public.²⁴

Example 1. Chief of Staff *A* is retiring at the end of this Congress. Corporation *Z* asks *A* to join their compensated board of directors after *A* leaves the House. *A* tells *Z* he is interested in the position if he can work remotely and would, of course, discuss the offer with his family before making any decision. *A* is in negotiations with *Z* and must file a Negotiations Form with the Committee within three business days of this conversation.

Example 2. Senior Staff *B* accepts Interest Group *Y*’s offer of employment and asks to delay her start date for three months to train her successor in Member *X*’s office. *Y* agrees and asks that in the meantime *B* assist in setting up a meeting for *Y*’s lobbyist with *X* on a bill that is important to *Y*. *B* must recuse from setting up and participating in this meeting and file a Statement of Recusal if she has not yet done so. The Committee also recommends *B* make her supervisor aware of her recusal requirements.

BENEFITS OFFERED BY PROSPECTIVE EMPLOYERS DURING JOB NEGOTIATIONS

House employees may accept “[f]ood, refreshments, lodging, transportation, and other benefits . . . customarily provided by a prospective employer in connection with bona fide employment discussions.”²⁵ Thus, subject to the limitations set out in the rule, you may accept travel expenses from an entity with which you are interviewing for a position and to meet prospective colleagues. Such travel is *not* subject to the requirement for prior, written approval from the Committee that applies to privately-funded travel undertaken as part of one’s House duties. However, travel expenses that exceed \$480 from any one source must be disclosed on Schedule H (“Travel Payments and Reimbursements”) of the Termination Report required of departing senior employees.²⁶ Such travel must be disclosed on the employee’s Financial Disclosure Report even if the individual ultimately remains employed by the House rather than accepting private employment.²⁷ In addition, any agreement for future employment also must be

²³ *Id.*, cl. 4.

²⁴ *Id.*

²⁵ House Rule 25, cl. 5(a)(3)(G)(ii).

²⁶ Please note that the requirement to file a Financial Disclosure Report covering calendar year 2024 applies to officers and employees whose basic rate of pay for at least 60 days in 2024 was \$147,649, or a monthly salary at or above \$12,304. Staff paid at this rate are referred to as “senior staff.” See Ethics in Government Act (EIGA) §§ 13101(13) and 13103(d).

²⁷ 5 U.S.C. § 13104(a)(2)(B).

disclosed on Schedule F (“Agreements”) of that report, if the agreement was entered into prior to the employee’s last date on House payroll.²⁸

POST-EMPLOYMENT RESTRICTIONS

Since 1989, legislative branch officials, including certain employees, have been subject to restrictions on their post-House employment under the Ethics Reform Act.²⁹ These limitations, which are part of the federal criminal code, apply to House Members and officers, as well as employees of Member, committee, and leadership offices who are paid at least 75% of a Member’s salary, inclusive of any federal civil service or military annuity.³⁰ The basic rate of pay for Members in calendar year 2024 is \$174,000, and thus the post-employment threshold for individuals who terminate their employment with a Member, committee, or leadership office in 2024 is **\$130,500**. The threshold rate for other years is available from the Committee. For employees of “other legislative offices,”³¹ the basic rate of pay triggering the restrictions is level IV of the Executive Schedule, which for 2024 is **\$191,900**.³² Please note that this rate of pay is subject to change in 2025.

An employee is subject to these restrictions if the employee is paid at or above the threshold rate for at least 60 days during the one-year period preceding termination of the employee’s House service.³³ Accordingly, it is possible for an employee who is usually paid below the threshold rate to become subject to the post-employment restrictions by the receipt of a “bonus” or merit adjustment that is paid by adjusting the employee’s basic rate of pay in two or more months, even if the adjustment is intended to be temporary.³⁴ Employees who are subject to the restrictions are referred to as “covered” individuals.

For covered individuals, the law establishes a one-year “cooling-off period” that begins from the date of the individual’s departure from the House payroll.³⁵ When an office continues an individual on the payroll for the purpose of paying for accrued leave after the individual’s services to the House have ceased, the one-year cooling-off period will not begin until after the individual’s final day on the House payroll. In general, House employees whose pay is **below** the threshold are **not** subject to the post-employment restrictions set out in the statute, with the exception of the provision described earlier in this memorandum regarding participation in trade and treaty

²⁸ *Id.* § 13104(a)(7)(A).

²⁹ *See* 18 U.S.C. § 207(e), (f).

³⁰ *Id.* § 207(e)(7). With regard to House employees who are federal civil service or military annuitants, it is the view of the 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.

³¹ For the definition of “other legislative offices,” see note 2, above.

³² 18 U.S.C. § 207(e)(7)(B).

³³ *Id.* § 207(e)(7).

³⁴ The Committee has determined that lump sum payments, when properly used by an employing office, do not constitute part of the recipient’s “basic rate of pay.” *See House Ethics Manual December 2022 Print* at 249, n.112.

³⁵ 18 U.S.C. § 207(e)(3)-(7).

negotiations, and no other provision of federal statutory law or the House rules establishes any comparable restrictions on post-employment activity.

Below is a detailed description of prohibited and permitted post-employment activities of former staff under the statute. This explanation is followed by a table that summarizes the statutory restrictions. Please note that the statute, as part of the criminal code, is enforced by the Department of Justice (DOJ), rather than by the Committee. Although the Committee interpretations of 18 U.S.C. § 207 are not binding on DOJ, those interpretations are based on the Committee’s analysis of the terms and purposes of the statute, as well as any applicable opinions or guidance of DOJ or the U.S Office of Government Ethics (OGE) of which the Committee is aware. Accordingly, an employee (or former employee) who has any concerns about the applicability of the post-employment restrictions to his or her proposed conduct should contact the Committee for guidance.³⁶ The Committee also recommends covered employees seek guidance from outside counsel.

Prohibited Activity

Under the statute, a covered former employee may **not**, for a period of **one year** after House employment

- ✗ **Knowingly communicate with or appear before the employee’s former employing office or committee** with the intent to influence, on behalf of any other person, the official actions or decisions of a Member, officer, or employee in such office or on such committee.³⁷ An individual who was employed by more than one House office (i.e., “shared staff”) during the individual’s last twelve months of employment with the House is subject to the post-employment restrictions with respect to each of the individual’s employing offices if the employee’s combined House salaries exceeded the triggering threshold.

The statute excepts certain representations made on behalf of specific types of entities, as described on page 12 in the context of “permissible activity.” With regard to restricted activity, the statute specifically provides that

- Covered former employees on the **personal staff**³⁸ of a Member may not seek official action, on behalf of other persons, from that Member or from any of the Member’s employees.³⁹

³⁶ It should be noted that one court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was undertaken in good faith reliance upon erroneous legal advice received from the official’s supervising ethics office. *Hedges*, 912 F.2d at 1404-06.

³⁷ *Id.*

³⁸ *Id.* § 207(e)(9)(E).

³⁹ *Id.* § 207(e)(3). The statute expressly prohibits contacting any employee of a Member whom the departed employee is prohibited from contacting. *Id.* § 207(e)(3)(B)(ii).

