

Union Calendar No. 820

118TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
118-973

SUMMARY OF ACTIVITIES ONE HUNDRED EIGHTEENTH CONGRESS

R E P O R T

OF THE

COMMITTEE ON ETHICS



JANUARY 2, 2025.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, January 2, 2025.

Hon. KEVIN F. MCCUMBER,
Acting Clerk, House of Representatives,
Washington, DC.

DEAR MR. MCCUMBER: Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, "Summary of Activities 118th Congress."

Sincerely,

MICHAEL GUEST,
Chairman.

CONTENTS

OVERVIEW	1
I. INTRODUCTION	3
II. ADVICE AND EDUCATION	3
III. FINANCIAL DISCLOSURE	10
IV. COMMITTEE RULES	12
V. NEW METHOD FOR ELECTRONIC SUBMISSION OF INFORMATION OFFERED AS A COMPLAINT	12
VI. CONFIDENTIALITY	13
VII. INVESTIGATIONS	15

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SUMMARY OF ACTIVITIES

ONE HUNDRED EIGHTEENTH CONGRESS

JANUARY 2, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GUEST, from the Committee on Ethics,
submitted the following

R E P O R T

OVERVIEW

The Committee on Ethics (Committee) is tasked with interpreting and enforcing the House's ethics rules. The Committee has sole jurisdiction over the interpretation of the Code of Official Conduct, which governs the acts of House Members, officers, and employees. The Committee is the only standing House committee with equal numbers of Democratic and Republican Members. The Committee's professional staff is required by rule to be nonpartisan.

In the 118th Congress, the Committee was led Chairman Michael Guest and Ranking Member Susan Wild. The Members appointed at the beginning of the Congress were David P. Joyce, John H. Rutherford, Andrew R. Garbarino, Michelle Fischbach, Veronica Escobar, Mark DeSaulnier, Deborah K. Ross, and Glenn F. Ivey.

The Committee's core responsibilities include: providing training, advice, and education to House Members, officers, and employees; reviewing and approving requests to accept privately-sponsored travel related to official duties; reviewing and certifying all financial disclosure reports Members, candidates for the House, officers, and senior staff are required to file; and investigating and adjudicating allegations of misconduct and violations of rules, laws, or other standards of conduct.

The Committee met 23 times in the 118th Congress, including 10 times in 2023 and 13 times in 2024.

Within the scope of its training, advice and education, travel, and financial disclosure responsibilities, the Committee:

- Issued over 800 formal advisory opinions regarding ethics rules;
- Reviewed and approved more than 4,300 requests to accept privately-sponsored, officially-connected travel;
- Fielded more than 38,000 informal telephone calls, emails, and in-person requests for guidance on ethics issues;
- Released 29 advisory memoranda on various ethics topics to the House;
- Provided training to approximately 16,000 House Members, officers, and employees each year, and reviewed their certifications for satisfying the House's mandatory training requirements;
- Received nearly 9,979 Financial Disclosure Statements and amendments filed by House Members, officers, senior staff, and House candidates; and
- Received more than 2,775 Periodic Transaction Reports filed by House Members, officers, and senior staff, containing thousands of transactions.

The Committee is also responsible for investigating allegations against House Members, officers, and employees. The Committee uses a mix of investigative techniques to determine the validity of factual allegations, explore potential rules violations, and recommend appropriate sanctions and corrective actions. The Committee's options for investigating a matter include fact-gathering under Committee Rules 16(c) or 18(a), the impanelment of investigative subcommittees (ISC), consideration of formal complaints, and the review of transmittals from the Office of Congressional Ethics (OCE). Committee review of a matter in any of these formats is an "investigation" under House and Committee rules. Also, it is not uncommon for a matter to be investigated by the Committee in more than one of these formats over the course of the Committee's overall review of that matter. For example, as discussed further in this report, the Committee may occasionally begin an investigation under Committee Rule 18(a) and subsequently determine that it is appropriate to continue the investigation through an ISC.

The initiation or status of an investigative matter may or may not be publicly disclosed, depending on the circumstances of the individual matter. However, the fact that the Committee is investigating a particular matter, opts to investigate a matter in one format instead of another, is required or chooses to make a public statement regarding a pending investigative matter, or that a House Member, officer, or employee is referenced in an investigative matter should not be construed as a finding or suggestion that the Member, officer, or employee has committed any violation of the rules, law, or standards of conduct.

During the 118th Congress, within the scope of its investigative responsibilities, the Committee:

- Commenced or continued investigative fact-gathering regarding 41 separate investigative matters;
- Impaneled 3 ISCs, in the matters of Rep. George Santos, Rep. Sheila Cherfilus-McCormick, and Rep. Henry Cuellar;
- Held 19 ISC meetings;
- Filed 5 reports with the House totaling approximately 1,688 pages regarding various investigative matters;

- Publicly addressed 20 matters, described in Section VII of this report;
- Resolved 12 additional matters;
- Conducted 101 voluntary witness interviews;
- Authorized the issuance of 108 subpoenas;
- Conducted 7 interviews pursuant to subpoenas; and
- Reviewed over 1,469,945 pages of documents.

Nine investigative matters were pending before the Committee as of January 2,

All the Committee's work as summarized in this report is made possible by the Committee's talented professional, nonpartisan staff. The Members of the Committee wish to acknowledge their hard work and dedication to the Committee and the House. In addition, the Committee wishes to thank its departing Members for their service and for the thoughtfulness and collegiality they showed during their time on the Committee.

I. INTRODUCTION

House Rule XI, clause 1(d), requires each committee to submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under that rule and House Rule X. This report summarizes the activities of the Committee for the entirety of the 118th Congress.

The jurisdiction of the Committee on Ethics is defined in clauses 3(g), 4(d)(1) and 6(c)(5) of House Rule II, clauses 1(g) and 11(g)(4) of House Rule X, clause 3 of House Rule XI, and clause 5(h) of House Rule XXV. The text of those provisions is attached as Appendix I to this Report.

In addition, several provisions of statutory law confer authority on the Committee. Specifically, for purposes of the statutes on gifts to federal employees (5 U.S.C. § 7353) and gifts to superiors (5 U.S.C. § 7351), both the Committee and the House of Representatives are the "supervising ethics office" of House Members, officers, and employees. In addition, as discussed further in Part III below, for House Members, officers, and employees, the Committee is both the "supervising ethics office" for financial disclosure under the Ethics in Government Act (EIGA) (5 U.S.C. app. §§ 101 *et seq.*) and the "employing agency" for certain purposes under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342). The outside employment and earned income limitations of the EIGA are administered by the Committee with respect to House Members, officers, and employees (5 U.S.C. app. § 503(1)(A)). Finally, the notification of negotiation and recusal requirements created by the Honest Leadership and Open Government Act (HLOGA) are administered, in part, by the Committee.

II. ADVICE AND EDUCATION

Pursuant to the Ethics Reform Act of 1989 (2 U.S.C. § 4711(i)), the Committee maintains an Office of Advice and Education, which is staffed as directed by the Committee's Chair and Ranking Member. Under the statute, the Office's primary responsibilities include:

- Providing information and guidance to House Members, officers, and employees on the laws, rules, and other standards of conduct applicable to them in their official capacities;

- Drafting responses to specific advisory opinion requests received from House Members, officers, and employees, and submitting them to the Chair and Ranking Member for review and approval;
- Drafting advisory memoranda on the ethics rules for general distribution to House Members, officers, and employees, and submitting them to the Chair and Ranking Member, or the full Committee, for review and approval; and
- Developing and conducting educational briefings for House Members, officers, and employees.

The duties of the Office of Advice and Education are also addressed in Committee Rule 3, which sets out additional requirements and procedures for the issuance of Committee advisory opinions.

Under Committee Rule 3(j), the Committee will keep confidential any request for advice from a Member, officer, or employee, as well as any response to such a request. As a further inducement to House Members, officers, and employees to seek Committee advice whenever they have any uncertainty on the applicable laws, rules, or standards, statutory law (2 U.S.C. § 4711(i)(4)) provides that no information provided to the Committee by a Member or staff person when seeking advice on prospective conduct may be used as a basis for initiating a Committee investigation if the individual acts in accordance with the Committee's written advice. In the same vein, Committee Rule 3(k) provides that the Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion of the Committee if the conduct conforms to the specific facts addressed in the opinion. Committee Rule 3(l) also precludes the Committee from using information provided to the Committee by a requesting individual "seeking advice regarding prospective conduct . . . as the basis for initiating an investigation," provided that the requesting individual "acts in good faith in accordance with the written advice of the Committee." In addition, the Committee understands that federal courts may consider the good faith reliance of a House Member, officer, or employee on written Committee advice from nonpartisan staff as a defense to Justice Department prosecution regarding certain statutory violations.¹

The Committee believes that a broad, active program for advice and education is an extremely important means for attaining understanding of, and compliance with, the ethics rules. The Committee's specific efforts on publications, briefings, and advisory opinion letters during the 118th Congress are set forth below. On a daily basis, Committee staff attorneys also provided informal advice in response to inquiries received from Members, staff persons, and third parties in telephone calls and e-mails directed to the Committee office, as well as in person. During the 118th Congress, Committee attorneys responded to more than 38,000 phone calls, e-mail messages, and in-person requests for advice, and participated

¹For example, a federal 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. *United States v. Hedges*, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990).

in many informal meetings with Members, House staff, or outside individuals or groups regarding specific ethics matters.

PUBLICATIONS

The Committee's major publication is the *House Ethics Manual*. The Manual provides detailed explanations of all aspects of the ethics rules and statutes applicable to House Members, officers, and employees. Topics covered by the Manual include the acceptance of gifts or travel, campaign activity, casework, outside employment, and involvement with official and outside organizations. In the 118th Congress, the Committee issued an updated print of the Manual, including revised travel and gift sections. The Committee also updated the *Highlights of the House Ethics Rules*. All current Committee publications, including the *House Ethics Manual 2022 Print* and the *Highlights of the House Ethics Rules 2022 Print*, are available from the Committee's office and their text is posted in a mobile-friendly searchable format on the Committee's website, at <https://ethics.house.gov>.

The Committee updates and expands upon the materials in the Manual and highlights matters of particular concern, through the issuance of general advisory memoranda and quarterly newsletters to all House Members, officers, and employees. The memoranda and newsletters issued during the 118th Congress were as follows:

- Two Upcoming Live, In Person Ethics Training Sessions for 2023
- Launch of PTR Due Date Calculator and STOCK Act Reminder
- The 2023 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees
- Upcoming Financial Disclosure Clinics & Training
- Committee on Ethics Quarterly Newsletter Q1 2023
- Committee on Ethics Quarterly Newsletter Q2 2023
- Joint Guidance Relating to Natural and National Disasters
- Ethics Guidance Related to Operations During a Lapse in Appropriations
- Annual Member Ethics Training Announcement 2023
- Senior Staff Ethics Training Announcement 2023
- Joint Guidance on Capitol Flag Flying Program
- Committee on Ethics Quarterly Newsletter Q3 2023
- Holiday Guidance on the Gift Rule
- Reminder of Ethics Training Requirements for 2023
- The 2024 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions
- Foreign Gifts and Decorations Act CY 2023 Reporting Reminder
- Committee on Ethics Quarterly Newsletter Q4 2023
- Upcoming Financial Disclosure Clinics & Training
- Annual Member Ethics Training Announcement 2024
- Revised Legal Expense Fund Regulations
- Committee on Ethics Quarterly Newsletter Q1 2024
- Joint Guidance Regarding Co-Sponsored Constituent Service Events

- Events Taking Place and Gifts Offered During a National Political Convention
- Joint Guidance Regarding National Party Conventions
- Rules Regarding Providing a Hyperlink from Campaign Websites to Official Websites
- Campaign Activity Guidance
- Committee on Ethics Quarterly Newsletter Q2 2024
- Joint Guidance Regarding Leadership Races
- Guidance for House Staff Assisting in the Presidential Transition
- Committee on Ethics Quarterly Newsletter Q3 2024
- Reminder of Ethics Training Requirement for 2024
- Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers
- Negotiations for Future Employment and Restrictions on Post-Employment for House Staff
- Member Swearing-In and Inauguration Events
- Legitimate and Verifiable Use of Campaign Funds
- New Ethics Committee Website

A copy of each of these advisory memoranda and newsletters is included as Appendix II to this Report.

The Committee also submits monthly reports of the Committee's activities to the Committee on House Administration (CHA). Finally, with this report, the Committee has sought to provide as much transparency as is appropriate while respecting confidentiality requirements. In addition to the many statistics cited throughout this report, the Committee publishes the following summary chart.

Committee Report (numbers are approximate)	2023	2024	TOTAL
Formal Advice and Approval			
Advisory Opinion Requests Received	471	406	877
Advisory Opinions Mailed	462	374	836
Travel Requests Received	3,025	2,668	5,693
Travel Opinions Mailed	1,805	2,587	4,392
Informal Advice (including Financial Disclosure)			
Phone Calls (approximate)	9,647	8,813	18,460
Emails (approximate)	9,143	10,095	19,238
Walk-Ins (approximate)	177	193	370
Training			
Total # of House Employees (as of Dec. 31, 2024)			
Employees having completed training	17,839	15,964	33,803
Training briefings (scheduled training sessions)	42	34	76
Personal Advisory Meetings with Members, officers, and employees	130	123	253
Investigations			
Investigative Matters carried over from the 117th Congress	12	--	12
Investigative Matters commenced in the 118th Congress	14	15	29
Investigative Subcommittees carried over from the 117th Congress	0	0	0
Investigative Subcommittees commenced	1	2	3
Publicly Disclosed Resolutions	1	8	9
Confidential Resolutions	4	8	12
Referrals received from the Office of Congressional Ethics	9	6	15
Financial Disclosures			
FD Reports filed by Members, officers, and employees	3,046	2,706	5,752
FD Reports filed by Candidates	567	885	1,452
FD Reports and amendments reviewed by Committee staff	3,318	2,963	6,281
PTRs filed by Members, officers, and employees	1,336	1,439	2,775
Total FD Reports and PTRs filed by all filers	4,949	5,030	9,979
Committee Publications			
Pink Sheets/General Advisories	11	18	29
Newsletters	3	4	7
Public Statements	9	20	29
Investigative Reports	1	4	5
Miscellaneous Oversight			
Recusals	31	55	86
Negotiations	92	119	211
Qualified Blind Trusts	5	5	10
Legal Expense Funds	5	6	11
Foreign Gifts and Travel Reports	12	19	31
Meetings			
Full Committee Meetings	10	13	23
Subcommittee Meetings	8	10	19
Personnel			
Lowest Total Staff Level	24	28	--
Highest Total Staff Level	28	29	--

ETHICS TRAINING

Clause 3(a)(6) of House Rule XI, which originated in the 110th Congress, requires all House Members and employees to complete ethics training each calendar year, pursuant to guidelines to be issued by the Committee. The House rules and the Committee's guidelines require each House employee to complete one hour of ethics training each calendar year. The guidelines also require all House employees who are paid at the "senior staff rate" to complete an additional hour of training each Congress on issues primarily of interest to senior staff.² Rule XI requires new House Members and employees to complete ethics training within 60 days of the commencement of their service to the House.³

Pursuant to its obligations under Rule XI, the Committee held 42 ethics training sessions during 2023 and 34 during 2024. During the 118th Congress, Members, officers, and employees fulfilled their training requirement either through attending a training session in person or by viewing an on-line presentation. The training sessions for new Members and employees provided a general summary of the House ethics rules in all areas, such as gifts, travel, campaign activity, casework, involvement with outside entities, and outside employment. The live and on-line sessions for existing Members and employees covered specific topics, such as gifts, travel, and campaign work, in greater depth. The Committee also provided senior staff with different options to fulfill their additional training requirement, including an on-line overview of rules of particular significance for senior staff and live, in-depth trainings focused on a single topic of importance for senior staff.

In 2023, the Committee trained 1,257 employees at live ethics briefings, and more than 16,000 used one of the on-demand training options. During 2024, the Committee trained 388 employees at live ethics briefings, and more than 15,500 through one of the on-demand training options. The total number of employees who completed ethics training for 2024 will be determined after January 31, 2025, the date that House Rule XI established as the deadline for employees to certify completion of the ethics training requirement for 2024.