- Covered former **committee staff**⁴⁰ may not seek official action, on behalf of other persons, from any current Member or employee of the employing committee or from any Member who was on the committee during the last 12 months the former employee worked there.⁴¹ This restriction bars contacts with any of these individuals on any subject relating to official business, regardless of whether it pertains to matters within the committee’s jurisdiction.⁴²
 - Covered former eligible congressional member organization (**ECMO**) **staff**⁴³ may not seek official action, on behalf of other persons, from any current Member or employee of the employing ECMO or from any Member who was on the ECMO during the last 12 months the former employee worked there.⁴⁴ This restriction bars contacts with any of these individuals on any subject relating to official business, regardless of whether it pertains to matters within the ECMO’s jurisdiction.⁴⁵
- Covered former employees on the **leadership staff**⁴⁶ may not seek official action, on behalf of other persons, from current Members of the leadership⁴⁷ or any current staff of those Members.⁴⁸

⁴⁰ *Id.* § 207(e)(9)(A). For the purposes of the statute, a **detailee** is deemed to be an employee of both the entity from which the detailee comes and the House committee to which the individual is detailed. *Id.* § 207(g).

⁴¹ *Id.* § 207(e)(4).

⁴² *Id.* (barring communication or appearances on “any matter” on which the former employee seeks action).

⁴³ *Id.* § 207(e)(9)(A). ECMO employees are advised to follow the statute’s more restrictive guidance for committee staff, as opposed to personal staff, based upon the unique employment and functional operations of ECMOs.

⁴⁴ *Id.* § 207(e)(4).

⁴⁵ *Id.* (barring communication or appearances on “any matter” on which the former employee seeks action).

⁴⁶ *Id.* § 207(e)(9)(H).

⁴⁷ The “leadership” of the House of Representatives consists of the Speaker; majority leader; minority leader; majority whip; minority whip; chief deputy majority whip; chief deputy minority whip; assistant minority leader; chairman of the Democratic Steering and Policy Committee; chairman and vice chairman of the Democratic Caucus; chairman, vice chairman, and secretary of the Republican Conference; chairman of the Republican Research Committee; chairman of the Republican Policy Committee; and any similar position created after the statute took effect. 18 U.S.C. § 207(e)(9)(L).

⁴⁸ *See id.* §§ 207(e)(5)(B) and (e)(9)(H).

- Covered former employees of any **other legislative office**⁴⁹ may not seek official action, on behalf of other persons, from current officers and employees of that legislative office.⁵⁰
- ✗ **Knowingly represent a foreign entity, i.e., a foreign government or foreign political party**, before any federal official (including any Member of Congress) with the intent to influence a decision of such official in official duties.⁵¹
- ✗ **Knowingly aid or advise a foreign entity, i.e., a foreign government or foreign political party**, with the intent to influence a decision of any federal official (including any Member of Congress) in carrying out his or her official duties.⁵²
- ✗ **Use confidential information obtained by means of personal and substantial participation in ongoing trade or treaty negotiations** within one year preceding the employee’s departure from the House payroll, in the course of representing, aiding, or advising anyone other than the United States regarding those ongoing negotiations.⁵³

As to the prohibition against making any “communication to or appearance before” anyone in the legislative branch, covered former employees should be aware of the broad manner in which DOJ has defined those terms.⁵⁴ A DOJ opinion defines “communication” as “the act of imparting or transmitting information with the intent that the information be attributed to the

⁴⁹ “[O]ther legislative offices” include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. The term also includes any other House legislative branch office not covered by the other provisions of the statute, such as the Clerk, Parliamentarian, Office of General Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

⁵⁰ 18 U.S.C. §§ 207(e)(6) and (e)(9)(G).

⁵¹ *Id.* §§ 207(f)(1)(A) and (i)(1)(B). Section § 207 restricts activities with respect to a “foreign entity,” which is defined as either the “government of a foreign country” or a “foreign political party” as those terms are, in turn, defined in the Foreign Agents Registration Act (22 U.S.C. § 611(e), (f)). *See id.* § 207(f)(3). A U.S. Office of Legal Counsel (OLC) opinion of August 13, 2008, concluded that a foreign corporation is to be considered a foreign entity for purposes of 18 U.S.C. § 207(f) if it “exercises sovereign authority or functions de jure (i.e., by formal delegation) or de facto.” *See* Applicability of 18 U.S.C. §207(f) to Public Relations Activities Undertaken by a Foreign Corporation Controlled by a Foreign Government, 32 Op. O.L.C. 115 (2008), <https://www.justice.gov/sites/default/files/olc/opinions/attachments/2015/06/23/op-olc-v032-p0115.pdf>; *see also* OGE, Legal Advisory 16-08: Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees, at 10 (Sept. 23, 2016), [https://www.oge.gov/web/oge.nsf/0/F38156B03E4055EE852585BA005BEC54/\\$FILE/LA-16-08.pdf](https://www.oge.gov/web/oge.nsf/0/F38156B03E4055EE852585BA005BEC54/$FILE/LA-16-08.pdf). Also pertinent to these provisions of the statute is an OLC opinion of June 22, 2004, which concludes that 18 U.S.C. § 207(f) covers representational contacts with Members of Congress. *See* Application of 18 U.S.C. § 207(f) to a Former Senior Employee, 28 Op. O.L.C. 97 (2004), www.justice.gov/sites/default/files/olc/opinions/2004/06/31/op-olc-v028-p0097_0.pdf.

⁵² 18 U.S.C. § 207(f)(1)(B).

⁵³ *Id.* § 207(b).

⁵⁴ 18 U.S.C. § 207. The provisions of 18 U.S.C. § 207 should not be confused with those of the Lobbying Disclosure Act (2 U.S.C. §§ 1601 *et seq.*). In other words, merely because a particular activity does not constitute “lobbying” for purposes of that Act does **not** mean that the activity is permissible under 18 U.S.C. § 207.

former official.”⁵⁵ Further, an advisory memorandum issued by OGE for Executive Branch employees states that a former employee’s “mere presence” at a meeting may violate 18 U.S.C. § 207: “Your presence, even without any explicit communication, may in many instances be construed as an attempt to influence the Government.”⁵⁶ The provision is broad enough to preclude a covered former employee even from, for example, requesting or scheduling, for or on behalf of any other person, a meeting with any Member, officer, or employee whom the individual is prohibited from contacting on official business.⁵⁷ Although OGE guidance is merely persuasive, rather than binding, on Committee interpretations of the statute, this Committee endeavors when possible to interpret the statute consistent with OGE practice.

In addition to these one-year “cooling-off period” restrictions, departing employees should also be aware of a permanent federal statutory restriction that prohibits any U.S. citizen acting without authority of the United States from

- ✗ Directly or indirectly **commencing or carrying on any correspondence or intercourse with any foreign government**, or any officer or agent thereof, with the intent to influence the measures or conduct of any foreign government or of any officer or agent thereof in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.⁵⁸

Permissible Activity

Under federal statutory law, covered former employees **may, immediately** upon leaving office

- ✓ **Contact Members, officers, and employees of the Senate, and – except for those officials specified above in the section on “Prohibited Activity” – Members, officers, and employees of the House and other Legislative Branch offices**, with intent to

⁵⁵ “Communications” Under 18 U.S.C. § 207, 25 Op. O.L.C. 59, 62 (2001), http://www.justice.gov/sites/default/files/olc/opinions/2001/01/31/op-olc-v025-p0059_0.pdf. In that opinion, the OLC provides the following illustrative examples: “A high-ranking official who aggressively publicizes the fact that he is leaving an agency to start a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm, almost certainly intends that the report will be attributed to him. Similarly, a former official who is not introduced by name, but participates on a conference call with his former agency colleagues, almost certainly intends this his colleagues will recognize his voice.” *Id.* at 62-63.

⁵⁶ Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees, note 51 above, at 6.