In addition to the training required under House Rule XI, the Committee also provided training in several other contexts. The House will include 66 new Members in the 119th Congress, most of whom have not previously served in the House. The Committee made a presentation to the Members-elect of the 119th Congress during New Member Orientation and participated in two issue-specific panels. The Committee also met with numerous departing Members and staff to counsel them on the ethics rules related to their transition to private life and the post-employment restrictions. The Committee also provided training open to all House Members, officers, and employees on the financial disclosure rules, which are discussed further in Section III.

² In 2024, the senior staff rate was \$147,649 per year, or a monthly salary above \$12,304. This figure is subject to change each year, and the Committee issues a general advisory memorandum to all House Members, officers, and employees announcing changes in this and other salary thresholds relevant to ethics rules.

³ The requirement that new Members receive training within 60 days of commencement of their service to the House was added to House Rule XI in the 114th Congress.

Committee staff also participated in 1 briefing sponsored by or held for the members of outside organizations. In addition, Committee staff led approximately 6 briefings for visiting international dignitaries from a variety of countries, including Kosovo, Sri Lanka, Malaysia, the Philippines, Laos, Ghana, Nigeria, and Saudi Arabia.

ADVISORY OPINION LETTERS

The Committee's Office of Advice and Education, under the direction and supervision of the Committee's Chair and Ranking Member, prepared and issued 836 private advisory opinions during the 118th Congress: 462 in 2023 and 374 in 2024.

Opinions issued by the Committee in the 118th Congress addressed a wide range of subjects, including various provisions of the Gift Rule, campaign-related activities, the outside earned income and employment limitations, co-sponsored constituent service events, and the post-employment restrictions.

TRAVEL APPROVAL LETTERS

As discussed above, House Rule XXV, clause 5(d)(2), which was enacted at the start of the 110th Congress, charged each House Member or employee with obtaining Committee approval before undertaking any officially-connected travel paid for by a private source. Since 2007, the Committee has conducted a thorough review of each proposed privately-sponsored trip.

Committee approval does not reflect an endorsement of the trip sponsor or a determination on the proposed trip's safety or security. Instead, Committee approval is limited to compliance with the relevant laws, rules, or regulations. To that end, the Committee's non-partisan, professional staff recommends changes where necessary to bring a proposed trip into compliance with relevant laws, rules, or regulations and, on occasion, informs House Members and employees that a proposed trip is not permissible. The Committee recognizes both the significant benefit the public receives when their Representatives and their Representatives' staff receive hands-on education and experience, as well as the mandate that outside groups be appropriately limited in what gifts and support they provide to Members of Congress and congressional staff.

The Committee is directed by House Rules to develop and revise as necessary guidelines and regulations governing the acceptance of privately-sponsored, officially-connected travel by House Members, officers, and employees.⁴ The Committee issued initial travel regulations in a pair of memoranda dated February 20 and March 14, 2007. At the end of the 112th Congress, the Committee adopted new travel regulations (Travel Regulations), which were issued on December 27, 2012. In the 116th Congress, the Committee adopted revised Travel Regulations and FGDA Regulations. The new Travel Regulations were effective for all trips starting on or after April 1, 2021. In general, the Committee requires any House Member, officer, or employee who wishes to accept an offer of privately-sponsored, officially-connected travel to submit all required paperwork

⁴ House Rule XXV, clause 5(i).

to the Committee at least 30 days prior to the start of the trip.⁵ However, the 30-day requirement does not apply to certain types of trips, and the Committee retains authority to approve requests submitted after that deadline in exceptional circumstances.⁶ When the Committee opts to approve a request filed after the general deadline, the approval letter sent to the traveler—which must ultimately be publicly disclosed—notes that fact.

Under the travel approval process established by the Committee to implement this rule, the Committee reviewed more than 3,205 requests to accept privately-sponsored, officially-connected travel, and issued letters approving more than 1,805 such requests in 2023. In 2024, the Committee reviewed over 2,600 requests to accept privately-sponsored, officially-connected travel, and issued letters approving over 2,500 such requests.

House Rules and the Committee's Travel Regulations require all House Members, officers, and employees who receive Committee approval to accept privately-sponsored, officially-connected travel to file detailed paperwork about the trip with the Clerk within 15 days of the conclusion of the trip.⁷ The Committee also reviewed the post-travel disclosure forms filed by the traveler for each approved trip and requested amendments or other remedial action by the traveler as necessary.⁸

The post-travel filings are made available to the public in a searchable online database on the Clerk's website, at http://clerk.house.gov/public_disc/giftTravel-search.aspx. The public, the media, and outside groups have used this valuable resource for years, and the Committee anticipates that they will continue to do so. The Committee requires those Members, officers, and employees who are required to file financial disclosure statements, as discussed in Section III, to also provide information about privately-sponsored, officially-connected travel on their financial disclosure filings, but the public should be aware that much more detailed and timely public filings regarding such travel are required, and the most authoritative source of those filings is the Clerk's website.

III. FINANCIAL DISCLOSURE

Title I of the Ethics in Government Act of 1978 (EIGA), as amended (5 U.S.C. app. §§ 101–111), requires certain officials in all branches of the federal government, as well as candidates for federal office, to file publicly-available Financial Disclosure Statements (Statements). These Statements disclose information concerning the filer's finances, as well as those of certain family members. By May 15 of each year, these “covered individuals” are required to file a Statement that provides information for the preceding calendar year. In addition, the Stop Trading on Congressional Knowledge Act (STOCK Act) amended EIGA in 2012 to require financial disclosure filers to report certain securities transactions over \$1,000 within 30 days of notice, but no later than 45

⁵ Travel Regulations at Part 500—Committee Approval Process.

⁶ *Id.* at § 501.1.

⁷ House Rule XXV, clause 5(b)(1)(A)(ii); Travel Regulations at Part 600—Post-Travel Disclosure.

⁸ From time to time, a traveler may inadvertently fail to file all of the required paperwork with their post-travel submission. That is not an indication that the information was not provided to the Committee prior to the trip and before the Committee approved the request, only that the traveler's subsequent submission was incomplete.

days after the transaction. The Committee has termed these interim reports “Periodic Transaction Reports” or “PTRs.”

Financial disclosure filings are not intended to be net worth statements, nor are they well suited to that purpose. As the Commission on Administrative Review of the 95th Congress stated in recommending broader financial disclosure requirements: “The objectives of financial disclosure are to inform the public about the financial interests of government officials in order to increase public confidence in the integrity of government and to deter potential conflicts of interest.”⁹

All House Members, including Members who are serving the first year of their first term, are required to file a Statement. In addition, any officer or employee of the House who was paid at or above 120 percent of the minimum pay for Executive Branch GS-15 (the “senior staff” rate) for at least 60 days in a calendar year must file a Statement on or before May 15 of the following year. Certain other employees, including those designated by a Member as a “principal assistant” for financial disclosure purposes and employees who are shared staff of three or more offices, are also subject to some financial disclosure filing requirements. More than 95% of Members and House staff used the online system to draft and submit their 2024 Statements.

The Committee engages in substantial training efforts to assist filers with completing their Statements and PTRs. In 2023, the Committee held three briefings for Members, officers, and employees and six walk-in clinics to support filers’ use of the electronic filing system for Statements and PTRs. In 2024, the Committee held three briefings for Members, officers, and employees and six walk-in clinics.

For the 118th Congress, Committee staff continued their long-standing practice of assisting filers with their Statements and PTRs. Committee staff responded to telephone, e-mail, and in-person questions from filers on an as-needed basis, in addition to reviewing draft Statements and PTRs. The Committee encourages all financial disclosure filers to avail themselves of opportunities to receive assistance.

For calendar year 2023, the Legislative Resource Center of the Clerk’s office referred a total of 3,613 Financial Disclosure Statements to the Committee for review. Of those, 3,046 were Statements filed by current or new House Members or employees, and 567 were Statements filed by candidates for the House. The Clerk’s office also referred a total of 1,336 PTRs to the Committee for review. The Committee received 450 PTRs from Members and 886 PTRs from officers and employees.

For calendar year 2024, the Legislative Resource Center of the Clerk’s office referred a total of 3,591 Statements to the Committee for review. Of those, 3,046 were Statements filed by current or new House Members or employees, and 885 were Statements filed by candidates for the House. The Clerk’s office also referred a total of 1,439 PTRs to the Committee for review. The Committee received 423 PTRs from Members and 1,016 PTRs from officers and employees.

⁹House Comm’n on Admin. Review, *Financial Ethics*, H. Doc. 95-73, 96th Cong., 1st Sess. 6 (1977).

Where the Committee's review indicated that a filed Statement or PTR was deficient, the Committee requested an amendment from the filer. Such amendments are routine and, without evidence of a knowing or willful violation, the Committee will usually take no further action after the amendment has been filed. Amendments are made publicly available in the same manner as other financial disclosure filings. The Committee also endeavored to follow up with filers whose Statements indicated non-compliance with applicable law, such as the outside employment and outside earned income limitations. Accurate and timely financial disclosure filings are an important part of the House's conflict of interest protections, and the Committee takes the statutory financial disclosure requirements and its oversight of them very seriously.

More information about financial disclosure, including the Committee's instruction booklet for filers and blank copies of Statement and PTR forms, is available on the Committee's website, at <https://ethics.house.gov/financial-disclosure>. In addition, financial disclosure filings of Members and candidates and other information about financial disclosure is available on the Clerk's website, at http://clerk.house.gov/public_disc/financial.aspx.

IV. COMMITTEE RULES

After the beginning of each Congress, the Committee must adopt rules for that Congress. On February 28, 2023, the Committee met and adopted the Committee rules for the 118th Congress. The substance of the Committee rules for the 118th Congress was largely identical to the amended rules adopted in the 117th Congress.

A copy of the Committee Rules for the 118th Congress is included as Appendix III to this Report.

V. NEW METHOD FOR ELECTRONIC SUBMISSION OF INFORMATION OFFERED AS A COMPLAINT

On January 9, 2023, the House passed House Resolution 5, which amended the House Rule XI, clause 3(r) to include a new subparagraph (2), which stated, in part, that the Committee was directed to adopt its rules providing for a process to receive from the public outside information offered as a complaint and that the process shall include the establishment of a method for submission of such information to the Committee in electronic form.¹⁰

Since at least the 98th Congress, the Committee rules have permitted the Committee to receive from the public outside information offered as a complaint.¹¹ Since at least the 116th Congress, the Committee has had a method for submission of such information to the Committee in electronic form.

In the 116th Congress, the Committee began a process of making improvements to its website for the first time since the 112th Congress. In the 116th Congress, the Committee released a new interface with the *House Ethics Manual* that made it easier to access and more mobile-friendly. In the 117th Congress, the Committee developed new web forms and other tools to modernize the Committee's work. In the 118th Congress, the Committee completely re-

¹⁰ H. Res. 521 (118th Cong.).

¹¹ See Rule 13 of the Rules of Procedure of the Committee on Standards of Official Conduct for the 98th Congress (Jan. 27, 1983).

designed its website to be easier to navigate, more intuitive, and more helpful to the House community. As part of that process, the Committee created a new web form that makes it easier for the public to submit information offered as a complaint. The Committee launched its redesigned website, including the new web form, on December 18, 2024.

VI. CONFIDENTIALITY

Several House and Committee rules require that the Committee conducts a significant amount of its work confidentially.

Pursuant to Committee Rule 3(j), the Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to that individual in response. The Committee shall not release any internal Committee staff work product, communications, or notes in response to such a request, except as authorized by the Committee.

Under Committee Rule 5(c) and House Rule XI, clauses 3(c)(1) and (h), each meeting of the Committee or a subcommittee thereof shall occur in executive session unless the Committee or subcommittee opens the meeting to the public by an affirmative vote of the majority of its Members. Pursuant to House Rule VII, clause 3(b), “[u]nder no circumstances may minutes or transcripts of executive sessions . . . be disclosed or copied.”

Pursuant to Committee Rule 7(a) and House Rule XI, clause 3(d), all Committee Members and staff sign a confidentiality oath at the start of each Congress stating:

I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Ethics, any information received in the course of my service with the committee, except as authorized by the committee or in a accordance with its rules.

Committee Rule 7(b) stipulates that no Committee staffer or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee. Pursuant to Committee Rule 7(c) and House Rule XI, clause 3(b)(6), information or testimony received, or the contents of a complaint or the fact of its filing, may not be publicly disclosed by any Committee Member or staffer unless specifically authorized by a vote of the full Committee. Committee Rule 7(f) and House Rule XI, clause 3(i), state that unless authorized by a vote of the Committee, only the Chair or Ranking Member, after consultation with each other, may make public statements regarding matters before the Committee.

Pursuant to Committee Rule 26(p), a witness, upon request, may be provided a copy of the transcript of their interview only after a

vote of the Committee. A witness may be provided an opportunity to examine a copy of the transcript of their interview in the Committee offices with approval of the Chair or Ranking Member. In either case, such approval shall only be granted if the witness and the witness's counsel agree to maintain confidentiality of all executive session proceedings covered by such transcript.

These confidentiality rules are vital to the Committee's work. Maintaining the confidentiality of investigations minimizes the risk of interference and protects the identities of complainants and witnesses. Maintaining a confidential investigation also avoids unnecessarily tarnishing a Member's reputation before a determination of wrongdoing has been made. Although the Committee's investigations are conducted confidentially, the Committee's confidentiality rules generally do not prohibit witnesses from disclosing information about the Committee's requests or conversations with Committee investigators. Further, the fact that an investigation is conducted in a confidential manner does not preclude the Committee from making public statements during the course of, or at the end of, an investigation, where the statement is required by rule, necessary to effectuate a sanction, or otherwise in the public interest.

Confidentiality is equally important to the Committee's advisory work. The House's ethics program works best when House Members and staff seek the Committee's guidance before taking an action. Accordingly, the Committee makes every effort to encourage Members and staff to contact the Committee's advisory staff with any ethics questions they may have. Maintaining confidentiality of the Committee's advice is critical to that effort. It allows Members and staff to ask sensitive questions without fear of reprisal, and it ensures that Members and staff are comfortable sharing with the Committee all information relevant to their query. Although the Committee's advice is provided confidentially, the Committee's confidentiality rules generally do not prohibit Members and staff from disclosing information about advice they received from the Committee.

In both the investigative and advisory contexts, confidentiality is central to the Committee's internal deliberative process. Ethics rules should be applied and enforced without regard to partisan, political concerns. It is for this reason that the Committee is the only House Committee with an equal number of Members from each party. Under this structure, the Committee can only take action with bipartisan consensus. Confidentiality both during and outside of the Committee's executive session meetings allows Committee Members to have frank and honest discussions about the work of the Committee, which is an essential part of building that consensus.

There has been a significant and unusual amount of reporting on the Committee's activities during the 118th Congress, and much of that reporting has been inaccurate. Although the Committee's confidentiality rules prohibit Committee Members and staff from disclosing confidential information, the Committee's confidentiality rules do not prohibit others from disclosing information about their communications with the Committee. To the extent that any of the public reporting about the Committee's work came from unauthorized disclosures of confidential Committee information, the Com-

mittee strongly condemns such unauthorized disclosures, which are damaging and harmful to the Committee's work.

VII. INVESTIGATIONS

Article I, Section 5 of the Constitution grants each chamber of Congress the power to "punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member." The Committee is designated by House rule as the body which conducts the investigative and adjudicatory functions which usually precede a vote by the full House regarding such punishment or expulsion. House Rule XI, clause 3, as well as Committee Rules 13 through 28, describe specific guidelines and procedures for the exercise of that authority.

As a general matter, the Committee's investigative jurisdiction extends to current House Members, officers and employees.¹² When a Member, officer, or employee, who is the subject of a Committee investigation departs the House the Committee loses jurisdiction. In rare circumstances, the Committee has determined to make a public statement regarding a matter previously within its jurisdiction.