⁵⁷ Committee interpretations of the statute contained in this memorandum are based on analysis of the statutory terms and purposes, and opinions and guidance, issued by DOJ and OGE. However, as noted above, 18 U.S.C. § 207 is a criminal statute, and Committee interpretations of it are not binding on the Justice Department (*but see* note 36 above).

⁵⁸ 18 U.S.C. § 953 (the Logan Act). An eighteenth-century law, the Logan Act restricts private correspondence with foreign governments. This statute, which appears to have been a reaction to the attempts of one citizen to engage in private diplomacy, has never been the basis of a prosecution, and this Committee has publicly questioned its constitutionality. House Comm. on Standards of Official Conduct, 95th Cong., Manual of Offenses and Procedures, Korean Influence Investigation 18-19 (Comm. Print 1977). Members should be aware, however, that the law remains part of the criminal code.

influence official action so long as not representing a foreign entity, i.e., a foreign government or foreign political party.

- ✓ **Aid or advise clients** (other than foreign entities, i.e., foreign governments or foreign political parties) **concerning how to lobby Congress**, provided the former employee makes no appearance before or communication to those officials specified above in the “Prohibited Activity” section. Such a “background role” would not pose the contemplated risk of improper influence because the current officials would not be aware of the former employee’s participation.⁵⁹ However, any such participation must remain behind-the-scenes; during the one-year “cooling-off” period, former employees must not permit their name to be openly associated with such contact by other persons.⁶⁰
- ✓ **Contact Executive Branch** officials with the intent to influence official action so long as not representing a foreign entity, i.e., a foreign government or foreign political party.⁶¹
- ✓ **Contact state government officials** with the intent to influence state government actions or decisions. Former employees should comply with any state laws governing such contacts.
- ✓ **Contact one foreign government on behalf of another** foreign government.⁶²
- ✓ **Contact any Members, officers, and employees of the House and Senate and other Legislative Branch officials** on official business under any of the following circumstances.

⁵⁹ Former employees who are lawyers may have additional restrictions, as explained above in note 15 of this Memorandum.

⁶⁰ As noted above, the major restrictions set forth in 18 U.S.C. § 207(e) focus on communications and appearances. By contrast, if a covered former employee plays a background role, and does not appear in person or convey his or her name on any communications, the law does not appear to prohibit that person from advising those who seek official action from the Congress (with the exception of the provision that applies to all former employees relating to ongoing trade or treaty negotiations). This construction is consistent with regulations promulgated by OGE, interpreting a comparable prohibition that applies to Executive Branch personnel. *See* 5 C.F.R. § 2641.201(d)(3). This matter is also addressed in the 2001 OLC opinion that is cited in note 55 above, including with regard to activities that do not constitute permissible “behind-the-scenes” activities.

⁶¹ Covered former employees who are representing a tribal government as an employee of the tribe or as an officer or employee of the United States assigned to a tribe have an additional restriction on contacts with the Executive Branch and certain other entities. Such individuals must first notify the head of the department, agency, court, or commission being contacted of “any personal and substantial involvement” they had in the matter while a federal employee. *See* 25 U.S.C. § 5323(j) (formerly 25 U.S.C. § 450i(j)); 18 U.S.C. § 207(j)(1)(B).

⁶² No federal statute expressly permits such contacts, but so far as the Committee is aware, no federal statute prohibits such contacts. Thus, it appears that such contacts are permissible under federal law. Covered former employees who intend to undertake such activity, however, should carefully review the Foreign Agents Registration Act (22 U.S.C. §§ 611 *et seq.*) (FARA) to ensure compliance with its requirements. Briefly stated, FARA provides that anyone who acts within the United States under the direction or control of a foreign principal to influence official decisions, official policies, or public opinion on behalf of a foreign principal must register with the Justice Department. *See generally* 22 U.S.C. §§ 611 *et seq.*; U.S. Dep’t of Justice (DOJ), FARA FAQs, <https://www.justice.gov/nsd-fara/frequently-asked-questions>.

- The former employee is carrying out official duties on behalf of the **federal government** or the District of Columbia;⁶³
 - The former employee is acting as an **elected official of a state or local government**;⁶⁴
 - The former employee is an **employee** (not a private consultant or other independent contractor) of a **state or local government**, or an agency or instrumentality thereof, acting on its behalf;⁶⁵
 - The former employee is an **employee** of an accredited, non-profit, degree-granting **institution of higher education** and is acting on behalf of such institution;⁶⁶ or
 - The former employee is an **employee** of a **charitable hospital or medical research organization** and is acting on behalf of such hospital or organization.⁶⁷
- ✓ **Represent or give aid or advice to international organizations** of which the United States is a member **if** the Secretary of State certifies in advance that such activities are in the interest of the United States.⁶⁸ Otherwise, covered employees must wait one year before engaging in such activities.
- ✓ Make statements or communications as an **employee of a candidate, authorized campaign committee, national or state party, or political committee**, if acting on behalf of that committee or party.⁶⁹ However, if the former employee is employed by a person or entity who represents, aids, or advises only such persons or entities, the communications would be prohibited.⁷⁰

⁶³ 18 U.S.C. § 207(j)(1)(A).

⁶⁴ *Id.*

⁶⁵ *Id.* § 207(j)(2)(A).

⁶⁶ *Id.* § 207(j)(2)(B). The statute uses the definition of “institution of higher education” contained in § 101 of the Higher Education Act of 1965 (20 U.S.C. §§ 1001 *et seq.*). As a general matter, the definition includes only nonprofit, degree-granting educational institutions located in the United States or its territories. *See* 20 U.S.C. § 1001(a)-(b).

⁶⁷ 18 U.S.C. § 207(j)(2)(B). For this exception to apply, the hospital or medical research organization must be exempted under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). *Id.*

⁶⁸ *Id.* § 207(j)(3).

⁶⁹ *Id.* § 207(j)(7)(A).

⁷⁰ *Id.* § 207(j)(7)(B)(ii)(II).

- ✓ **Make statements based upon the “special knowledge”** of the former employee concerning the particular area that is the subject of the statement, if **no compensation** is received in connection therewith.⁷¹
- ✓ **Give testimony under oath** or make statements required to be made under penalty of perjury.⁷²
- ✓ **Contact staff of the Clerk of the House** regarding the individual’s compliance with the disclosure requirements under the Lobbying Disclosure Act.⁷³
- ✓ **Make political contributions** to, and **sponsor or attend political fundraisers** for, current Members of Congress, *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁷⁴
- ✓ **Interact socially with current Members of Congress and staff** *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁷⁵

Unless stated otherwise, each of the following examples assumes that the staffer is a covered former employee because their compensation while on House payroll triggered the substantive post-employment restrictions.

Example 3. Staff member *C* resigns from her position on Member *W*’s personal staff. She may not contact *W* or anyone on his staff for one year (except on behalf of an exempt organization), but she may contact any other Member or staff member on behalf of anyone other than a foreign entity, i.e., a foreign government or foreign political party, as soon as she leaves the House payroll.

Example 4. Staff member *D* resigns from his position on the Ways and Means Committee. He may not contact any current member or employee of Ways and Means, or any Member who was on that committee during *D*’s last year of congressional service, on behalf of any non-exempt person or entity, for one year.

⁷¹ *Id.* § 207(j)(4). “Special knowledge” is undefined in the statute. The Federal Register, which provides rules on the application of the statute to employees in the Executive Branch, states that a “former employee has special knowledge concerning a subject area if he is familiar with the subject area as a result of education, interaction with experts, or other unique or particularized experience.” 5 C.F.R. § 2641.301(d)(1). In addition, in the proposed rulemaking for this provision, OGE emphasized that it regarded its interpretation of this exception to be “relatively narrow.” See 73 Fed. Reg. 36183 (June 25, 2008). Although these definitions are not binding on the Committee, they provide guidance as to how the term should be interpreted.

⁷² 18 U.S.C. § 207(j)(6).

⁷³ *Id.* § 207(e)(8).

⁷⁴ *See id.* § 207.

⁷⁵ *See id.*

He may, however, contact any other Member or staff member on any issue, except on behalf of a foreign entity, i.e., a foreign government or foreign political party.

Example 5. Staff member *E*, who is not a covered employee, resigns from her position on Member *V*'s staff to become a lobbyist. *E* may immediately lobby *V* or any other Member for any client.

Example 6. Staff member *F* resigns from Member *U*'s staff to accept a position in an Executive Branch agency. *F* may contact *U* immediately on behalf of the agency.

Example 7. Staff member *G* resigns from his congressional position to join the staff of the Governor of his state. As a state employee, *G* may contact anyone in Congress, including his former employing Member, on behalf of the state.

Example 8. Staff member *H* resigns her congressional position and moves back to her home state. *H* may contact state government officials on behalf of any clients.

Example 9. Staff member *I* resigns his position with Member *T* and begins work as a lobbyist at a lobbying firm. One of *I*'s clients is a state university. *I* may not lobby *T* on behalf of the university (or any other client) for one year following his departure from the House. However, if *I* were an employee of the university rather than an outside retained lobbyist, contact with *T* on behalf of the university would be permitted.

Example 10. Staff member *J* resigns his congressional position to become a lobbyist. For the first year after leaving the Hill, *J* lobbies only Executive Branch personnel, and *J* has no foreign clients. *J* is complying with the law.

Example 11. During his final year of House employment, staff member *K* worked for Member *S* from January to June 30, and for a committee from July 1 through December 30. December 30 was *K*'s final day on the House payroll. *K* was paid more than 75% of a Member's salary while in each position. *K* may not contact *S* or the committee on behalf of any non-exempt person or entity for one year following his termination from each employer. Thus, *K* would be barred from contacting *S* until July 1 of the following year and current and former members of the committee and current committee staff until December 31 of the following year.

Example 12. Staff member *L*, from the previous example, was paid less than the triggering rate in the Member's office, then she accepted a promotion to a committee that did pay more than the triggering rate. *L* would not be restricted from contacting the Member office once she ends her employment with the House.

Example 13. During his one-year "cooling-off" period, former staff member *M* wishes to call his former employing Member to request that she meet with representatives of one of his clients to discuss legislation of interest to the client. *M* would not be present at the meeting. *M* would violate the statute by requesting

the meeting because the request would be a communication intended to influence official action.

Example 14. During his first year after leaving House employment, *N* wishes to contact a current employee of that committee to urge him to support federal funding for a non-profit organization operated by a friend of *N*. The non-profit organization is not a client of *N*, and *N* would receive no compensation for making the contact. *N* would violate the statute by doing so because the statute bars such contacts regardless of whether the former employee would be compensated for them.

Example 15. Three months ago, *O* left her senior staff position with House *R* ECMO to work for Lobby Firm *Q*. *Q* is hosting a legislative briefing on the Hill and expects several House Members belonging to *R* to attend. *Q* asks *O* to present at the briefing. *O* may not attend the briefing because she is a covered employee for *R* Members.

Example 16. Former staff member *P* was a shared employee of Member *ZZ* and Member *YY* for the entire last year of her House employment. *P*'s annual House salary was \$170,000; *ZZ* paid *P* \$150,000, and *YY* paid *P* \$20,000. *P* now works for a think tank and was asked to schedule a meeting with *ZZ* and *YY*. During her one year "cooling-off" period, *P* may not communicate with or appear before the offices of *ZZ* or *YY* on behalf of the think tank.

Example 17. Immediately after leaving the House, former senior staff *AA* opens a consulting firm. One of *AA*'s clients, a gubernatorial candidate, asks her to set up a meeting on the Hill with *AA*'s former Employing Member about a federal agency's response efforts in their state. *AA* is prohibited from fulfilling this request as she is a contractor, not an employee, of the gubernatorial candidate.

ACTIVITY DURING ONE-YEAR COOLING OFF PERIOD

Entity Contacted by Covered Former Employee

Entity Represented by Covered Former Employee

	Former Congressional Office/Committee	Executive Branch	Foreign Entity	State Governments
Private Entity	Must wait 1 year before contacting former Congressional office or committee directly. May immediately advise entity behind scenes. May contact other Congressional offices immediately	May contact immediately	May contact immediately	May contact immediately
Federal, State, or Local Government	May contact all Congressional offices immediately as employee or elected official of the federal, state, or local government	May contact immediately	May contact immediately	May contact immediately
Tribal Government	Must wait 1 year before contacting former Congressional office or committee directly. May immediately advise entity behind scenes. May contact other Congressional offices immediately	May contact immediately if employed by tribe or U.S.; must inform head of agency or department of any personal and substantial involvement in matter while a House employee	May contact immediately	May contact immediately
Foreign Entity	Must wait 1 year before contacting any Congressional office or committee directly or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	Must wait 1 year before contacting Executive Branch directly or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	May contact immediately	May contact immediately. Must register with Justice Department if acting as a foreign agent in the U.S.
International Org. of which U.S. is a Member	If Secretary of State classifies the subject matter as one of national interest, may immediately advise international organization and contact Congress directly; otherwise, must wait 1 year to do either	If Secretary of State classifies the subject matter as one of national interest, may immediately advise international organization and contact executive branch directly; otherwise, must wait 1 year to do either	May contact immediately	May contact immediately
Accredited U.S. College or University	May contact immediately if an employee of the college or university	May contact immediately	May contact immediately	May contact immediately
Charitable Hospital or Medical Research Org.	May contact immediately if an employee of the hospital or organization	May contact immediately	May contact immediately	May contact immediately
Candidate, Political Campaign, or Party	May make communications immediately as employee of candidate, authorized campaign committee, or federal or state party or committee, unless employed by entity that advises only such entities	May contact immediately	May contact immediately	May contact immediately

Penalties

Each violation of the statutory post-employment restrictions is a felony punishable by imprisonment up to one year (or up to five years for willful violations) and a fine of up to \$122,480 for each violation or the value of the compensation received for the act which violated the restrictions, whichever is greater.⁷⁶ The statute further authorizes the Attorney General to seek an injunction prohibiting a person from engaging in conduct that violates the act.⁷⁷

By its terms, 18 U.S.C. § 207 governs the conduct of **former** Members, officers and employees, and does not apply to the conduct of **current** Members, officers and employees. However, the post-employment restrictions have been the subject of close attention by DOJ, as reflected in the guilty pleas by former House staff and others to criminal violations of the statute.⁷⁸ Therefore, current Members and staff who receive or otherwise participate in improper contacts by a covered former employee should be aware that, depending on the circumstances, they may be subject to criminal or House disciplinary action. The examples involving § 207 violations indicate that a Member who aids and abets a covered former employee in the violation may be prosecuted for conspiracy to violate the post-employment restrictions.⁷⁹

Example 18. Staff member *BB* resigned as chief of staff for Member *XX* last month to become a registered federal lobbyist for a local non-profit organization. *BB* is a covered employee and subject to the post-employment ban for a year. *BB* asks several of *XX*'s current employees to support increased funding for the non-profit and schedules a time for them to discuss the matter further. If *XX*'s employees accept the meeting with *BB*, they could be considered aiding and abetting *BB* to violate her post-employment restrictions.