The Committee may not undertake an investigation of an alleged violation that occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.¹³

In most cases, the Committee only investigates matters that allegedly occurred while the individual was a House Member, officer, or employee. However, the Committee has asserted jurisdiction over alleged conduct that may have violated laws, regulations, or standards of conduct, which occurred prior to a Member's swearing-in but in connection with a successful campaign for the House of Representatives. Further, the Committee is required to establish an Investigative Subcommittee (ISC) whenever a Member, officer, or employee of the House is convicted of a felony, regardless of whether the underlying conduct occurred while the individual was a Member, officer, or employee of the House. The Committee is also required to either establish an ISC or report to the House why it did not do so whenever a Member is formally charged with criminal conduct in any Federal, state or local court.

As a general matter, the Committee's investigations are conducted either pursuant to authorization by the Chair and Ranking Member, under Committee Rule 18(a), or pursuant to a vote by the Committee to impanel an ISC. Most investigations are conducted pursuant to Committee Rule 18(a).¹⁴ Even those investigations that ultimately result in the formation of an ISC usually begin as Committee Rule 18(a) investigations. Committee Rule 18(a) and ISC investigations differ only in process, not substance. In both kinds of investigations, Committee staff is authorized by Members of the Committee to interview witnesses, request documents and information, and engage in other investigative actions. Further, both the

¹² House Rule XI, clause 3(a)(2).

¹³ House Rule XI, clause 3(b)(3).

¹⁴ An investigation of a formal complaint or information offered as a complaint pursuant to Committee Rule 15 is conducted pursuant to a similar rule, Committee Rule 16(c), until an ISC is impaneled or the question of whether to impanel one is placed on the Committee's agenda.

Committee and ISC may authorize subpoenas for documents and witness testimony.¹⁵ Members of the Committee can, and do, attend and participate in voluntary interviews with witnesses in both 18(a) and ISC investigations.

The Committee may opt to investigate a matter under Committee Rule 18(a) rather than an ISC for several reasons. For example, investigating pursuant to Committee Rule 18(a) preserves the Committee's ability both to deploy its limited resources in the most efficient manner possible, and to maintain the confidentiality of its investigations. In general, the Committee publicly announces when it has voted to impanel an ISC. In contrast, most investigations conducted pursuant to Committee Rule 18(a) are confidential. Maintaining the confidentiality of investigations minimizes the risk of interference and protects the identities of complainants. Indeed, in past investigations, employees of a Member have brought allegations of misconduct to the Committee when they have remained in the employ of the Member and faced intimidation or reprisal.¹⁶ Maintaining a confidential investigation also avoids unnecessarily tarnishing a Member's reputation before a determination of wrongdoing has been made.

The fact that an investigation is conducted in a confidential manner does not preclude the Committee from making a public statement during the course of or at the end of the investigation. For example, in recent Congresses, the Committee has issued public reports to the House and/or letters of reproof in various investigative matters that were initiated by the Committee and that had not previously been publicly disclosed by the Committee.¹⁷

Whether the Committee investigates a matter under Committee Rule 18(a) or through an ISC, by rule, the Committee may choose to exercise its investigative authority in several different scenarios.¹⁸ However, most Committee investigations begin when the Committee, on its own initiative, undertakes an investigation. In the 118th Congress, the Committee commenced or continued investigative fact-gathering regarding 41 separate investigative matters, most of which were begun at the Committee's initiative. Those matters also included referrals from the Office of Congressional Ethics (OCE). In the 118th Congress, OCE referred 15 matters to the Committee, 9 with a recommendation for further review, 6 with a recommendation that all allegations be dismissed, and 0 that were

¹⁵The mechanism for issuing a subpoena by the Committee or an ISC does differ. Where an ISC has been impaneled, it can authorize a subpoena, to be signed by the Committee's Chair and Ranking Member. If the investigation is at the Committee Rule 18(a) stage, the full Committee can vote to issue a subpoena to be signed by the Chair.

¹⁶See, e.g., House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rept. 112-642, 112th Cong. 2d Sess. (2012).

¹⁷See, e.g., House Comm. on Ethics, *In the Matter of Allegations Relating to Elizabeth Esty*, H. Rept. 115-1093, 115th Cong. 2d Sess. (2018); House Comm. on Ethics, *In the Matter of Allegations Relating to Representative David McKinley*, H. Rept. 114-795, 114th Cong. 2d Sess. (2016); House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Phil Gingrey*, H. Rept. 113-664, 113th Cong. 2d Sess. (2014).

¹⁸Specifically, the Committee may exercise its investigative authority when: (1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee; (2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee; (3) the Committee, on its own initiative, undertakes an investigation; (4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony; (5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or (6) a referral from OCE is transmitted to the Committee. See Committee Rule 14(a).

referred without a recommendation due to a tie vote of OCE's Board.

In the 118th Congress, the Committee did not seek a House sanction in any matters. In one instance, the Committee determined to release findings in a matter after determining that "proceeding with [the] adjudicatory process" would only serve to provide the Member with "further opportunity to delay any accountability for his actions and could risk interfering with the ongoing criminal prosecution" involving the same Member.¹⁹ The House subsequently voted to expel that Member under its direct constitutional authority.²⁰

OCE is an independent office within the House created by a House resolution in the 110th Congress after the release of a report of the Democratic Members of the Special Ethics Task Force on Ethics Enforcement (Task Force Report).²¹ According to the Task Force Report, the OCE Board has the responsibility to review information on allegations of misconduct by Members, officers, and employees of the House and make recommendations to the Committee for the Committee's official consideration and action.

Two OCE Board members may initiate a review by notifying all other OCE Board members in writing. The OCE Board then has 30 calendar days to consider the matter in a preliminary review phase and may vote to either terminate the review or progress to the second-phase review. Once in the second phase, the OCE Board has 45 calendar days (with a possible one-time extension of 14 days) to complete consideration of the matter and refer it to the Committee with a recommendation for dismissal, further review, or as unresolved due to a tie vote. The OCE Board's referral may not contain any conclusions regarding the validity of the allegations upon which it is based or the guilt or innocence of the individual who is the subject of the review. The Task Force believed that "the timeline requirements instituted by the new process are critical: matters will spend at most three months under consideration by the Board of the OCE before being referred to the Committee for resolution."²² The Task Force considered whether to give OCE either direct or indirect subpoena power. The Task Force Report ultimately decided not to give OCE subpoena power based on a number of factors. Instead, the Task Force Report stated that the Board's referral may include recommendations for the issuance of subpoenas by the Committee where Members feel it appropriate.

When the Committee receives a referral from OCE, it is required to review the referral "without prejudice or presumptions as to the merit of the allegations."²³ The Committee thus makes an independent determination about how to proceed in the matter based on the information before the Committee, which may include not

¹⁹ Comm. on Ethics, *In the Matter of Allegations Relating to Representative George Santos*, H. Rept. 118-274, 118th Cong. 1st Sess. 3 (2023).

²⁰ Since 2008, the Committee has recommended that the House issue a censure in one matter, recommended in three matters that the House issue a reprimand, and issued 16 reprimands. In addition to these formal sanctions, the Committee has admonished several Members, officers, and employees, both publicly and privately. An admonishment is not a formal sanction of the Committee or the House. It is a warning that certain conduct can be found in violation of House Rules and potentially lead to sanction.

²¹ Special Task Force on Ethics Enforcement, *Report of the Democratic Members of the Special Task Force on Ethics Enforcement*, (H. Rept. 110-1, 110th Cong. 1st Sess. (Comm. Print 2007).

²² *Id.* at 14. The 18 OCE referrals received by the Committee in the 117th Congress were transmitted an average of 122 days after the start of the preliminary review phase.

²³ Committee Rule 17A(a).

only the OCE referral and supporting documents provided to the Committee by OCE, but other information. It is not uncommon that the Committee's review will require more than 90 days because of the need to review documents, interview witnesses, and/or assess the legal significance of evidence, among other investigative steps. Some investigations may require the review of tens of thousands, if not hundreds of thousands, of pages of documents.

In some instances, the Committee may be asked to defer its investigation in whole or in part by another law enforcement entity, generally the U.S. Department of Justice (DOJ). The Committee is mindful of the risks associated with dual investigations and endeavors to communicate with other government investigators to mitigate the potential risks while still meeting the Committee's obligations to safeguard the integrity of the House. In some instances, the Committee has wholly deferred its review at the request of law enforcement. In other instances, it has deferred only certain investigative steps, such as interviews of particular witnesses. Provided that the Committee still retains jurisdiction, a decision by the Committee to defer does not preclude the Committee from continuing its investigation later, regardless of the outcome of the other entity's investigation. In addition, a decision by the Committee to defer an investigation does not itself indicate that any violation has occurred or reflect any judgment on behalf of the Committee. In the 118th Congress, the Committee continued review of a matter it had deferred for two years at the request of DOJ, after DOJ withdrew the deferral request.²⁴ In that matter, the Committee sought information from DOJ relating to the matter, but DOJ provided no meaningful evidence or information to the Committee. DOJ's initial deferral request and subsequent lack of cooperation with the Committee's review caused significant delays in the investigation. The Committee hopes to continue to engage with DOJ on the broader issues raised by its failure to recognize the Committee's unique mandate. As the Committee has told DOJ, the Committee and DOJ should be partners in their shared mission of upholding the integrity of our government institutions.

The Committee publicly addressed 20 investigative matters during the 118th Congress. In addition to confidential matters, the Committee also carried over several public matters from the 117th Congress. In the 118th Congress, the Committee continued to address the matters concerning Representative Sanford Bishop, Representative Matt Gaetz, Representative Bill Huizenga, Representative Ronny Jackson, Representative Mike Kelly, Representative Doug Lamborn, Representative Alex Mooney, and Representative Alexandria Ocasio-Cortez. A chronological overview of public statements made by the Committee in the 118th Congress regarding investigative matters follows.

On March 2, 2023, the Committee announced it had unanimously voted to establish an ISC with regard to allegations that Representative George Santos engaged in unlawful activity with respect to his 2022 congressional campaign; failed to properly disclose required information on statements filed with the House; violated federal conflict of interest laws in connection with his role in a firm

²⁴ Comm. on Ethics, *In the Matter of Allegations Relating to Representative Matt Gaetz*, 118th Cong. 2d. Sess. (2024).

providing fiduciary services; and/or engaged in sexual misconduct towards an individual seeking employment in his congressional office.

On March 2, 2023, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by OCE regarding Representative Alexandria Ocasio-Cortez.

On June 22, 2023, the Committee announced it had unanimously voted to expand the jurisdiction of the ISC regarding Representative George Santos to include counts IX–XI of the indictment of the U.S. District Court for the Eastern District of New York, alleging that Representative Santos fraudulently obtained unemployment insurance benefits.

On October 31, 2023, the Committee announced the ISC regarding Representative George Santos was continuing to review allegations during the pendency of a related criminal prosecution and that it would announce its next course of action on or before November 17, 2023.

On November 16, 2023, the Committee transmitted a report to the House regarding allegations relating to Representative George Santos and announced its referral of substantial evidence of potential violations of federal criminal law to the DOJ.

On November 22, 2023, the Committee announced that a majority of the Members of the Committee did not agree to establish an ISC or report to the House regarding Representative Jamaal Bowman's conduct.

On December 27, 2023, the Committee announced it had unanimously voted to establish an ISC with regard to allegations that Representative Sheila Cherfilus-McCormick may have violated campaign finance laws and regulations in connection with her 2022 special election and/or 2022 re-election campaigns; failed to properly disclose required information on statements required to be filed with the House; and/or accepted voluntary services for official work from an individual not employed in her congressional office.

On January 24, 2024, the Committee announced it would not continue review of allegations referred by OCE regarding Representative Jamaal Bowman.

On May 10, 2024, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by OCE regarding Representative Troy Nehls.

On May 29, 2024, the Committee announced it had unanimously voted to establish an ISC with regard to allegations that Representative Henry Cuellar solicited or accepted bribes, gratuities, or improper gifts; acted as a foreign agent; violated federal money laundering laws; misused his official position for private gain; and/or made false statements or omissions on public disclosure statements filed with the House.

On June 5, 2024, the Committee transmitted a report to the House regarding allegations relating to Representative Bill Huizenga.

On June 18, 2024, the Committee announced that it was continuing to investigate allegations relating to Representative Matt Gaetz.

On June 24, 2024, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by OCE regarding Representative Ronny Jackson.

On June 24, 2024, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by OCE regarding Representative Wesley Hunt.

On June 25, 2024, the Committee unanimously voted to expand the jurisdiction of the ISC relating to Representative Sheila Cherfilus-McCormick to include allegations that Representative Cherfilus-McCormick: (1) engaged in improper conduct in connection with community project funding requests; (2) misused official funds for campaign purposes; and/or (3) violated campaign finance laws and regulations in connection with her 2024 re-election campaign.

On September 25, 2024, the Committee made public the OCE Report in the matter of Representative Sheila Cherfilus-McCormick.

On November 12, 2024, the Committee transmitted a report to the House regarding allegations relating to Representative Victoria Spartz.

On December 5, 2024, the Committee stated it had met to discuss the matter of Representative Matt Gaetz and is continuing to discuss the matter.

On December 23, 2024, the Committee transmitted a report to the House regarding allegations relating to Representative Matt Gaetz.

On December 23, 2024, the Committee transmitted a report to the House regarding allegations relating to Representative Michael McCaul.

On December 30, 2024, the Committee announced its dismissal of allegations referred by OCE regarding Representatives Sanford Bishop, Wesley Hunt, Ronny Jackson, and Alexander Mooney.

On January 2, 2025, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by OCE regarding Representative Andy Ogles.

On January 2, 2025, the Committee made public the OCE Report and Findings in the matter of Representative Sheila Cherfilus-McCormick.

These investigative matters are described in more detail below, in alphabetical order. Copies of the Committee's public statements related to these matters are included as Appendix IV to this Report. Those statements, along with any attachments referenced in the statements, are available on the Committee's website. All Committee Reports filed with the House are also available on the Committee's website.

In the Matter of Allegations Relating to Representative Sanford Bishop, Jr.

On February 10, 2020, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Sanford Bishop, Jr.'s campaign committee reported disbursements that were not attributable to bona fide campaign or political purposes, and that Representative Bishop may have authorized expenditures from his Members' Representational Allowance (MRA) that were not for permissible official expenses. On July 31, 2020, the Committee released the OCE Report and Findings, along with Representative Bishop's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On December 30, 2024, the Committee released a public statement announcing its dismissal of the matter.

In the Matter of Allegations Relating to Representative Jamaal Bowman

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on November 14, 2023, to consider the misdemeanor charge filed against Representative Jamaal Bowman for pulling a fire alarm in the Cannon House Office Building on Saturday, September 30, 2023. Representative Bowman entered a guilty plea pursuant to a Deferred Sentencing Agreement that required Representative Bowman to pay a \$1,000.00 fine, make a \$50 contribution to a Victims Compensation Fund, write and deliver an apology letter to the U.S. Capitol Police Chief, and serve three months of probation.

Pursuant to Committee Rule 18(e)(2) and House Rule XI, clause 3(b)(9), within 30 days of a Member being indicted or otherwise formally charged with criminal conduct, the Committee shall either establish an ISC or report to the House describing its reasons for not establishing an ISC. On November 22, 2023, the Committee released a public statement announcing that the Committee was not able to either establish an ISC or issue a report to the House. Pursuant to Committee Rule 10(a), both establishment of an ISC and the issuing of a report to the House regarding a Member's conduct require some level of consensus, because they require an affirmative vote of a majority of the Members of the Committee. The Committee did not reach consensus for either option. At that time, the Committee was aware that OCE had begun a preliminary review of the matter regarding Representative Bowman but had not yet completed the review. Some Members of the Committee thought it was appropriate to impanel an ISC immediately, while other Members of the Committee thought that any action should wait until OCE made its referral.

On December 7, 2023, the House voted to censure Representative Bowman for his conduct.

On December 11, 2023, OCE forwarded to the Committee a Report and Findings in which it recommended further review of the allegation that Representative Bowman may have willfully or knowingly gave a false alarm of fire and recommended dismissal of the allegation that Representative Bowman may have obstructed or attempted to impede an official House proceeding.

The Committee released the OCE Report and Findings on January 25, 2024, and noted in a public statement that: in light of the House's December 7, 2023, censure of Representative Bowman for his conduct, the Committee determined that further review of Representative Bowman's conduct would be moot; the Committee separately confirmed that Representative Bowman has complied with the relevant terms of his deferred sentencing agreement; House Rule XI, clause 3 and Committee Rule 17A provide for no specific further action; and that the Committee would not further review the matter.

In the Matter of Allegations Relating to Representative Sheila Cherfilus-McCormick

On September 25, 2023, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Sheila Cherfilus-McCormick may have: made payments to a state political action committee that may have been in connection with her campaign for federal office; received services related to franked communications and other official work from an individual who was not compensated with official funds; accepted and failed to report contributions exceeding FEC contribution limits; and failed to report transactions between the campaign committee's bank account and her businesses' bank accounts. On December 27, 2023, the Committee announced that it had unanimously voted to establish an ISC with jurisdiction to investigate whether Representative Sheila Cherfilus-McCormick may have: violated campaign finance laws and regulations in connection with her 2022 special election and/or 2022 re-election campaigns; failed to properly disclose required information on statements required to be filed with the House; and/or accepted voluntary services for official work from an individual not employed in her congressional office. On September 25, 2024, the Committee released the OCE Report and on January 2, 2025, the Committee released OCE's Findings.

On May 9, 2024, the OCE forwarded to the Committee a second Report and Findings in which it recommended further review of allegations that Representative Cherfilus-McCormick may have: requested community project funding that would be directed to a for-profit entity; accepted campaign contributions linked to an official actions; made payments to an entity in violation of House committee rules and standards of conduct or accepted and failed to report in-kind contributions that exceeded applicable limits; dispensed special favors or privileges to friends in connection with her congressional office's requests for community project funding; and misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another. On June 25, 2024, the Committee announced that it had unanimously voted to expand the jurisdiction of the ISC to investigate whether Representative Cherfilus-McCormick may have: engaged in improper conduct in connection with community project funding requests; misused official funds for campaign purposes; and/or violated campaign finance laws and regulations in connection with her 2024 re-election campaign.

As of the conclusion of the 118th Congress, the ISC had not completed its investigation into this matter. Representative Cherfilus-McCormick was reelected to the House for the 119th Congress.

In the Matter of Allegations Relating to Representative Henry Cuellar

On April 30, 2024, Representative Henry Cuellar was charged in the U.S. District Court for the Southern District of Texas with conspiracy, bribery, honest services wire fraud, money laundering, and violation of the ban on public officials acting as an agent of a foreign principal required to register under the Foreign Agents Registration Act. On May 29, 2024, the Committee announced that it had unanimously voted to establish an ISC with jurisdiction to de-

termine whether Representative Cuellar solicited or accepted bribes, gratuities, or improper gifts; acted as a foreign agent; violated federal money laundering laws; misused his official position for private gain; and/or made false statements or omissions on public disclosure statements filed with the House.

At the conclusion of the 118th Congress, the ISC had not completed its investigation into this matter. Representative Cuellar was reelected to the House for the 119th Congress.

In the Matter of Allegations Relating to Representative Matt Gaetz

On April 9, 2021, the Committee announced that it was investigating, pursuant to Committee Rule 18(a), allegations that Representative Matt Gaetz may have engaged in sexual misconduct and/or illicit drug use, shared inappropriate images or videos on the House floor, misused state identification records, converted campaign funds to personal use, and/or accepted a bribe, improper gratuity, or impermissible gift. The Committee, following precedent, deferred consideration of the matter in response to a request from DOJ.

At the beginning of the 118th Congress, DOJ rescinded its deferral request. On June 18, 2024, the Committee announced that it was expanding its investigation into Representative Gaetz to include allegations that he may have: engaged in sexual misconduct and illicit drug use, accepted improper gifts, dispensed special privileges and favors to individuals with whom he had a personal relationship, and sought to obstruct government investigations of his conduct. The Committee also announced that it would no longer investigate allegations that Representative Gaetz may have shared inappropriate images or videos on the House floor, misused state identification records, converted campaign funds to personal use, and/or accepted a bribe or improper gratuity.

At the completion of its investigation, the Committee found Representative Gaetz did not violate Federal sex trafficking laws. The Committee did find, however, that Representative Gaetz engaged in sexual misconduct, used illegal drugs, violated the House Gift Rule, dispensed special privileges and favors to individuals with whom he had a personal relationship, and sought to obstruct the Committee's investigation of his conduct. On November 14, 2024, Representative Gaetz resigned from the House.

On December 23, 2024, the Committee submitted a Report with Dissenting Views to the House describing the facts and findings regarding this matter and the dissenting views of the Committee Members who opposed release of the Report.

In the Matter of Allegations Relating to Representative Bill Huizenga

On August 16, 2019, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Bill Huizenga's campaign committee reported disbursements that were not attributable to bona fide campaign or political purposes, specifically, for campaign-funded trips and a campaign-funded dinner, and that the campaign accepted contributions from individuals employed in his congressional office. OCE also reviewed an allegation that Representative Huizenga authorized expenditures from his MRA that were not for permissible

official use, but recommended the Committee dismiss that allegation. On November 14, 2019, the Committee released the OCE Report and Findings and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the completion of its investigation, the Committee concluded that Representative Huizenga and his staff generally acted within the bounds of the law when spending campaign and official funds. The Committee noted that some expenditures paid for by Representative Huizenga's campaign, particularly during travel to recreational destinations, fell within unclear areas of FEC regulations; however, there was an established campaign purpose for each of the trips reviewed, and there was no clear pattern of misspending. The Committee did find that the campaign did not fully comply with relevant standards with respect to its reporting and reimbursement practices, largely due to lack of knowledge or confusion about the applicable requirements. Accordingly, the Committee unanimously voted that a sanction was not merited in this matter and sent Representative Huizenga a private letter detailing its findings in this matter conveying its expectation that he continue to employ appropriate safeguards to ensure proper spending and reporting of both official and campaign funds.

On June 5, 2024, the Committee submitted a Report to the House describing the facts and findings in this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Wesley Hunt

On March 25, 2024, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Wesley Hunt's campaign committee, Hunt for Congress, reported campaign disbursements that may not be legitimate campaign expenditures attributable to bona fide campaign or political purposes. On June 24, 2024, the Committee released the OCE Report and Findings, along with Representative Hunt's response, and noted in the public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On December 30, 2024, the Committee released a public statement announcing its dismissal of the matter.

In the Matter of Allegations Relating to Representative Ronny Jackson

On December 22, 2021, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Ronny Jackson's campaign committee made disbursements that were not legitimate and verifiable campaign expenditures. On May 23, 2022, the Committee released the OCE Report and Findings, along with Representative Jackson's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a). On March 25, 2024, OCE forwarded to the Committee a second Report and Findings in which it recommended further review of the same allegations concerning Representative Jackson. On June 24, 2024, the Committee released OCE's second Report and Findings and noted in a public statement that the Committee was

continuing to review the allegations pursuant to Committee Rule 18(a).

On December 30, 2024, the Committee released a public statement announcing its dismissal of the matter.

In the Matter of Allegations Relating to Representative Mike Kelly

On July 23, 2021, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Mike Kelly's wife may have purchased stock based on confidential or material nonpublic information that Representative Kelly had learned during his official job duties. The Committee released the OCE Report and Findings, along with Representative Kelly's response, on October 21, 2021, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the conclusion of the 118th Congress, the Committee had not completed its investigation into this matter. Representative Kelly was reelected to the House for the 119th Congress.

In the Matter of Allegations Relating to Representative Doug Lamborn

On October 25, 2021, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Doug Lamborn may have misused official resources for personal and non-official purposes; and that Representative Lamborn may have solicited or accepted improper gifts from subordinates.

The Committee released the OCE Report and Findings, along with Representative Lamborn's response, on January 24, 2022, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

Representative Lamborn did not seek reelection to the House and the Committee will no longer have jurisdiction to continue the investigation after January 3, 2025.

In the Matter of Allegations Relating to Representative Michael McCaul

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on December 10, 2024, to consider the misdemeanor charge filed against Representative Michael McCaul for public intoxication. On December 13, 2024, the charge was voluntarily dismissed. After reviewing and considering the matter, the Committee voted against impaneling an ISC related to Representative McCaul's conduct underlying the charge. In reaching this decision, the Committee considered the scope and nature of the violation and determined it to be one for which review by an ISC was not required.

On December 23, 2024, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Cory Mills

On August 29, 2024, OCE forwarded to the Committee a Report and Findings regarding Representative Cory Mills.

At the conclusion of the 118th Congress, the Committee had not completed its investigation into this matter. Representative Mills was reelected to the House for the 119th Congress.

In the Matter of Allegations Relating to Representative Alex Mooney

On July 23, 2021, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that: Representative Alex Mooney's campaign committees reported campaign disbursements that are not legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; and Representative Mooney's campaign committees omitted required information from Federal Election Commission candidate committee reports. The Committee released the OCE Report and Findings on October 21, 2021, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On December 22, 2021, OCE forwarded to the Committee a second Report and Findings in which it recommended further review of allegations that: Representative Mooney's campaign committees reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; Representative Mooney may have authorized expenditures from his MRA that were not for permissible official expenses; Representative Mooney may have used official resources, including staff time, for unofficial or campaign purposes; and Representative Mooney may have withheld, concealed, or otherwise falsified information during the prior OCE review. The Committee released OCE's second Report and Findings on May 23, 2022, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On December 30, 2024, the Committee released a public statement announcing its dismissal of the matter.

In the Matter of Allegations Relating to Representative Troy Nehls

On December 11, 2023, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Troy Nehls' campaign committee, Nehls for Congress, reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; and that Representative Nehls may have omitted required information from his annual House financial disclosure statements. The Committee released the OCE Report and Findings, along with Representative Nehls' response, on May 10, 2024, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the conclusion of the 118th Congress, the Committee had not completed its investigation into this matter. Representative Nehls was reelected to the House for the 119th Congress.

In the Matter of Allegations Relating to Representative Alexandria Ocasio-Cortez

On June 23, 2022, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allega-

tions that Representative Alexandria Ocasio-Cortez may have accepted impermissible gifts associated with her attendance at the 2021 Met Gala. The Committee released the OCE Report and Findings, along with Representative Ocasio-Cortez's response, on March 2, 2023, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the conclusion of the 118th Congress, the Committee had not completed its investigation into this matter. Representative Ocasio-Cortez was reelected to the House for the 119th Congress.

In the Matter of Allegations Relating to Representative Andy Ogles

On August 2, 2024, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Andy Ogles may have omitted or misrepresented required information in his FD statements or FEC candidate committee reports and Representative Ogles' campaign committee may have accepted excessive contributions reported as personal loans and contributions from the candidate that may not have been sourced from Representative Ogles' personal funds. On January 2, 2025, the Committee released the OCE Report and Findings and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 118th Congress, the Committee had not completed its investigation into this matter. Representative Ogles was reelected to the House for the 119th Congress.

In the Matter of Allegations Relating to Representative George Santos

On January 10, 2023, the Committee received a Member complaint alleging that Representative George Santos failed to file timely, accurate, and complete Financial Disclosure Statements and that he made improper loans to his campaign committee. On February 3, 2023, the Committee also received a letter from an individual who had applied for a position in Representative Santos' congressional office alleging that Representative Santos sexually harassed him and violated House Rules relating to the use of volunteers. On March 2, 2023, the Committee announced that it had unanimously voted to establish an ISC with jurisdiction to investigate whether Representative Santos may have: engaged in unlawful activity with respect to his 2022 congressional campaign; failed to properly disclose required information on statements filed with the House; violated federal conflict of interest laws in connection with his role in a firm providing fiduciary services; and engaged in sexual misconduct towards and individual seeking employment in his congressional office.

On March 29, 2023, the Committee requested OCE cease its review of allegations relating to Representative Santos because of the ISC's ongoing investigation into the matter, in accordance with House Rule XI, clause 3(r) and Committee Rule 17A(k). Notwithstanding the Committee's request and applicable House Rules, on May 1, 2023, the OCE transmitted its Report and Supplemental Information to the Committee.

On May 9, 2023, Representative Santos was indicted on federal charges in the U.S. District Court for the Eastern District of New York. Most of the charges in the indictment were already in the jurisdiction of the ISC. In accordance with House Rule XI, clause 3(b)(9) and Committee Rule 18(e), on June 22, 2023, the Committee announced that it had unanimously voted to expand the jurisdiction of the ISC's inquiry to include counts IX–XI of the indictment, allegations that Representative Santos fraudulently obtained unemployment insurance benefits.

At the completion of its investigation, the ISC unanimously concluded that there was substantial evidence that Representative Santos: knowingly caused his campaign committee to file false or incomplete reports with the Federal Election Commission; used campaign funds for personal purposes; engaged in fraudulent conduct in connection with RedStone Strategies LLC; and engaged in knowing and willful violations of the Ethics in Government Act as it relates to his Financial Disclosure Statements filed with the House. In light of the criminal investigation into Representative Santos, and the ISC's findings of additional uncharged and unlawful conduct by Representative Santos, the ISC recommended that the Committee immediately refer these allegations to DOJ.

On November 16, 2023, the Committee made public its Report, in which it adopted the ISC's Report and recommendations, and with it, referred the substantial evidence of potential violations of federal criminal law to DOJ for such further action as it deemed appropriate.

In the Matter of Allegations Relating to Representative Adam Schiff

On June 21, 2023, the House passed House Resolution 521. The resolution both censured Representative Schiff “for misleading the American public and for conduct unbecoming of an elected Member of the House of Representatives” and directed the Committee to “conduct an investigation into Representative Adam Schiff's falsehoods, misrepresentations, and abuses of sensitive information.”²⁵

As a general matter, the Committee's investigations are conducted either pursuant to authorization by the Chair and Ranking Member acting jointly, under Committee Rule 18(a), or pursuant to a vote by a majority of the Members of the Committee to impanel an ISC. Under either method, approval of investigative steps requires some level of consensus. The Committee did not reach consensus on the investigative steps to take with regard to Representative Schiff.

In the Matter of Allegations Relating to Representative Victoria Spartz

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on September 24, 2024, to consider the misdemeanor charge filed against Representative Victoria Spartz for carrying a weapon in an airport terminal. Representative Spartz completed a gun safety course as part of an agreement for the charge to be dismissed, and on September 20, 2024, the charge was dismissed through a nolle prosequi declaration. After reviewing and considering the matter, the Committee voted against

²⁵ H. Res. 521 Sec. 2(g) (118th Cong.).

impaneling an ISC related to Representative Spartz's conduct underlying the charge. In reaching this decision, the Committee considered the scope and nature of the violation and determined it to be one for which review by an ISC was not required.

On November 12, 2024, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

Referrals from the Select Committee to Investigate the January 6th Attack on the United States Capitol

On December 27, 2022, the Committee received information offered as a referral from the Select Committee to Investigate the January 6th Attack on the United States Capitol.

As a general matter, the Committee's investigations are conducted either pursuant to authorization by the Chair and Ranking Member acting jointly, under Committee Rule 18(a), or pursuant to a vote by a majority of the Members of the Committee to impanel an ISC. Under either method, approval of investigative steps requires some level of consensus. The Committee did not reach consensus on the investigative steps to take with regard to information offered as a referral from the Select Committee to Investigate the January 6th Attack on the United States Capitol.

APPENDIX I

Rule II, clause 3(g)

(g)(1) The Sergeant-at-Arms is authorized and directed to impose a fine against a Member, Delegate, or the Resident Commissioner for the use of an electronic device for still photography or for audio or visual recording or broadcasting in contravention of clause 5 of rule XVII and any applicable Speaker's announced policy on electronic devices.

(2) A fine imposed pursuant to this paragraph shall be \$500 for a first offense and \$2,500 for any subsequent offense.