Furthermore, in a Committee disciplinary case that was completed in the 106th Congress, a Member admitted to engaging in several forms of conduct that violated House rules requiring that each Member and staff person “conduct himself at all times in a manner that shall reflect creditably on the House.”⁸⁰ One of those violations was his engaging in a pattern and practice of knowingly allowing his former chief of staff to appear before and communicate with him in his official capacity during the one-year period following her resignation, “in a manner that created the appearance that his official decisions might have been improperly affected.”⁸¹

⁷⁶ See 18 U.S.C. § 216; see also 28 C.F.R. § 85.5 (2024).

⁷⁷ See 18 U.S.C. § 216(c).

⁷⁸ See, e.g., *United States v. Jack A. Abramoff*, Docket No. 06-CR-001 (D.D.C.) (hereinafter “*Abramoff* action”). Similarly, in September 2006, former Representative Robert W. Ney pleaded guilty to conspiracy to violate, among other statutes, the post-employment restrictions for former covered employees (hereinafter “*Ney* action”). Also note, in September 2012, a former Senate staffer, Doug Hampton, was sentenced to one year probation for violating the post-employment restriction (hereinafter “*Hampton* action”).

⁷⁹ See, e.g., *Abramoff* and *Ney* actions, note 78 above.

⁸⁰ House Rule 23, cl. 1; see also House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. “Bud” Shuster*, H. Rep. 106-979, vol. I (July 19, 2002) (hereinafter “*Shuster Report*”).

⁸¹ House Comm. on Standards of Official Conduct, *Summary of Activities, One Hundred Sixth Congress*, H. Rep. 106-1044, at 10, 13, 16 (2000); see also *Shuster Report*, *supra* note 80 above, vol. I; see also, Senate Select

FINANCIAL DISCLOSURE REQUIREMENTS FOLLOWING DEPARTURE FROM HOUSE EMPLOYMENTS

A departing staff member who was required to file a Financial Disclosure statement because of the employee's rate of pay must file a final Financial Disclosure Report, called a Termination Report, within 30 days of leaving the House payroll.⁸² However, an employee in a Member's office who has filed only because the employee was designated as a "Principal Assistant" does not have to file a Termination Report unless the individual was designated as principal assistant to a Member leaving the House.⁸³ Extensions of up to 90 days are available upon written request to the Committee when made prior to the original due date.⁸⁴ Please note that the salary threshold for filing disclosure reports is higher than that which triggers the post-employment restrictions discussed above. For 2024, "senior staff" for financial disclosure purposes is anyone paid at annual salary rate of \$147,649 (or a monthly salary of \$12,304) for 60 days or more.⁸⁵ The Committee encourages all departing staff who expect to file a Termination Report to update their contact information in the online FD portal prior to departing to ensure they receive timely notification of filing requirements from the Clerk.

The Termination Report, filed on the same form as the annual report, covers all financial activity through the filer's last day on the House payroll.⁸⁶ Schedule F ("Agreements") of the report requires disclosure of any agreement entered into by the filer, oral or written, with respect to future employment.⁸⁷ Thus, if a senior staff employee accepts a future position while still on the House payroll, the employee will have to disclose the agreement on the individual's Termination Report. The date of the agreement, the future employer, the position or title and the starting date must be disclosed, but the amount of the compensation need not be reported.⁸⁸ The employee will also have to disclose, on Schedule H ("Travel Payments and Reimbursements") of the report, any travel reimbursements exceeding \$480 received from any source in connection with job-search activity.⁸⁹

Comm. on Ethics, *Report of the Preliminary Inquiry into the Matter of Senator John E. Ensign* (May 10, 2011), https://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=676ADD17-2C7F-40F7-A4D9-B35526E4DA97.

⁸² 5 U.S.C. § 13103(e). Although the statute states the Termination Report is due within 30 days of leaving House employment, it is the Committee's practice to allow terminating filers to file within 30 days of the date on the notification letter they receive from the Clerk.

⁸³ See Comm. on Ethics, *2024 Instruction Guide; Financial Disclosure Reports for Calendar Year 2023 and Periodic Transaction Reports* (hereinafter "2024 FD and PTR Instructions") at 4.

⁸⁴ 5 U.S.C. § 13103(g)(1); see also *2024 FD and PTR Instructions* at 13.

⁸⁵ See 5 U.S.C. § 13101(13)(B)(i). The 60 days do not have to be consecutive; being paid at the senior staff rate for any two months of the calendar year triggers the requirement to file a Termination Report.

⁸⁶ *Id.* § 13103(e).

⁸⁷ *Id.* § 13104(a)(7).

⁸⁸ See *id.*; see also *2024 FD and PTR Instructions* at 65.

⁸⁹ 5 U.S.C. § 13104(a)(2)(B).

However, a departing employee who, prior to thirty days after leaving office, has accepted another federal position requiring the filing of a *public* financial disclosure report need not file a Termination Report.⁹⁰ Any departing employee who is not required to file a Termination Report for this reason must notify the Clerk *in writing* of that fact.⁹¹

OUTSIDE EMPLOYMENT AND EARNED INCOME RESTRICTIONS

Departing staff remain subject to all House rules, including the gift rule and the limitations on outside employment and earned income,⁹² as long as they remain on the House payroll. These rules are particularly important to bear in mind when an employee’s prospective employer suggests that the individual begin work early, including, for example, while still drawing pay for accrued annual leave.⁹³ In calendar year 2024, a senior staff employee may not receive outside earned income (including, for example, a signing bonus) in excess of \$31,815, and **no** earned income may be received for (1) providing professional services involving a fiduciary relationship, including the practice of law, or any consulting or advising; (2) being employed by an entity that provides such services; or (3) serving as a board member or officer of any organization.⁹⁴ Regardless of whether compensation is received, a senior staff employee may not allow his or her name to be used by an organization that provides fiduciary services. In addition, a senior staff employee may not receive any honoraria (i.e., a payment for a speech, article, or appearance),⁹⁵ although he or she may receive compensation for teaching, if the employee first secures specific prior permission from this Committee.⁹⁶

Example 19. Staff member *RR*, who earns more than the qualifying senior staff rate of \$147,649, plans to join a law firm when he leaves his official position. Because the firm provides professional services of a fiduciary nature, *RR* may not commence his new employment until he is off the congressional payroll.

⁹⁰ *Id.* § 13103(e).

⁹¹ See *2024 FD and PTR Instructions* at 5. A form for this purpose is available on the Committee’s website, at <https://ethics.house.gov/wp-content/uploads/2024/11/Term-Exemption-Form.pdf>.

⁹² House Rule 25, cls. 1-5. The outside employment and earned income limitations are also codified at 5 U.S.C. §§ 13143-13144.

⁹³ Staff members contemplating future employment with the U.S. Senate, the Architect of the Capitol or any other department or agency of the U.S. government should bear in mind that federal law prohibits “dual compensation” in excess of an annually-adjusted dollar limit for simultaneous employment by the House and any of those entities. 5 U.S.C. § 5533(c)(1). For 2024, the limit is \$42,450. Pursuant to the statute, a departing House employee may not commence employment with any of the above-named governmental entities while receiving from the House payments for accrued annual leave if the employee’s aggregated gross annual salaries from the two positions would exceed the statutory limit. *Id.*

⁹⁴ House Rule 25, cls. 1-4; see also 5 U.S.C. §§ 13143-13144.