(3)(A) The Sergeant-at-Arms shall promptly notify the Member, Delegate, or the Resident Commissioner, the Speaker, the Chief Administrative Officer, and the Committee on Ethics of any such fine.

(B) Such Member, Delegate, or Resident Commissioner may appeal the fine in writing to the Committee on Ethics not later than 30 calendar days or five legislative days, whichever is later, after notification pursuant to subdivision (A).

(C) Upon receipt of an appeal pursuant to subdivision (B), the Committee on Ethics shall have a period of 30 calendar days or five legislative days, whichever is later, to consider the appeal. The fine will be upheld unless the appeal is agreed to by a majority of the Committee. Upon a determination regarding the appeal or if no appeal has been filed at the expiration of the period specified in subdivision (B), the chair of the Committee on Ethics shall promptly notify the Member, Delegate, or the Resident Commissioner, the Speaker, the Sergeant-at-Arms, and the Chief Administrative Officer, and shall make such notification publicly available. The Speaker shall promptly lay such notification before the House.

(4) The Sergeant-at-Arms and the Committee on Ethics are authorized to establish policies and procedures for the implementation of this paragraph.

Rule II, clause (4)(d)(1)

(d)(1) Upon notification from the chair of the Committee on Ethics pursuant to clause 3(g)(3)(C), the Chief Administrative Officer shall deduct the amount of any fine levied under clause 3(g) from the net salary otherwise due the Member, Delegate, or the Resident Commissioner.

Rule II, clause (6)(c)(5)

(c) Subject to the policy direction and oversight of the Committee on House Administration, the Inspector General shall only—

* * *

(5) report to the Committee on Ethics information involving possible violations by a Member, Delegate, Resident Commissioner, officer, or employee of the House of any rule of the House or of any law applicable to the performance of official duties or the discharge of official responsibilities that may require referral to the appropriate Federal or State authorities under clause 3(a)(3) of rule XI.

Rule X, clause 1(g)

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4.

* * *

(g) Committee on Ethics.

The Code of Official Conduct.

Rule X, clause 11(g)(4)

(4) The Committee on Ethics shall investigate any unauthorized disclosure of intelligence or intelligence-related information by a Member, Delegate, Resident Commissioner, officer, or employee of the House in violation of subparagraph (3) and report to the House concerning any allegation that it finds to be substantiated.

Rule XI, clause 3

Committee on Ethics

3. (a) The Committee on Ethics has the following functions:

(1) The committee may recommend to the House from time to time such administrative actions as it may consider appropriate to establish or enforce standards of official conduct for Members, Delegates, the Resident Commissioner, officers, and employees of the House. A letter of reproof or other administrative action of the committee pursuant to an investigation under subparagraph (2) shall only be issued or implemented as a part of a report required by such subparagraph.

(2) The committee may investigate, subject to paragraph (b), an alleged violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House of the Code of Official Conduct or of a law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, Delegate, Resident Commissioner, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. After notice and hearing (unless the right to a hearing is waived by the Member, Delegate, Resident Commissioner, officer, or employee), the committee shall report to the House its findings of fact and recommendations, if any, for the final disposition of any such investigation and such action as the committee may consider appropriate in the circumstances.

(3) The committee may report to the appropriate Federal or State authorities, either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee, any substantial evidence of a violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House, of a law applicable to the performance of the duties or the discharge of the responsibilities of such individual that may have been disclosed in a committee investigation.

(4) The committee may consider the request of a Member, Delegate, Resident Commissioner, officer, or employee of the House for an advisory opinion with respect to the general propriety of any current or proposed conduct of such Member, Delegate, Resident Commissioner, officer, or employee. With appropriate deletions to ensure the privacy of the person concerned, the committee may publish such opinion for the guidance of other Members, Delegates, the Resident Commissioner, officers, and employees of the House.

(5) The committee may consider the request of a Member, Delegate, Resident Commissioner, officer, or employee of the House for a written waiver in exceptional circumstances with respect to clause 4 of rule XXIII.

(6)(A) The committee shall offer annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House. Such training shall—

(i) involve the classes of employees for whom the committee determines such training to be appropriate; and

(ii) include such knowledge of the Code of Official Conduct and related House rules as may be determined appropriate by the committee.

(B)(i) A new Member, Delegate, Resident Commissioner, officer, or employee of the House shall receive training under this paragraph not later than 60 days after beginning service to the House.

(ii) Not later than January 31 of each year, each Member, Delegate, Resident Commissioner, officer, and employee of the House shall file a certification with the committee that the Member, Delegate, Resident Commissioner, officer, or employee attended ethics training in the last year as established by this subparagraph.

(b)(1)(A) Unless approved by an affirmative vote of a majority of its members, the Committee on Ethics may not report a resolution, report, recommendation, or advisory opinion relating to the official conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House, or, except as provided in subparagraph (2), undertake an investigation of such conduct.

(B)(i) Upon the receipt of information offered as a complaint that is in compliance with this rule and the rules of the committee, the chair and ranking minority member jointly may appoint members to serve as an investigative subcommittee.

(ii) The chair and ranking minority member of the committee jointly may gather additional information concerning alleged conduct that is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or either of them has placed on the agenda of the committee the issue of whether to establish an investigative subcommittee.

(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, Delegate, Resident Commissioner, officer, or employee of the House only—

(A) upon receipt of information offered as a complaint, in writing and under oath, from a Member, Delegate, or Resident Commissioner and transmitted to the committee by such Member, Delegate, or Resident Commissioner;

(B) upon receipt of information offered as a complaint, in writing and under oath, from a person not a Member, Delegate, or Resident Commissioner provided that a Member, Delegate, or Resident Commissioner certifies in writing to the committee that such Member, Delegate, or Resident Commissioner believes the information is submitted in good faith and warrants the review and consideration of the committee; or

(C) upon receipt of a report regarding a referral from the board of the Office of Congressional Ethics.

If a complaint is not disposed of within the applicable periods set forth in the rules of the Committee on Ethics, the chair and ranking minority member shall establish jointly an

investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if at any time during those periods either the chair or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(3) The committee may not undertake an investigation of an alleged violation of a law, rule, regulation, or standard of conduct that was not in effect at the time of the alleged violation. The committee may not undertake an investigation of such an alleged violation that occurred before the third previous Congress unless the committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(4) A member of the committee shall be ineligible to participate as a member of the committee in a committee proceeding relating to the member's official conduct. Whenever a member of the committee is ineligible to act as a member of the committee under the preceding sentence, the Speaker shall designate a Member, Delegate, or Resident Commissioner from the same political party as the ineligible member to act in any proceeding of the committee relating to that conduct.

(5) A member of the committee may seek disqualification from participating in an investigation of the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision in the case in which the member seeks to be disqualified. If the committee approves and accepts such affidavit of disqualification, the chair shall so notify the Speaker and request the Speaker to designate a Member, Delegate, or Resident Commissioner from the same political party as the disqualifying member to act in any proceeding of the committee relating to that case.

(6) Information or testimony received, or the contents of a complaint or the fact of its filing, may not be publicly disclosed by any committee or staff member unless specifically authorized in each instance by a vote of the full committee.

(7) The committee shall have the functions designated in titles I and V of the Ethics in Government Act of 1978 [on financial disclosure and the limitations on outside earned income and outside employment], in sections 7342 [the Foreign Gifts and Decorations Act], 7351 [on gifts to superiors], and 7353 [on gifts] of title 5, United States Code, and in clause 11(g)(4) of rule X.

(8)(A) Except as provided by subdivisions (B), (C), and (D), not later than 45 calendar days or 5 legislative days, whichever is later, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the chair of the Committee on Ethics shall make public the written report and findings of the board unless the chair and ranking member, acting jointly, decide or the committee votes to withhold such information for not more than one additional period of the same duration, in which case the chair shall—

(i) upon the termination of such additional period, make public the written report and findings; and

(ii) upon the day of such decision or vote, make a public statement that the matter, relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, Delegate, Resident Commissioner, officer, or employee of the House who is the subject of the applicable referral, has been extended.

At least one calendar day before the committee makes public any written report and findings of the board, the chair shall notify such board and the applicable Member, Delegate, Resident Commissioner, officer, or employee of that fact and transmit to such individual a copy of the statement on the committee's disposition of, and any committee report on, the matter.

(B)(i) Notwithstanding subdivision (A)(i), if the committee votes to dismiss a matter which is the

subject of a referral from the board of the Office of Congressional Ethics, the committee is not required to make public the written report and findings described in such subdivision unless the committee's vote is inconsistent with the recommendation of the board. For purposes of the previous sentence, a vote by the committee to dismiss a matter is not inconsistent with a report from the board respecting the matter as unresolved due to a tie vote.

(ii) Notwithstanding subdivision (A)(ii), if the board transmits a report respecting any matter with a recommendation to dismiss or as unresolved due to a tie vote, and the matter is extended for an additional period as provided in subdivision (A), the committee is not required to make a public statement that the matter has been extended.

(iii) Except as provided by subdivision (E), if the committee establishes an investigative subcommittee respecting any such matter, then the report and findings of the board shall not be made public until the conclusion of the investigative subcommittee process and the committee shall issue a public statement of the establishment of an investigative subcommittee, which statement shall include the name of the applicable Member, Delegate, Resident Commissioner, officer, or employee, and shall set forth the alleged violation. If any such investigative subcommittee does not conclude its review within one year after the board transmits a report respecting any matter, then the committee shall make public the report and upon the expiration of the Congress in which the report is made public, the committee shall make public any findings.

(C)(i) If, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on the matter—

(I) notwithstanding subdivision (A)(i), the committee is not required to make public the written report and findings described in such subdivision, except that if the recommendation of the board with respect to the report is that the matter requires further review, the committee shall make public the written report but not the findings; and

(II) before the end of the first day (excluding Saturdays, Sundays, and public holidays) after the day that the committee agrees to the request, the committee shall make a public statement that it is deferring taking action on the matter at the request of such authority.

(ii) If, upon the expiration of the one-year period that begins on the date the committee makes the public statement described in item (i)(II), the committee has not acted on the matter, the committee shall make a new public statement that it is still deferring taking action on the matter, and shall make a new statement upon the expiration of each succeeding one-year period during which the committee has not acted on the matter.

(D) The committee may not receive any referral from the board of the Office of Congressional Ethics within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate. The committee may delay any reporting requirement under this subparagraph that falls within that 60-day period until the end of such period and in that case, for purposes of subdivision (A), days within the 60-day period shall not be counted.

(E) If, at the close of any applicable period for a reporting requirement under this subparagraph with respect to a referral from the board of the Office of Congressional Ethics, the vote of the committee is a tie or the committee fails to act, the report and the findings of the board shall be made public by the committee, along with a public statement by the chair explaining the status of the matter.

(9) Whenever a Member, Delegate, or the Resident Commissioner is indicted or otherwise formally charged with criminal conduct in a court of the United States or any State, the Committee on Ethics shall, not later than 30 days after the date of such indictment or charge--

(A) empanel an investigative subcommittee to review the allegations; or

(B) submit a report to the House describing its reasons for not empaneling such an investigative subcommittee, together with the accusations, if any, the committee has taken in response to the allegations.

(c)(1) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Ethics or a subcommittee thereof shall occur in executive session unless the committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(2) Notwithstanding clause 2(g)(2) of rule XI, each hearing of an adjudicatory subcommittee or sanction hearing of the Committee on Ethics shall be held in open session unless the committee or subcommittee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.

(d) Before a member, officer, or employee of the Committee on Ethics, including members of a subcommittee of the committee selected under clause 5(a)(4) of rule X and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Ethics, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules."

Copies of the executed oath shall be retained by the Clerk as part of the records of the House. This paragraph establishes a standard of conduct within the meaning of paragraph (a)(2). Breaches of confidentiality shall be investigated by the Committee on Ethics and appropriate action shall be taken.

(e)(1) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Ethics, the committee may take such action as it, by an affirmative vote of a majority of its members, considers appropriate in the circumstances.

(2) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Ethics.

Committee agendas

(f) The committee shall adopt rules providing that the chair shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

Committee staff

(g)(1) The committee shall adopt rules providing that—

(A) the staff be assembled and retained as a professional, nonpartisan staff;

(B) each member of the staff shall be professional and demonstrably qualified for the position for which hired;

(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the committee of such individual without specific prior approval from the chair and ranking minority member; and

(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

(3)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chair and ranking minority member each may appoint one individual as a shared staff member from the respective personal staff of the chair or ranking minority member to perform service for the committee. Such shared staff may assist the chair or ranking minority member on any subcommittee on which the chair or ranking minority member serves.

Meetings and hearings

(h) The committee shall adopt rules providing that—

(1) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

Public disclosure

(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chair or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

Requirements to constitute a complaint

(j) The committee shall adopt rules regarding complaints to provide that whenever information

offered as a complaint is submitted to the committee, the chair and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

Duties of chair and ranking minority member regarding properly filed complaints

(k)(l) The committee shall adopt rules providing that whenever the chair and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, Delegate, Resident Commissioner, officer, or employee of the House against whom the complaint is made;

(B) establish an investigative subcommittee; or

(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

(2) The committee shall adopt rules providing that if the chair and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chair or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

Duties of chair and ranking minority member regarding information not constituting a complaint

(l) The committee shall adopt rules providing that whenever the chair and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

Investigative and adjudicatory subcommittees

(m) The committee shall adopt rules providing that—

(l)(A) an investigative subcommittee shall be composed of four Members, Delegates, or the Resident Commissioner (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

(B) an adjudicatory subcommittee shall be composed of the members of the committee who

did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

(C) notwithstanding any other provision of this clause, the chair and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

(2) at the time of appointment, the chair shall designate one member of a subcommittee to serve as chair and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

(3) the chair and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

Standard of proof for adoption of statement of alleged violation

(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, Delegate, Resident Commissioner, officer, or employee of the House of Representatives, has occurred.

Subcommittee powers

(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation when approved by an affirmative vote of a majority of the members of the committee.

(3) The committee shall adopt rules to provide that—

(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

Due process rights of respondents

(p) The committee shall adopt rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to

protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor the counsel of the respondent shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and the counsel of the respondent only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and the counsel of the respondent to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chair and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first;

(D) an investigative subcommittee votes to expand the scope of its investigation; or

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chair and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or the counsel of a respondent during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent;

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing the respondent of such vote.

Committee reporting requirements

(q) The committee shall adopt rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

(r) (1) Upon receipt of any written notification from the board of the Office of Congressional Ethics that the board is undertaking a review of any alleged conduct of any Member, Delegate, Resident Commissioner, officer, or employee of the House and if the committee is investigating such matter, the committee may at any time so notify the board and request that the board cease its review and refer the matter to the committee for its consideration. If at the end of the applicable time period (including any permissible extension) the committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities, the committee shall so notify the board of the Office of Congressional Ethics in writing. The committee may not request the same matter from the board more than one time.

(2) In addition to receiving written notifications from the Office of Congressional Ethics under subparagraph (1), the committee shall adopt rules providing for a process to receive from the public outside information offered as a complaint. The process shall include the establishment of a method for the submission of such information to the committee in electronic format.

(s) The committee may not take any action that would deny any person any right or protection provided under the Constitution of the United States.

Rule XXV, clause 5(h)

(h) All the provisions of this clause [the gift rule] shall be interpreted and enforced solely by the Committee on Ethics. The Committee on Ethics is authorized to issue guidance on any matter contained in this clause.

APPENDIX II

**U.S. House of Representatives**

COMMITTEE ON ETHICS

Washington, DC 20515

January 13, 2023

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

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

SUBJECT: Two Upcoming Live, In-Person Ethics Training Sessions for 2023

This memorandum is a reminder to all offices about annual ethics training requirements for 2023 and provides information about an upcoming live ethics training session. The Committee on Ethics is required to provide annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.¹ The training requirement may be satisfied by attending a live training session, completing an on-demand training session through the Congressional Staff Academy, or by completing the Member Annual Ethics Training. By January 31 of each year, all House Members and employees must certify to the Committee that they have completed ethics training during the preceding calendar year.² Employees who fully completed one of the on-demand training options available through the Congressional Staff Academy or attend a live training session will have made their necessary certification to the Committee.

The Committee is pleased to announce two upcoming dates for **live, in-person** training that will satisfy the ethics training requirement for new employees and existing employees for 2023. If you would like to attend, we recommend pre-registration as seating is limited. You may pre-register by clicking on the link provided in the “Location” section.

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

² House Rule 11, clause 3(a)(6)(B)(ii).

UPCOMING LIVE TRAINING SESSIONS

2023 House Ethics Training		
Date	Time	Location
Tuesday, January 24	10:00am-11:00am EDT	Rayburn 2168, Gold Room
Friday, February 24	10:00am-11:00am EDT	Rayburn 2168, Gold Room

If you have any questions regarding ethics training requirements, please feel free to contact the Committee's Office of Advice and Education at ethics.training@mail.house.gov.



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

January 30, 2023

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

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

SUBJECT: **Launch of PTR Due Date Calculator and STOCK Act Reminder**

This memorandum introduces a new feature that helps filers calculate the due date for reportable transactions on Periodic Transaction Reports (PTRs) and reminds all House Members, officers, and employees of the PTR requirement.¹

LAUNCH OF PTR DUE DATE CALCULATOR

The Committee launched a PTR due date calculator on the Committee's website at <https://ethics.house.gov/financial-disclosure/ptr-calculator> to assist in timely transaction reporting on PTRs. When you enter the date of the transaction and the date of notification, the due date is automatically calculated for you. Committee staff can help with due dates and questions that filers have regarding the timely and accurate reporting of transactions, including potential late fees.

WHEN TO FILE PTRs

All House Members, officers, and employees paid at the senior staff rate² must disclose transactions over \$1,000³ for certain securities on a 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.** In other words, periodic transaction reporting is subject to two different deadlines depending on when or if you receive notification.

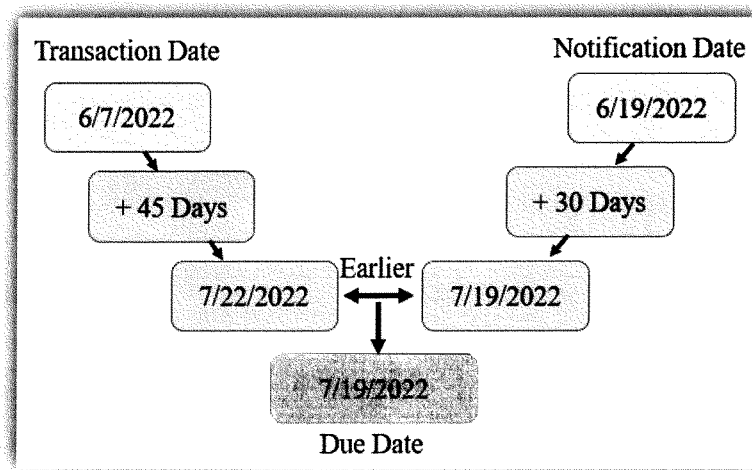
¹ Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act (STOCK ACT), Pub. L. 112-105, as amended by Pub. L. 112-173, Pub. L. 112-178, and Pub. L. 113-7.

² 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 considered to be paid at the senior staff rate. Ethics in Government Act (EIGA), 5 U.S.C. § 13101(13). The applicable 120% calculation for that rate is \$141,022 (or a monthly salary of more than \$11,752) for calendar year 2023. Principal assistants and shared employees not paid at who are not paid at the senior staff rate) are not required to file PTRs.

³ The \$1,000 threshold is based on the total dollar value of the transaction. It is not based on the loss or gain generated from the transaction.

If you personally conduct a transaction, you need to report it on a PTR within 30 days of the transaction. **Even if you did not conduct or direct a transaction, you may still be required to report it.** Transactions must be reported within 30 days of being made aware of the transaction, but no later than 45 days from the date of transaction. Therefore, if you do not receive regular notices of reportable transactions for you, your spouse, or dependent child, we suggest setting up a system where you receive regular notices or, at the very least, set a monthly calendar reminder to check for reportable transactions.

Example



HOW TO FILE PTRs

PTRs may be filed by 1) using the online filing system available at <https://fd.house.gov> or by 2) mailing in or hand delivering a pre-printed PTR form available at <https://ethics.house.gov/financial-disclosure/financial-disclosure-forms-and-filing> to The Clerk, U.S. House of Representatives, Legislative Resource Center (LRC), B-81 Cannon House Office Building, Washington, DC 20515-6612. Members must submit the original, signed form with 2 photocopies. Officers and employees must submit the original, signed form with 1 photocopy. These forms may not be filed by email, scan, or fax. The Committee strongly encourages all filers to use the online filing system for submission.

REPORTABLE TRANSACTIONS

Reportable transactions include purchases, sales, or exchanges by the filer, the filer's spouse, and the filer's dependent children. Filers must disclose transactions involving stocks, bonds, commodities futures, options, private equity, cryptocurrencies, and other securities on a PTR. However, PTRs are not required for widely held investment funds such as mutual funds, exchange-traded funds, and index funds.⁴ A PTR is not required if there is no reportable securities activity.

Transaction Type	Reportable on Form	
	PTR	Annual FD
Stocks	✓	✓
Bonds	✓	✓
Futures	✓	✓
Oil/gas mineral rights	✓	✓
Cryptocurrency	✓	✓
Government Securities	✓	✓
Exchange Traded Funds	✗	✓
Mutual Funds	✗	✓
Real Property (Investment)	✗	✓
Real Property (Primary Residence)	✗	✗
Personal Property	✗	✗
Banks Accounts	✗	✗
Certificates of Deposit	✗	✗
529 Prepaid Plans	✗	✗
401(k) Rollover	✗	✗
Thrift Savings Plan	✗	✗

LATE FEES AND OTHER PENALTIES

There are no extensions for PTRs. All late PTR filings are subject to a minimum fee of \$200, but multiple late PTR filings can result in fees of \$200 per late transaction. A PTR is late if submitted any time after the due date, but there is a 30-day grace period before late fees are imposed. Late filing fees should be mailed or hand-delivered to the LRC by check or money order made payable to the U.S. Treasury. Any PTR submitted more than 30 days after the due date without the required late filing fee shall be deemed procedurally deficient and not properly filed.

⁴ Although transactions in certain types of widely held investment funds (e.g., mutual funds, exchange-traded funds, index funds, bond funds, and similar assets) need not be reported on PTRs, they must be reported on the annual FD statement.

Please remember that each Member, officer, and employee is responsible for the timeliness, completeness and accuracy of the information contained in the individual's PTR, even if someone else prepared, or assisted in preparing, all or part of it. The Ethics in Government Act (EIGA) provides that the Attorney General may pursue either civil or criminal penalties against an individual who knowingly and willfully falsifies a statement or fails to file a statement required by the EIGA. The maximum civil penalty is \$71,316. The maximum criminal penalty is up to one year in prison and a fine of up to \$71,316.⁵

In addition, 18 U.S.C. § 1001, as amended by the False Statements Accountability Act of 1996, is applicable to PTRs. That criminal statute provides for a fine of up to \$250,000 and/or imprisonment for up to five years for knowingly and willfully making any materially false, fictitious, or fraudulent statement or representation, or falsifying, concealing, or covering up a material fact, in a filing under the EIGA.

TIPS FOR SUCCESS

- Review the Financial Disclosures Instructions on the Committee's website at <https://ethics.house.gov/financial-disclosure>.
- Consider setting up a monthly calendar reminder to check for reportable transactions.
- Check the PTR Due Date Calculator, located at <https://ethics.house.gov/financial-disclosure/ptr-calculator>, to ensure timely reporting of your Periodic Transaction Report.
- Consider using MRA funds to assist in the filing of your Periodic Transaction Reports.
- Consider requesting a prescreen from Committee staff of your Periodic Transaction Report prior to submission.
- File your Periodic Transaction Report using the electronic filing system at <https://fd.house.gov>.
- Contact Committee staff if you believe your PTR is late. A PTR is late if submitted any time after the due date, but there is a 30-day grace period before late fees are imposed.

If you have any questions regarding financial disclosure or wish to discuss any of the STOCK Act's requirements, please contact the Committee staff at (202) 225-7103 or financial.disclosure@mail.house.gov.

⁵ 2023 Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations, 88 Fed. Reg. 1139 (Jan. 9, 2023).



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

February 6, 2023

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

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

SUBJECT: The 2023 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

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) 2023 for each of the categories noted above and summarizes them in a table on page 6. It is each individual employee's responsibility to know whether their salary level subjects them to these standards of conduct and, if so, to comply with them. Please note that this memorandum is not a comprehensive list of every rule or standard of conduct that applies to House staff, but an overview of key standards that are triggered by salary level. Any Member, officer, or employee who has questions about these requirements and restrictions or about the various rules is encouraged to contact the Committee's Office of Advice and Education at extension 5-7103.

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 2023 is \$117,518.³ The applicable 120% calculation for that rate is therefore **\$141,022**, or a monthly salary of equal to or more than \$11,752. This rate is referred to as the “senior staff rate.”

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$141,022) for at least **60 days**⁴ during **2023** must file an FD statement on or before May 15, 2024.⁵ (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, 2023 (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) §§ 13101(13) and 13103(d), 5 U.S.C. §§ 13101(13) and 13103(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are subject to financial disclosure filing requirements. 5 U.S.C. §§ 13103(d) and (f).

³ Exec. Order No. 14090, 87 Fed. Reg. 79,985 (Dec. 23, 2022).

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 2022 Print* at 283-84, available at <https://ethics.house.gov/house-ethics-manual>; Comm. on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports*, at p. 2 (Calendar Year 2021), available at <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(f).

for purchases, sales, or exchanges of more than \$1,000 in stocks, bonds, and other securities.¹⁰ The Committee has a new tool 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 2022 applies to officers and employees whose basic rate of pay for at least 60 days in **2022** was **\$135,468** or more (a monthly salary at or above \$11,289). Annual FD statements covering CY 2022 are due on Monday, May 15, 2023, 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 detail 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 2023 pay cycle (January 3, 2023). Staff who are paid at or above the senior staff rate for more than 60 days later in 2023 – 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 2024.

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 2023 is **\$141,022**, or a monthly salary equal to or greater than \$11,752. 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, 2023, 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 2023 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 213 to 238 of the *House Ethics Manual 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) (setting Executive Schedule rates for the first pay period in 2023, which started on January 1, 2023).

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, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17.

²⁵ See *id.*; see also Section 3 of the Consolidated Appropriations Act, 2023, Pub. L. No. 117-328 (Dec. 29, 2022) prohibiting a scheduled cost-of-living pay raise for Members for Fiscal Year 2023. As a result, Member pay remains at \$174,000.

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 2023, that salary is **\$183,500**, or a monthly salary more than \$15,292.

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

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 2023

Item	2023 Amount
Outside earned income & outside employment threshold - Outside employment fiduciary restrictions if paid at rate for more than <i>90 days</i> during 2023	\$141,022 (\$11,752/mo)
Outside earned income limit	\$31,815
Financial Disclosure/PTR threshold - Annual FD required in May 2024 if paid at rate for <i>60 days</i> or more in CY 2023 - PTRs required during CY 2023 if: - Paid at rate on first day of calendar year or first day of House employment (if later); <i>or</i> - Paid at rate for any two pay periods during CY 2023 (<i>e.g.</i> , if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year ⁴	\$141,022 (\$11,752/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”	\$183,500 (\$15,292/mo)

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

Thomas A. Rust
Staff Director and Chief Counsel

Kelle A. Strickland
Counsel to the Chairman

David Arjojo
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

April 4, 2023

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) Statements is **May 15, 2023**.¹ 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 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 Statements 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 file 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 six Financial Disclosure Clinics before the May 15th deadline.

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.

²House officers and employees who were paid at the rate of \$135,468 (\$11,289 monthly salary) for at least 60 days during 2022 will be required to file a Statement by May 15, 2023. For 2023, senior staff are House officers and employees whose basic rate of pay is equal to or greater than \$141,022 (\$11,752 monthly salary) for at least 60 days during 2023.

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 laptops and financial statements. The clinics also serve to help filers use the online filing system to input and submit FD Statements 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 listed times 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 17	10:00am – 1:00pm EDT	LHOB B248
Wednesday, April 19	1:00pm – 5:00pm EDT	LHOB B248
Tuesday, April 25	1:00pm – 5:00pm EDT	LHOB B248
Wednesday, April 26	10:00am – 1:00pm EDT	LHOB B248
Monday, May 1	1:00pm – 5:00pm EDT	LHOB B248
Tuesday, May 2	10:00am – 1:00pm EDT	LHOB B248

Third, the Committee will offer three Senior Staff Trainings before the May 15th 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 Statements pursuant to the Ethics in Government Act (EIGA). This training will cover general information about the requirement to file FD Statements 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
Friday, April 21	2:00pm – 3:00pm EDT	HVC 215 or via Webex
Tuesday, April 25	10:00am – 11:00am EDT	HVC 215 or via Webex
Monday, May 1	10:00am – 11:00am EDT	RHOB 2186 Gold Room 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.

12/5/24, 11:19 AM

Committee on Ethics Quarterly Newsletter

Committee on Ethics Quarterly Newsletter



Sending Office: Committee on Ethics
Sent By: EthicsCommittee@mail.house.gov

COMMITTEE ON ETHICS

Quarterly Newsletter

April 28th, 2023

CY22 Financial Disclosures Due Monday, May 15

Do I Have to File? Members, Senior Staff (paid at or above \$135,468 for 60 days or more during CY22), and certain House employees are required to file a Financial Disclosure (FD). If you are required to file a FD, you should have received an email. Search your email for "Ethics Financial Disclosure." If you did not receive the email, or you believe you received it in error, please call us at 5-7103.

Where Can I Find Information? The "Ethics Financial Disclosure" email contains links to the [CY22 Instructions](#) and the [Electronic Filing System](#). Information is also on the Ethics Committee [website](#). If you have questions, give us a call at 5-7103.

What Help is Available? We are hosting multiple Clinics and Trainings, the dates for these can be found below. We can also prescreen your disclosure to check for accuracy prior to submission.

Financial Disclosure CLINICS

Get one on one assistance with committee counsel.
Bring your documents and laptop - stop by anytime!
This clinic does NOT satisfy the additional hour required for senior staff.

May 1 1-5PM LHOB B248
May 2 10AM-1PM LHOB B248

Financial Disclosure TRAININGS

This training satisfies the additional hour required for senior staff.

May 1 10-11AM RHOB 2168 or Webex

How Do I Request an Extension? Use the electronic filing system or submit an [Extension Form](#). We MUST receive your extension request no later than May 15.

How Do I Request a Prescreen Before I File? Email us with "Member Prescreen" or "Staff Prescreen" in the subject and attach a PDF copy of your draft filing. We may ask you to request an extension as we get closer to the deadline to ensure we can accurately prescreen your report.

May I Hire Professional Assistance? You may use the MRA to hire an outside professional to prepare your FD.

Need More Help? Give us a call at 5-7103.

Did you miss a Periodic Transaction Report? When preparing an FD, some filers discover missed PTRs. If you missed one, the time to correct it is before you file an FD. Call the Committee for help fixing it and figuring out if you have a late fee.

12/5/24, 11:19 AM

Committee on Ethics Quarterly Newsletter

Annual Required Ethics Training

Who Must Take Training? ALL current employees need to complete one general ethics training, live or online, each year, by December 31. All new employees must complete training within the first 60 days of House employment. All employees who are considered Senior Staff (staff paid at or above \$141,022) must complete an additional hour of training once per Congress.

Upcoming In-Person Ethics Trainings

This training satisfies general and new employee training requirements.

May 19 10-11AM HVC 215 [Register here](#)

June 16 10-11AM RHOB 2168 [Register here](#)

In Case You Missed It

Recent Pink Sheets

New Pay Rates for CY23. These [rates](#) are important for FD requirements, post-employment restrictions, and outside earned income limits.

CY23 Senior Staff Rate:	\$141,022
CY23 Outside Earned Income Limit:	\$31,815
CY23 Post-Employment Rate:	\$130,500*

*Other legislative offices have a higher post-employment rate of \$183,500.