⁹⁵ House Rule 23, cl. 5; House Rule 25, cl. 1(a)(2).

⁹⁶ House Rule 25, cl. 2(e).

**ACCEPTANCE OF OFFICIALLY-CONNECTED
TRAVEL FUNDED BY A PRIVATE SOURCE**

After the adjournment *sine die* of Congress, it is questionable whether any employee of a departing Member may participate in any privately-funded travel that is fact-finding in nature. The gift rule requires that such travel be related to official duties,⁹⁷ but as of that time, the official responsibilities that may justify participation in such a trip will practically have come to an end. However, this consideration does not limit the ability of an employee of a departing Member to accept travel from a private source for the purpose of enabling the individual to participate substantially in an officially related event, such as to give a speech.

* * *

Any questions on these matters should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

⁹⁷ *Id.*, cl. 5(b)(1)(A).

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U.S. House of Representatives

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December 20, 2024

MEMORANDUM FOR ALL MEMBERS, MEMBERS-ELECT, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

SUBJECT: Member Swearing-in and Inauguration Events

This memorandum summarizes the ethics rules relating to 1) the receptions that Members may wish to hold or attend in connection with their swearing-in or Inauguration Day, and 2) Member and staff attendance at events held in connection with the Presidential Inauguration.¹ The major rules that apply in these areas are briefly summarized below, and guidance on specific circumstances is available by calling the Committee at (202) 225-7103 or writing to the Committee at ethicscommittee@mail.house.gov.

Member Swearing-in and Inauguration Day Receptions. You may wish to host a reception or similar event for your constituents in connection with your swearing-in or to welcome constituents on Inauguration Day. You may use your principal campaign committee funds to pay the costs of such a reception, even if the reception is held in your office or another House room.² However, swearing-in or Inauguration Day events held in House rooms or district offices may not be campaign or political in nature. A swearing-in or Inauguration Day event would likely be campaign or political if, for example, the list of invitees were limited to only campaign contributors. The Committee understands the Members' Representational Allowance may not be used for receptions that are purely social activities or social events, including swearing-in and Inauguration Day receptions.³ As a reminder, current Members may not use campaign funds or resources for official communications, including invitations to official events.⁴

¹ Members are subject to House Rules upon swearing-in.

² See Comm. on Ethics, *House Ethics Manual*, Campaign Activity Chapter, II and V, <https://ethics.house.gov/manual/general-prohibition-against-using-official-resources-for-campaign-or-political-purposes/> and <https://ethics.house.gov/manual/proper-use-of-campaign-funds-and-resources/>. Even though these events are paid for with campaign funds, they are still official in nature. Therefore, no campaign activity, including soliciting for campaign donations, may occur during these events or on House grounds.

³ Please contact the Committee on House Administration for any additional questions about the use of official House funds.

⁴ House Rule 24 prohibits the use of campaign funds for certain official expenses, including official mail and other communications. House Rule 24, cl. 1(b)(2).

You may not allow a lobbying firm or other private entity to pay the costs of a reception or other event hosted by you. Accepting private subsidy of your official events is an impermissible gift under the House Gift Rule.⁵ However, as discussed further below, a private entity may host its own event in your honor, subject to certain limitations.

Attendance at Privately-Sponsored Events. Acceptance of free attendance at swearing-in or inauguration-related events sponsored by private entities are subject to the House gift rule. Thus, a Member or staff person may accept such an offer only if acceptance is allowed under one of the provisions of the gift rule. Some examples of applicable gift rule exceptions include receptions, widely-attended events, and gifts worth less than \$50. A private entity may also wish to host an event in your honor.

You may accept offers of free attendance from federal, state, or local government entities that are directly paid for by the government entity.

Reception

What It Is: A reception is often a collegial gathering. A reception may be organized for the purposes of networking or socializing and does not have to include programming related to your official duties. Your attendance may be personal or official.

Requirements of the Exception: The food offered is limited to appetizers, hors d'oeuvres, and drinks. The food offered does not include even low-cost items that could be considered a meal, such as a pizza or hot dog. The setting is other than one-on-one. The invitation may come from anyone.⁶

What You May Accept if Offered: Free attendance for yourself and one other person, appetizers, drinks, and informational materials.

Widely-Attended Event

What It Is: A widely-attended event is an event related to your official work where you speak on a topic related to your work for the House, you learn something related to your work, or where the event is otherwise related to your representational role. Large events, such as conferences, forums, and large fly-in dinners are often widely-attended events. Events hosted by state societies may also be widely-attended events if the following requirements are met.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event organizer(s), and not from a financial sponsor. You must determine that attendance at the event is related to your official duties. The event organizer must expect at least 25 other

⁵ House Rule 25, cl. 5.

⁶ House Rule 25, cl. 5(a)(3)(U).

attendees from a broad group of people other than Congressional attendees or the event organizer's own employees.⁷

What You May Accept from Event Organizer if Offered: Free attendance at the event for yourself and one other person; appetizers, drinks, and/or meals; local transportation;⁸ and informational materials.

Charitable Fundraising Event

What It Is: A charitable fundraising event is one where the event organizer raises funds or in-kind donations for an Internal Revenue Code (IRC) §170(c) organization. Most commonly, these are 501(c)(3) charitable organizations. Some charitable fundraising events are referred to as galas. Events hosted by state societies may be charitable fundraising events if the following requirements are met. Your attendance is personal.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event organizer(s), and not from a financial sponsor. At least half of the proceeds must benefit an IRC §170(c) organization.

What You May Accept from Event Organizer if Offered: Free attendance at the event for yourself and one other person; appetizers, drinks, and/or meals; local transportation; long-distance transportation and one night of lodging from the event organizer; informational materials; and entertainment at the event.

Less than \$50

What It Is: The less than \$50 exception can be used as a catch-all exception to the gift rule, if another, more specific exception does not apply.

Requirements of the Exception: You may accept anything that is \$49.99 or less in a single instance from a single donor. The entity offering the gift may not be a registered federal lobbyist, a foreign agent, or an organization that employs or retains lobbyists or foreign agents. This exception has a \$99.99 cap per year, per donor, per recipient.⁹

What You May Accept if Offered: Gifts including free attendance that total no more than \$49.99 in a single instance. Cash and cash equivalents are prohibited.

⁷ Individuals who are officials of other branches or levels of government count toward the required minimum of 25, but spouses and others who accompany the congressional Members and staff do not count toward the required minimum. See House Rule 25, cl. 5(a)(4)(A); *House Ethics Manual*, Gifts Chapter, XI.J, <https://ethics.house.gov/manual/exceptions-to-the-gift-rule-for-permissible-gifts/free-attendance-at-events/>.

⁸ Local transportation is defined as less than 35 miles.

⁹ House Rule 25, cl. 5(a)(1)(B)(i).

Events in Your Honor

What It Is: An event nominally in your honor is an event “in honor of” you, but where you are not the host, nor do you receive any particular benefit. An event in your honor is not considered a gift to you. The event could be a widely-attended event, a reception, or any other type of event. The event could be in honor of a single Member or employee or a group of Members or employees.

Requirements of the Exception: For an event to be nominally in your honor, the identity of the event organizer must be made clear to all participants. You may not be listed as the host or sponsor of the event, nor may you be involved in the planning and organizing of the event. You may not receive any particular benefit from the event. You may not ask the event sponsor to host the event, nor may you ask others for support for the event, both monetary and in-kind.¹⁰

What You May Accept from Event Organizer if Offered: The full cost of the event will not be a gift to you. However, the event must meet a gift exception to accept free attendance.