Please note, the requirement to file an FD covering CY22 applies to Members, Senior Staff (paid at or above \$135,468 for 60 days or more during CY22), and other certain House employees.

New PTR Due Date Calculator. 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. The due date is automatically calculated for you. The [Pink Sheet](#) also contains many tips for success to help you avoid common disclosure pitfalls.

Recent Publications

The House Ethics Manual Has Been Updated. A 2022 Print of the House Ethics Manual is now available. It includes our updated Gifts and Travel guidance. A printable version can be found [here](#).

Need a Refresher on the Rules? The 2023 [Highlights of the House Ethics Rules](#) is now available. The Highlights provide a succinct overview of the most commonly asked questions and issues. You may pick up a hard copy in 1015 LHOB.

How to Receive our Messages

Are You Receiving Ethics Updates? To get the latest guidance from the Committee, sign up for Administrative [e-Dear Colleagues](#). To get press releases, sign up for [email updates](#).

Contact the Committee

Talk to Us at Any Time! 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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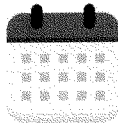
 e-DC e-DC Colleague version 2.2.1

 [Contact eDC Support](#)

COMMITTEE ON ETHICS

July 28, 2023

Committee on Ethics Quarterly Review



Reminders Regarding Privately Sponsored Travel

Reminder: The due date for privately-sponsored travel is 30 days before the date of departure. Use the Travel Calculator to calculate your due date.

The privately-sponsored travel forms can be found [here](#). You can email them to Travel.Requests@mail.house.gov or drop them off at 1015 Longworth.

Training Reminders

The 118th Congress General Ethics Training 2023 has gone live on the Staff Academy site!

Who Takes Training?

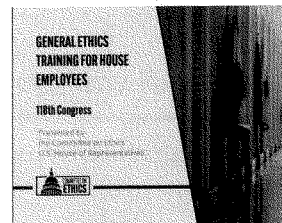
All current employees need to complete one general ethics training, live or online, each year, by December 31.

New employees must complete general ethics training within 60 days of beginning House employment.

Interns paid by the House must complete general ethics training within 60 days of beginning their internship.

Unpaid Interns are not required to take ethics training, although the Committee recommends they do and also allows offices to set their own requirements for unpaid interns.

You can complete your training online or in person.



Take Online Ethics Training

<u>Date</u>	<u>Time</u>	<u>Location</u>
August 22	10AM-11AM	HVC-215
September 22	10AM-11AM	HVC-215
October 17	10AM-11AM	2168 Rayburn
November 9	11:30AM-12:30PM	HVC-215
December 8	11:30AM-12:30PM	HVC-215

In Case You Missed It

The Committee is excited to release the House Ethics Manual December 2022 Print! The web version is easily searchable and print versions will also be made available soon.

[View the House Ethics Manual December 2022 Print](#)

Our revised forms are easy ways to submit different types of requests to the Committee, including gift waivers, solicitation waivers, future employment notifications, and much more. The forms are all fillable PDFs and accept digital signatures.

[View Our Forms](#)

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

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Congress of the United States
House of Representatives
Washington, D.C. 20515

August 14, 2023

Important Information Relating to Natural and National Disasters

Dear Colleague:

The Committee on House Administration, the Communications Standards Commission, and the Committee on Ethics would like to take this opportunity to provide a review of the applicable rules, regulations, and procedures related to natural and national disasters. This guidance is generally applicable and not limited to any one type or specific incident of a natural or national disaster.

Question. May Members directly affected share information from federal, state, or local governments, or private entities involved in relief efforts coordinated by a federal, state, or local government through official channels?

Answer: Yes, if the Members share information to assist impacted constituents and not to help fundraise.

When a state of emergency is declared, Members whose districts are directly affected may provide constituents with information to assist those impacted. This information may include addresses and telephone numbers of entities involved in relief efforts being coordinated by the federal, state, or local government. In the past, Members have provided contact information for blood drives conducted by the American Red Cross in conjunction with the Federal Emergency Management Agency (FEMA). However, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations are not permitted under the rules of the House.

In addition, although federal law and regulations of the Communications Standards Commission generally restrict unsolicited mass communications into congressional districts in the 60 days before a general election in which a Member is a candidate, there is a specific exception to permit Members to share vital information with their constituents in the event of a disaster. The Commission has determined that Members who represent districts affected by natural and national disasters may send unsolicited mass communications to their constituents, regardless of the blackout period. **Any such unsolicited mass communications must be reviewed by the Communications Standards Commission prior to distribution.**

Staff may not use their personal social media platforms to amplify messages from the official office.

The Committee on House Administration recommends use of these government established websites for information on relief efforts, as well as relevant state and local government websites:

www.usa.gov/disasters-and-emergencies

www.disasterassistance.gov

www.fema.gov

www.ready.gov/hurricanes

www.noaa.gov

www.nhc.noaa.gov/

www.opm.gov/policy-data-oversight/snow-dismissal-procedures/hurricane-guidance/

www.dhs.gov/

Question. May Members and staff use official resources to solicit anything for charities?

Answer: No.

Members often ask to what extent they may use their official resources to solicit or collect donations of goods, funds, or services on behalf of charities and other private organizations involved in such efforts. We understand the good intentions of those making such inquiries, but the rules of the House preclude Members from using official resources for any purpose other than in support of the conduct of the Member's official and representational duties on behalf of the district the Member currently represents. This rule has been interpreted to mean that charitable solicitations using official resources are not permitted. **Please contact the Committee on Ethics with any questions surrounding this rule.**

Question. May Members and staff solicit for charities in their personal capacities?

Answer: Yes, if fundraising benefits organizations qualified under section 170(c) of the Internal Revenue Code (IRC) or with approval from the Committee on Ethics.

Although official resources may not be used to solicit contributions for charitable organizations or to imply that such organizations or purposes have been endorsed by the House of Representatives, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under IRC § 170(c), including, for example, § 501(c)(3) charitable organizations such as the Red Cross or Team Rubicon, without first obtaining Committee on Ethics approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; and official mailing lists). Other restrictions also apply. Solicitations on behalf of non-qualified entities or individuals are decided on a case-by-case basis by submitting a written request to the Committee on Ethics. For example, solicitations of donations directly for individuals suffering as a result of a crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Committee on Ethics approval. For more information about solicitations for § 501(c)(3) or other entities, please review the Committee on Ethics' May 2, 2019 Memorandum, or contact the Committee on Ethics at 5-7103.

Question. May Members's campaigns provide information for federal, state, and local government entities, or 501(c)(3) charitable entities involved in relief efforts on their campaign accounts?

Answer: Yes.

The Federal Election Commission (FEC) has advised us that Members' campaigns may provide information for federal, state, and local government entities, as well as information for 501(c)(3) charitable organizations involved in relief efforts. This information may be shared on Members' campaign websites and campaign social media accounts. Any questions regarding other local or community resources should be directed to the FEC's congressional affairs office at (202) 694-1006.

What Information May be Listed on Which Platforms?

	Official Website/Social Media	Campaign Website/Social Media	Personal Social Media
Federal, state, and local government resources	✓	✓	▲ Members may. Staff may if not amplifying communications from the official office.
Non-governmental resources not for the purpose of fundraising	✓	✓	▲ Members may. Staff may if not amplifying communications from the official office.
Charitable fundraising	✗	✓	✓
Fundraising for non-170(c)s	✗	▲ Seek approval from Committee on Ethics	▲ Seek approval from Committee on Ethics

✓	May Include
✗	May Not Include
▲	Additional Considerations are Needed

If you have any questions regarding the use of your

1. Official resources in general, please contact the Committee on House Administration at (202) 225-8281 (majority) or (202) 225-2061 (minority).
2. Communications resources, please contact the Communications Standards Commission at (202) 226-0647 (majority) or (202) 225-9337 (minority).

3. Personal or campaign resources, or the loan of your name and personal title for charitable or fundraising efforts, please contact the Committee on Ethics at (202) 225-7103.

Sincerely,

Bryan Steil, Chairman
Committee on House Administration

Joseph Morelle, Ranking Member
Committee on House Administration

Michael Guest, Chairman
Committee on Ethics

Susan Wild, Ranking Member
Committee on Ethics

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
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David P. Joyce, Ohio
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Glenn F. Ivey, Maryland



ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

Thomas A. Rust
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Washington, D.C. 20515-6328
Telephone: (202) 225-7103
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September 28, 2023

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

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

SUBJECT: Ethics Guidance Related to Operations During a Lapse in Appropriations

As House offices consider the implications of a possible lapse in appropriations, the Committee wishes to reiterate prior related guidance concerning furloughed employees. As noted in the guidance issued by the Committee on House Administration, a furloughed (non-essential) employee may not perform official duties or provide services during the furlough period. While on furlough, employees should not return to the office or communicate about official matters with the office. For further discussion, please see the *Members' Congressional Handbook* and the guidance titled *Legislative Operations During a Lapse in Appropriations* issued by the Committee on House Administration.¹

We remind all House Members, officers, and employees, during a lapse in appropriations, you remain subject to all ethics rules and regulations. Accordingly, Members, officers, and employees may not accept any gift, except as provided in the House gift rule.² If you have received Committee approval to participate in privately-sponsored, officially-connected travel, **you may not travel** if a lapse in appropriations is in place at the time of your departure.³ If you plan to participate in a Mutual Educational and Cultural Exchange Act (MECEA) trip, please contact the Committee for further guidance.⁴

In addition, there are significant limitations on the use of volunteer services in place of paid services. For instance, fellows and detailees may be able to work during a lapse in funding, but they may not supplant the duties of a paid House employee. Executive branch employees detailed to a House committee should consult their agency to determine if they are deemed essential. Pursuant to the Committee on House Administration's guidance, paid and unpaid interns are not considered essential and may not work during a lapse in funding. For additional guidance, please see the *Members' Congressional Handbook* and pages

¹ Comm. on House Admin., *Legislative Operations During a Lapse in Appropriations* (Sept. 2023), available at https://cha.house.gov/_cache/files/8/a/8ae841a4-e2f1-4dfa-9546-bfc5d220dd76/7683E0995231C6439541C0D445263022.cha-lapse-in-funding-guidance-118th-asof-9-27-23-.pdf.

² House Rule 23, cl. 4 and House Rule 25, cl. 5.

³ "Departure" means the time when the private trip sponsor would begin paying for your travel expenses.

⁴ For questions regarding international congressional delegations, please contact the Office of Interparliamentary Affairs at (202) 226-1766. For questions regarding other official travel, please contact the Committee on House Administration at (202) 225-8281 (majority) or (202) 225-2061 (minority).

294 to 302 of the *Ethics Manual December 2022 Print*. All standard guidance and limitations should be followed.

Although there are permissible uses of campaign funds to support official activities, House Rule 24 does not permit offices to use campaign funds to compensate employees for services.⁵ Therefore, non-essential employees may not be paid with campaign funds to perform official duties. Additionally, all rules prohibiting the use of official resources for campaign purposes remain in effect. Although employees may work or volunteer for a campaign during a lapse in appropriations, campaign work may not be performed on House property, using official resources, or on House time. While on furlough, employees who work or volunteer for the campaign should not return to the office or communicate about official matters with the office (with the exception of scheduling coordination).

As always, House employees must never be required or coerced to perform campaign duties and past or future campaign service may not be a factor in determining which employees will be deemed essential or non-essential. Additionally, House employees may not use their personal funds to supplement official expenses, including salaries.⁶

Finally, any House employees who wish to undertake non-congressional employment while on furlough are reminded that they remain House employees and, therefore, all rules regarding outside employment remain in effect. Such rules include fiduciary prohibitions and the outside earned income limit for senior staff, and the prohibitions on using House resources or performing work that overlaps or conflicts with one's House duties for all staff.⁷

Although questions regarding pay status and employment procedures should be addressed to the Committee on House Administration or the office of Chief Administrative Officer, as appropriate, the Committee is available to assist offices in considering the implications of the ethics rules, laws, or standards of conduct on your efforts to address the financial needs of your office.

Committee staff will be available during any lapse in appropriations to provide advice to House Members and employees. Please direct questions to the Committee's Advice and Education staff at (202) 225-7103 or ethicscommittee@mail.house.gov.

⁵ House Rule 24, cl. 1(b)(2).

⁶ *Id.* at cl. 1(a).

⁷ See *House Ethics Manual December 2022 Print* at 195-256 ("Outside Employment and Income" chapter).

COMMITTEE ON ETHICS

Annual Member Ethics Training Now Live

2023 Annual Ethics Training for current Members is now live and available for all Members who were sworn in prior to January 3, 2023. **The deadline for current Members to complete their annual ethics training is December 31, 2023.**

**Member training can be found
here**

The password to access the training is: **Ethics@2023**

New Members who attended New Member Orientation on November 29, 2022 or completed a new Member training with Ethics Committee staff have satisfied their training requirement for 2023.

Staff who are unsure if their Member has completed training for 2023 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!

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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COMMITTEE ON ETHICS

Senior Staff On Demand Ethics Training Now Live

2023 Senior staff ethics training is now live and available on the Staff Academy site. Senior staff ethics training is required once per Congress and is due January 3, 2025.

Senior staff training can be found
here

"Senior staff" refers to any employee paid at the senior staff level, which is \$141,022 for calendar year 2023 (or \$11,752 over a 60 day period). In general, senior staff employees are required to complete two ethics trainings in order to satisfy the Committee's training requirement.

- New senior staff must complete the 118th Congress General Ethics 2023 course within 60 days of beginning House employment and complete a second hour of specialized "senior staff" training before the end of the 118th Congress.
- Existing senior staff must complete the 118th Congress General Ethics 2023 course during the calendar year and complete a second hour of specialized "senior" staff training before the end of the 118th Congress.
- The senior staff training requirement can be satisfied by completing this course or the Financial Disclosure training offered in the spring.

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

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Congress of the United States
House of Representatives
Washington, D.C. 20515

October 11, 2023

Dear Colleague:

Effective today, the prohibition on use of campaign credit cards and checks to purchase U.S. flags flown over the United States Capitol through Pay.gov will be removed. This change will allow campaigns to purchase flags in the same fashion as any constituent and outside organization consistent with House Rules and regulations. Please see important information below on the use of official and campaign funds to purchase flags.

Use of Campaign Funds

Use of campaign funds to purchase flags is regulated by the Federal Election Commission and the Committee on Ethics. Campaign funds can be used to purchase flags for campaign/political purposes consistent with Federal Election Commission regulations. Per the Committee on Ethics, campaign funds CANNOT be used to purchase flags for official purposes.

Use of Official Funds

Per the *Members' Congressional Handbook* regulations, the MRA may be used to purchase U.S. flags for presentation to honor and recognize constituents for matters of public distinction in connection with official and representational duties. Official recognized acts of public distinction for which the MRA can be used include election or appointment to public office, publicly notable awards and honors, U.S. Citizenship, Eagle Scout/Gold Star, High School graduation, heroism, appointment to a U.S. military academy, Military Service (upon enlistment, promotion, honorable discharge, or to the family of a fallen soldier), Emergency Personnel (upon hiring, promotion, retirement, or to the family of a fallen first responder), Public Education professionals (upon hiring, promotion or retirement) and for the opening of or to be flown at government buildings.

Sincerely,

Bryan Steil, Chairman
Committee on House Administration

Joseph D. Morelle, Ranking Member
Committee on House Administration

Michael Guest, Chairman
Committee on Ethics

Susan Wild, Ranking Member
Committee on Ethics

COMMITTEE ON ETHICS

October 31, 2023

Committee on Ethics Quarterly Review

End of Year Reminders

As the end of the year approaches, please note the following reminders for training requirements, MECEA, and FGDA.

Training Reminders

All Members and staff are required to take ethics training annually. Senior staff must take an additional hour of training each Congress.

Who Takes Training?

Members must complete the Member ethics training online by December 31, and offices can email ethics.training@mail.house.gov to receive the link and password for this training.

All current employees need to complete one hour of general ethics training, live or online, each year, by December 31.