Gifts from Government Entities

What It Is: A gift provided by a domestic federal, state, or local government entity, or secured under a contract with the federal government.

Requirements of the Exception: You may accept anything offered by a domestic federal, state, or local government entity, or secured under a contract with the federal government, if the government entity is paying for the gift directly. The government entity may not merely be a conduit for someone else.

What You May Accept if Offered: Anything that is offered, including free attendance to events, travel expenses, meals, and lodging expenses.

Detailed information on the provisions of the gift rule regarding attendance at events is available in the House Ethics Manual, which is on the Committee’s website, <https://ethics.house.gov/manual/>. A quick reference chart is on the following page.

* * *

Please note that the Committee’s guidance is subject to change if the 119th Congress adopts changes to the ethics rules. Members and staff with questions on the matters addressed above should contact the Committee after the 119th Congress has convened to seek further guidance about any such rule changes. Any questions on these subjects should be directed to the Committee’s Office of Advice and Education at (202) 225-7103.

¹⁰ See *House Ethics Manual*, Gifts Chapter, XI.J, <https://ethics.house.gov/manual/exceptions-to-the-gift-rule-for-permissible-gifts/free-attendance-at-events/>.

Common Swearing-In and Inauguration Events

Gift Rule Exception	Requirements	What You May Accept IF OFFERED					
		Your Free Attendance	Free Attendance for Any Kind of Guest	Info. Materials	Appetizers and Drinks	Meal	Local Travel
Reception	<ul style="list-style-type: none"> • Invitation from anyone • Food limited to appetizers, drinks • Other than one-on-one setting 	✓	✓	✓	✓	✗	✗
Widely-Attended Event	<ul style="list-style-type: none"> • Invitation from the event organizer • Related to your official duties • Organizer expects ≥ 25 attendees from broad group 	✓	✓	✓	✓	✓	✓
Charitable Fundraising Event	<ul style="list-style-type: none"> • Invitation from the event organizer • At least half of the proceeds benefit an IRC §170(c) organization • Attendance is personal 	✓	✓	✓	✓	✓	✓
Less than \$50	<ul style="list-style-type: none"> • Total value is \$49.99 or less • Not offered by lobbyist, foreign agent, or lobbying firm • Less than \$100 annual limit 	✓*	✓*	✓*	✓*	✓*	✓*
Events in Your Honor	<ul style="list-style-type: none"> • No involvement in planning or organizing • No soliciting for support • Event organizer is clear 	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception
Gifts from Government Entities	<ul style="list-style-type: none"> • Provided by domestic federal, state, or local government entity, or secured under a federal contract • Government entity is not merely a pass through 	✓	✓	✓	✓	✓	✓

* If the total value of what you receive is \$49.99 or less.

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December 30, 2024

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

SUBJECT: Legitimate and Verifiable Use of Campaign Funds

This memorandum¹ highlights the Committee's long-standing guidance regarding the personal use of campaign funds and the requirement to properly maintain sufficient records to verify the legitimacy of campaign expenses and comply with House Rule 23, clause 6(b). It also discusses the heightened requirements for transactions between a Member or Member's family and their campaign.

House Rules Require Campaign Expenses To Be Legitimate and Verifiable

The use of campaign funds and resources must comply with **both** the House Rules **and** the Federal Election Campaign Act (FECA).² Although FECA only applies to a Member's use of campaign funds for federal office, the House Rules apply to **any** campaign funds under the Member's control. Campaign funds under the Member's control include the following:

- The Member's principal campaign committee funds,
- Leadership PAC funds,
- Campaign funds for elections to state or local office, and/or
- Campaign funds from any other political committee that is affiliated with the Member.

House Rules prohibit personal use of campaign funds and impose a **separate and additional requirement** that Members be able to verify the legitimacy of campaign disbursements. House Rule 23, clause 6(b) states that

¹ This memorandum does not discuss the limited permissible uses of campaign expenses for official purposes. For information on those uses please see [Campaign Activity Guidance](#). Comm. on Ethics, *Campaign Activity Guidance* (July 30, 2024).

² For questions about whether a Member's use of campaign funds for federal office complies with FECA, please contact the Federal Election Commission (FEC) at (202) 694-1006.

“[a] Member . . . may not convert campaign funds to personal use in excess of an amount representing reimbursement for **legitimate** and **verifiable** campaign expenditures; and . . . may not expend funds from [the Member’s] campaign account . . . that are not attributable to bona fide campaign or political purposes.”

Members are responsible for their campaigns’ compliance with this House Rule. Members must oversee their campaigns to ensure the legitimacy of all campaign expenditures and the sufficiency of related expense verification records.

Campaign Expenditures Must be Legitimate

Legitimate campaign expenditures serve a bona fide campaign or political purpose and do not involve the use of campaign funds for any personal purpose. Although Members have wide discretion to determine what constitutes a *bona fide* campaign or political purpose, “[a] *bona fide* campaign purpose is not established merely because the use of campaign money *might* result in a campaign benefit as an incident to benefits personally realized by the recipient of such funds.”³

In other words, under no circumstances may Members convert campaign funds to personal use for themselves or for anyone else. Campaign funds may not be used to enhance an individual’s lifestyle, for personal enjoyment or entertainment, or to pay an individual’s personal obligations. Nor may Members borrow campaign funds or loan them to anyone for a personal purpose.⁴

Campaign Expenditures Must be Verifiable

The verification requirement of clause 6 is wholly separate from and in addition to FEC campaign record-keeping requirements. This common-sense requirement is necessary due to the volume of campaign expenditures Members’ campaigns typically make. The legitimacy of a campaign expenditure may be subject to review long after the expense was made and memories have faded. Without a verification requirement, there would be no reliable way to ensure campaign funds are not converted to personal use.

How to Satisfy the Verification Requirement

To satisfy House Rule 23, clause 6(b), Members’ campaigns **must** maintain records that document the primary purpose of each campaign expense. The primary purpose is the main reason for the expenditure; the expenditure would not happen but for the primary purpose.⁵

³ Comm. on Standards of Official Conduct, *Investigation of Financial Transactions of Rep. James Weaver with His Campaign Organization*, H.R. REP. NO. 99-933, at 13 (1986) (emphasis in original).

⁴ See *House Ethics Manual December 2022 Print* at 176-177.

⁵ FECA and its regulation identify certain categories of expenditures that are personal use by definition. Nothing in this memorandum supersedes those categories.

Although Members may determine an expense's primary purpose, there must be a reasonable connection between the expense and the primary purpose. The following non-exclusive list of factors may guide that determination:

- The amount of time devoted to the expenditure's purpose,
- The main reason for making the expenditure, and/or
- Whether you would be making the expenditure if not for the purpose.

Here are some examples of information Members' campaigns can retain to document the primary purpose of each campaign expense:

- The date, time, and location of each event, activity, or purchase;
- The specific campaign, political, or official purpose of the expenditure;
- The specific politically- or officially-related activities in which the Member (or other participant) engaged, including a description of event or topics of discussion;
- The names of all people present at any meal or activity paid with campaign funds; and/or
- Destinations and purposes for any travel expenditures, including mileage and gas.

Although Members may determine how best to keep the necessary records for their campaigns, the records must be maintained for at least three Congresses.⁶ The following documents that campaigns already produce may facilitate this recordkeeping:

- Briefing memos prepared by the campaign for campaign and official events, dinners/meals, and meetings;
- Calendar entries from the campaign or official calendar that contain the required information; and/or
- Vehicle mileage logs required by the FEC.

EXAMPLES

Example 1: Member plans a campaign fundraiser at a country club in her district. The Member's campaign will pay rental fees, catering fees, and other expenses associated with the event. Campaign expenditures related to the cost of executing the fundraiser would be permissible and verifiable if the Member's campaign records appropriately document the expenditures.

Example 2: Member plans to hold several campaign events and meetings at a local country club, which offers members of the club discounted event catering. Member decides to join the country club, and membership requires yearly dues payments. Yearly campaign expenditures for country club dues to maintain unlimited access to such a facility are impermissible, even if access is solely maintained to facilitate fundraising activity.

Tip: Campaign expenditures to pay dues for country clubs, health clubs, recreational facilities or other nonpolitical organizations are a prohibited personal use under FECA and

⁶ Comm. on Ethics, Committee Rules 18(d); 15(i).

its regulations. Expenditures related to a particular campaign fundraiser at a club, however, are permitted similar to those for any other campaign fundraiser at another location.⁷ Under FECA and its regulations, campaign funds may be used for membership dues in an organization that may have political interests. Contact the FEC for additional guidance.

Example 3: Member planned a family ski vacation to Aspen. While enjoying the trip, Member decides to meet with some potential donors in the area. This meeting does not convert the personal trip to a campaign trip, and the use of campaign expenses for the vacation would not be legitimate or verifiable. The use of campaign funds to pay for lunch with potential donors during a personal trip may be legitimate and verifiable if the Member's campaign maintains appropriate documentation.

Tip: It is not enough that a Member can articulate a campaign benefit for an expense; what matters is the primary purpose of the disbursement.

Example 4: Member and his campaign manager go to dinner to discuss an upcoming debate. Member pays for the dinner using campaign funds. Member only documents the date and total expense for the dinner. This campaign expense may be legitimate, but it is not verifiable as Member did not also document the primary purpose of the campaign expenditure.

Tip: A best practice would be to maintain the receipt and also document the participants and specific campaign purpose of the event, such as the topics of discussion.

Example 5: Member grabs a quick lunch at Wendy's on her way home from pickle ball. While waiting for her food, a constituent recognizes her and launches into a story about an issue he is having with the IRS. Member convinces the constituent to call the district office, gets her food, and leaves. Member's lunch is not a legitimate campaign expense simply because she talked with a constituent while waiting for it.

Example 6: Member's campaign plans a trip to the Superbowl every year for his top donors and campaign staff. The trip includes tickets, transportation, lodging, and meals for all attendees. Many of the donors and staff bring their families to enjoy the event, as well. Member documents the primary purpose of the trip and the total expenditure for all attendees, but does not keep a record of who attended, and how much was spent on tickets, transportation, lodging, and meals for each attendee. This campaign expenditure has not satisfied the verification requirements.

Example 7: Member uses a car paid for by her principal campaign committee to attend various events during one day. Member neither documents the mileage for traveling to the events nor the purpose of the events. These gas expenses may be legitimate campaign expenditures, but they are not verifiable without the proper records.

Example 8: Member hires a cleaning service to clean his personal residence as he has no time to do it while working and campaigning. Member pays for the cleaning service using campaign funds. The expense is not legitimate as the primary purpose is not campaign related.

⁷ 11 C.F.R. § 113.1(g)(1)(G).

Example 9: Newly elected Member ended her career as a chef at a local restaurant to start her first term. To get ready for her new role, she purchases a new wardrobe of nice suits to wear at her upcoming campaign events. She may not use campaign funds for her new wardrobe, as using campaign funds to purchase clothing, other than campaign t-shirts and caps, is *per se* personal use.

Example 10: Member hires a campaign treasurer to handle the documentation of all his campaign expenditures. Member's campaign treasurer must suddenly care for an ailing family member and falls behind on recordkeeping. Member is still personally responsible for oversight of his campaign and the maintenance of the records and must take steps to ensure recordkeeping remains current and complete.

Example 11: Member buys fifty nominal value ornaments to give to donors. She documents the purchase date and related campaign purpose. She also documents each time she gives one out by recording the date of the gift, the recipient's name, and the campaign related reason each recipient was given the ornament. This campaign purpose is legitimate and verifiable.

Additional Requirements for Members and their Families

Under House Rules, a Member's campaign may only purchase or rent goods, services, or office or event space from the Member (or the Member's family⁸) if "(1) there is a *bona fide* campaign need for the goods, services, or office or event space, and (2) the campaign does not pay more than fair market value."⁹ For these transactions the campaign's records **must** include information that shows these criteria were met and documents the actual use of the particular goods, services, or office or event space.¹⁰

To satisfy the requirement, Members should maintain as much of the following information as possible about any campaign expense paid to themselves or a family member:

- The date, time, and location of each event, activity, or purchase;
- The specific *bona fide* campaign need for the goods, services, or space;
- The efforts made to establish fair market value for the transaction and receipts for those efforts;
- A written contract between the campaign and Member or the family member memorializing the transaction; and/or
- A log of campaign work done by the family member including hours worked and services provided.

⁸ Family members, as identified in 11 C.F.R. § 113.1(g)(8), include a person who shares a residence with the candidate. House Rule 24, cl. 2 prohibits the use of campaign funds for official communications; services, including salaries; and office space, furniture, and equipment. House Rule 23, cl. 8(c) prohibits the use of official funds to pay a Member's relative.

⁹ See *House Ethics Manual December 2022 Print* at 179; 11 C.F.R. § 113.1(g)(1)(E), (H).

¹⁰ See *House Ethics Manual December 2022 Print* at 179. Members should always be mindful to avoid even the appearance of impropriety.

Transactions between a Member or Member's family and the Member's campaign are subject to heightened scrutiny. Members are encouraged to call the Committee for guidance before entering these types of transactions.

EXAMPLES

Example 12: Member's mother owns an office building in the district. Member wants to rent office space in the building for his campaign office. Member and his mother draw up and sign a written contract that contains the rental dates and purpose. Member and his mother also research and document comparable office space in the area to establish the rental payment is fair market value.¹¹ Member's campaign maintains these records. This transaction with a family member is legitimate and verifiable.

Tip: Carefully consider what space will be used by the campaign and ensure expenses only relate to the campaign's use. Concerns regarding personal use of campaign funds may arise if a family member is also using the space independent of the campaign and a portion of the campaign's expenses cover expenses related to the independent use.

Example 13: Member's spouse is a graphic designer. Member hires him to design logos and marketing materials for her campaign using her husband's standard contract. Member's campaign uses the graphics and marketing materials and pays her husband his typical hourly rate for his work. Member's spouse produced the work; however, he does not track the time spent creating the logos and marketing materials. Without documentation to show how much work was performed by her spouse to create the logos and marketing materials, this campaign expense is not verifiable.

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

¹¹ Contact the Committee and the FEC for any questions regarding calculating fair market value.

COMMITTEE ON ETHICS

New Ethics Committee Website

The Committee is excited to announce the launch of its new website! The new site also includes an online version of the Ethics Manual where you can search for topics and bookmark sections you reference frequently.

**New Committee
Website**

The Committee welcomes feedback about the new website and its publications. If you have feedback, please email the Committee at ethicscommittee@mail.house.gov.

Contact the Committee

Talk to us anytime. All communications are confidential!

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