Senior staff must complete general ethics training by December 31 each year and senior staff training by January 3, 2025. The senior staff requirement can be met by either taking the online training linked below or a financial disclosure training in the spring.

New employees must complete general ethics training within 60 days of beginning House employment.

Interns paid by the House must complete general ethics training within 60 days of beginning their internship. **Unpaid interns** are not required to take ethics training, yet the Committee recommends they do. Offices may set their own training requirements for unpaid interns.

[Register for Live General Ethics Training](#)

[Take Online General Ethics Training](#)

Foreign Travel Requirements

MECEA

MECEA (Mutual Education and Cultural Exchange Act) trips must be reported on annual financial disclosure statements on Schedule H. Financial disclosure statements will be due on May 15, 2024.

The Department of State negotiates MECEA agreements with foreign governments. Therefore, any travel offered under MECEA must comport with the agreement on file with the Department of State. You may not accept MECEA travel within the United States.



Foreign Gifts and Decorations Act

The Committee is required to send a list of certain gifts from foreign governments or multinational organizations to the Secretary of State on an annual basis, for publication in the Federal Register. Any Member, officer, or employee who accepted tangible gifts worth more than \$480 or gifts of travel outside the United States, regardless of value, from a foreign government under the FGDA during calendar year 2023, or whose spouse or dependent accepted such gifts, must report these gifts. Anyone who has not already reported these gifts must complete this form and return it to the Committee.

[FGDA Disclosure Form](#)

Leaving House Employment? Give us a call!

Staff leaving House employment may have some post-employment restrictions. Staff paid at the post employment rate may need to file forms with the Committee. Staff paid at the senior staff rate may also have to file a termination financial disclosure. Please give us a call to discuss your particular situation.

[Future Employment Forms](#)

[Post Employment Pink Sheet](#)

Contact the Committee

Talk to us anytime. All communications are confidential!

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Phone: 202-225-7103

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 14, 2023

MEMORANDUM FOR ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

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

SUBJECT: Holiday Guidance on the Gift Rule

The House Gift Rule applies to all Members,¹ officers, and employees (Members and staff) at all times, even during the holiday season.² This memorandum does not announce new rules or guidance but is simply a reminder of some of the restrictions of the Gift Rule and some of the more common questions that arise during the holiday season. This guidance does not cover every situation. As a result, if you are unsure about a particular situation, please contact the Committee staff at (202) 225-7103.

Overview of the Gift Rule and Other Gift Statutes

Members and staff may not accept any gift, except as provided in the Gift Rule.³ The rule defines the term “gift” broadly to include “a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.”⁴ The Gift Rule contains numerous exceptions permitting Members and staff to accept gifts. There are certain gifts that staff may accept without limitation. For example, there are no restrictions on accepting gifts, including cash or cash equivalents, of any dollar value, from relatives.⁵ There are also no restrictions on accepting personal holiday gifts from House co-workers and supervisors.

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

² House Rule 25, cl. 5. Generally, gifts to a Member or employee’s spouse, dependent child, or other family member are not subject to the Gift Rule unless there is reason to believe they are given because of the official position of the Member or employee and the Member or employee is aware of the gift. Even if a gift to a family member would be attributed to a Member or employee, a gift that falls within one of the specific exceptions to the rule may be accepted.

³ House Rule 23, cl. 4 and House Rule 25, cl. 5.

⁴ House Rule 25, cl. 5(a)(2)(A).

⁵ The term “relative” is broadly defined, and it includes fiancés/fiancées and in-laws. See House Rule 25, cl. 5(a)(3)(C) (incorporating 5 U.S.C. § 13101(16)).

Generally, Members and supervisors may not accept gifts from their subordinates, and employees may not give gifts to their superiors.⁶ However, the Committee has provided for a common-sense exception for voluntary gifts extended on special occasions such as holidays.⁷ Accordingly, Members and supervisors may accept gifts from their subordinates that are customarily extended during the holiday season, and employees may give such gifts.

In certain circumstances, Members and staff must seek and receive written permission from the Committee on Ethics before accepting a gift (*i.e.*, gifts from personal friends over \$250). Members, senior staff, and other staff who are financial disclosure filers must also disclose the value of gifts received on their annual Financial Disclosure Statements in certain circumstances. These circumstances are explained more fully in the final two sections of this memorandum.

Although the Gift Rule defines what Members and staff may accept, it does not authorize them to ask for any gift. There is also a statutory gift provision, which prohibits Members and staff from asking for or accepting anything of value from anyone who seeks official action from the House, does business with the House, or has interests that may be substantially affected by the performance of official duties.⁸ The statute also prohibits Members and staff from soliciting on behalf of other individuals or entities, other than political solicitations or certain solicitations for charity.

Brief descriptions of some of the common Gift Rule exceptions applicable to the holiday season are listed below. Remember, you may not accept gifts offered in exchange for official actions. This restriction applies to official actions you are asked to take in the future and in return for official actions you already took.⁹

Parties and Receptions

During the holiday season, Members and staff may be invited as guests to parties or related events that are sponsored by individuals or organizations that have, or plan to have, business dealings before Congress. Provided the guidance below is followed, Members and staff may accept an invitation to the following:

- An event where the per person cost or ticket price (if sold) is **less than \$50**, provided
 - 1) The invitation is not from a federally registered lobbyist, foreign agent, or private entity that retains or employs such individuals; and

⁶ 5 U.S.C. § 7351.

⁷ See Comm. on Ethics, *House Ethics Manual*, Gifts Chapter, XI.E, https://ethics.house.gov/house-ethics-manual/gifts#_Gifts_from_other.

⁸ 5 U.S.C. § 7353.

⁹ See 5 U.S.C. § 7353(b)(2)(B); 18 U.S.C. § 201.

- 2) The total value of gifts or other invitations you accept from the host under this exception is less than \$100 for the calendar year. Any gift worth less than \$10 does not count towards the annual limitation.

Example: If an individual who is not a federally registered lobbyist invites you to their holiday dinner party and the cost of your meal before tax and tip is less than \$50, you may accept the meal under the “less than \$50 exception,” provided the aggregate value of all gifts and similar invitations you accept from the host does not exceed \$100 for the year.

- A non-business event, such as a holiday party, hosted by an individual, at the personal residence of that individual or the individual’s family, unless offered by a federally registered lobbyist or foreign agent.

Example: An individual who is not a federally registered lobbyist invites you to a holiday party at her personal residence to celebrate the holiday season. You may accept food and refreshments offered within the home under the **personal hospitality** exception.

- A **reception or open house**, provided that only food and refreshments of nominal value are offered other than as a part of a meal (e.g., light appetizers and beverages, including alcoholic beverages). This exception **does not** include full meals (whether or not you stand to eat or use silverware) or luxury or expensive food items. This exception also assumes that you will not consume what is offered such that it becomes a full meal.

Example: A firm that is federally registered as a lobbying firm invites you to attend a holiday reception to be held in its offices. It will serve appetizers and drinks at the reception. Provided that the food and refreshments are of “nominal value” and offered “other than as part of a meal,” you may attend and accept these items.

- An event where invitations are offered to a group or class in which membership is **unrelated to House employment**.

Example: Your college alumni association is having a holiday party for its members. You may attend as an alumnus of the college.

- An event that is **open to the public or to all federal employees**.

Example: A local park is having a free holiday concert that is open to the public. You may attend as a member of the public.

- An event where invitations are offered because of the **outside business or activity of the invitees or their spouses**, provided the invitation

- 1) was not offered or enhanced because of the individual’s House status; and

- 2) is customarily provided to others in similar circumstances.

Example: Your spouse's employer is having a holiday party and all employees may bring their spouses as guests. You may attend as your spouse's guest and receive the same food, refreshments, and entertainment that are provided to all attendees.

- A **"widely attended event"** provided
 - 1) The event relates to the Members' or employees' official duties;
 - 2) The invitation comes from the event sponsor;
 - 3) The sponsor has a reasonable expectation that at least 25 non-congressional invitees will be in attendance; and
 - 4) The event is open to the public or will be attended by a diverse group of individuals interested in a given topic.

Please note: **The widely attended event exception does not apply to campaign events, fundraisers, and holiday parties that are purely social or recreational in nature and not related to one's official duties.**

- An event paid for by a **foreign government** valued at \$480 or less per person, per occasion. Under the Foreign Gifts and Decorations Act (FGDA), Members and staff may accept a souvenir or mark of courtesy.¹⁰ The Committee has interpreted this provision to allow Members and staff to accept meals and entertainment in the United States.

Example: A foreign embassy in Washington, D.C., is having a holiday dinner at a local D.C. restaurant to foster inter-country relations. The cost of your meal will be \$100. You may accept the dinner under the FGDA.

- A holiday party for staff hosted by a Member of Congress using **personal funds or principal campaign committee funds**. For further guidance, please contact the congressional liaisons at the Federal Election Commission (FEC) at (202) 694-1006.

Example: A Chairwoman and Ranking Member would like to host a holiday party for their committee staff.¹¹ The Chairwoman and Ranking Member may use their principal campaign committee funds or personal funds to pay for the holiday party. Members and staff may attend the holiday party.

¹⁰ 5 U.S.C. § 7342.

¹¹ See *House Ethics Manual December 2022 Print* at 171.

Other Holiday Gifts

In addition to the provisions discussed above, other Gift Rule exceptions may permit acceptance of holiday gifts. Provided the guidance below is followed, Members and staff may accept the following:

- Gifts (other than cash or cash equivalent) valued at **less than \$50**, provided
 - 1) The gift is not from a federally registered lobbyist, foreign agent, or private entity that retains or employs such individuals; and
 - 2) The total value of gifts you accept from the donor under this exception is less than \$100 for the year.

Please note: Gift cards and gift certificates are considered “cash equivalent” and **may not** be accepted under this exception.

Example: If an individual who is not a federally registered lobbyist gives you a \$40 pen set during the holiday season, you may accept the gift under the “less than \$50 exception.” However, the aggregate value of all gifts you accept from the donor under this exception may not exceed \$100 for the year.

Example: If an organization that does not employ a federally registered lobbyist sends perishable food, such as a fruit basket, to a House office for all the staff, the gift is considered a gift to the individual recipients and not to the employing Member. Each staff member may accept items from the fruit basket having a value of less than \$50, provided that no recipient accepts more than \$100 of gifts in the aggregate from the organization during the year.

- A **baseball hat, T-shirt**, or any **item valued at less than \$10**, even if from a lobbyist. This exception does **not** include food items.

Example: A company that employs a federally registered lobbyist sends the office 10 T-shirts along with a letter stating that one is to be given to the Member and any staff member that would like to receive one. The Member and staff may each accept one of the T-shirts under this exception.

- Gifts based on **personal friendship**. Members and staff may, without seeking Committee approval, accept a gift based on personal friendship if the gift’s market value is \$250 or less.¹² The following factors must be considered before accepting a gift under this exception:

¹² You must seek Committee written approval before accepting a gift with a market value over \$250 under the personal friendship exception. Please see the section below regarding seeking written Committee approval for details on how to submit a request.

- 1) The history of the recipient's relationship with the donor, including any previous exchange of gifts;
- 2) Whether the donor personally paid for the gift, or whether the donor sought a tax deduction or business reimbursement for it; and
- 3) Whether the donor gives the same or similar gifts to other Members or staff at the same time.

Example: Your former roommate, who is a real estate agent, offers you a \$100 ticket to a holiday play. The roommate personally paid for the ticket. You and the roommate have exchanged gifts throughout the years. The roommate does not contact you or your office on official matters. To the best of your knowledge, the roommate has not made a similar offer to other Members or staff. You may accept the ticket without seeking Committee approval.

- **Gifts from a foreign government** under the FGDA. As noted above, gifts valued at \$480 or less per person, per occasion, that are offered as a souvenir or mark of courtesy may be accepted.

Example: A French government official sends you a \$300 bottle of French champagne, on behalf of the French government. You may accept the champagne under the FGDA.

Handling Unacceptable Gifts

At times, a gift may not be acceptable under the Gift Rule. For example, Members and staff may never accept a "thank you" gift. If Members or staff receive gifts that they may not accept under the Gift Rule, they may

- Pay the donor the "fair market value"¹³ and keep the gift;
- Return the gift to the donor; or
- For perishable items (e.g., flowers or fresh food), donate the items to charity or destroy them. **You may not donate non-perishable items to charity in lieu of returning or paying for them.**
- If the return of a gift is impossible (e.g., if the identity of the donor is unknown) the recipient may "return" the item by donating it to charity or destroying it, or the recipient may keep the item by paying the fair market value to the U.S. Treasury.

¹³ Items are valued at market/retail, rather than wholesale, prices. For tickets, the fair market value is the cost printed on the ticket, regardless of whether the donor paid more or less. *House Ethics Manual*, Gifts Chapter, III, https://ethics.house.gov/house-ethics-manual/gifts#_How_to_Value. If you pay fair market value for something, that item is no longer a gift. House Rule 25, cl. 5(a)(3)(A).

Please check with the Ethics Committee if you have any questions about whether the return of a particular gift is impossible.

Please note: For tickets to events that do not have a printed cost on the ticket, the value of the ticket is the highest cost of a ticket available through the venue with a face value for that particular event.

Example: You are invited to sit in the premium box for a concert by a friend of a friend. The offer does not meet one of the gift exceptions, but you would still like to attend. Your ticket does not have a price on it, but the highest ticket price available through the venue for that particular concert is \$285. You must pay the donor \$285 in order to accept the ticket.

Some provisions of the Gift Rule require knowledge of the identity of the donor to assess whether the gift may be accepted. For example, the exceptions with respect to gifts worth less than \$50 and for those authorized by the FGDA require knowledge of the donor's identity before accepting the gift because those provisions permit acceptance of gifts from donors who meet certain criteria. (Other Gift Rule exceptions, such as those that permit acceptance of nominal value gifts and informational materials, apply regardless of the identity of the donor, because they are not limited to certain types of donors.)

At times when a Member, officer, or employee is unexpectedly presented with a gift at an event, he or she may be uncertain whether it can be accepted under the Gift Rule. In that circumstance, the individual may receive the gift and wait until after the event to review the provisions of the Gift Rule and make a decision on the gift's acceptability.

Prior Written Committee Approval Required

Members and staff must seek and receive written approval from the Committee on Ethics before accepting the following:

- A gift based on personal friendship with a market value over \$250. The Committee will only grant written approval for a personal friendship gift exceeding \$250 in value in response to a written request, using the form on the Committee's website for this purpose.
- A gift that is not otherwise acceptable, but that the Member or staffer believes the Committee should permit them to accept. The Committee has "flexibility to allow the acceptance of gifts . . . in cases where there is no potential conflict of interest or appearance of impropriety."¹⁴ Thus, the House Gift Rule authorizes the Committee to grant a waiver to permit acceptance of a gift "in an unusual case."¹⁵ Members and staff must submit a written request for a gift waiver from the Committee prior to

¹⁴ See HOUSE BIPARTISAN TASK FORCE ON ETHICS, 101st Cong. *Report on H.R. 3660*, 101st Cong., 1st Sess. (Comm Print 1989), reprinted in 135 CONG. REC. 30740, 30743 (daily ed. Nov. 21, 1989).

¹⁵ House Rule 25, cl. 5(a)(3)(T).

accepting such a gift. Any request should include, at a minimum, a description of the gift, including its market value, the identity of the donor, and a statement of the reasons believed to justify acceptance of the gift.

Financial Disclosure Requirements

Members and financial disclosure filers¹⁶ must disclose certain gifts valued over \$480 from a single source in a calendar year on Schedule G (“Gifts”) of their annual Financial Disclosure Statements.¹⁷ This disclosure must include the source of such gifts and a brief description of the gifts. Any gift with a market value of less than \$192 need not be counted towards the \$480 disclosure threshold.

Please note: Gifts from relatives, gifts of personal hospitality, tickets to widely attended events, and certain other gifts do not have to be reported on a Financial Disclosure Statement. In addition, gifts that are received by your spouse or children, independent of your House status, do not have to be disclosed. However, all other gifts that are over \$480 in value must be disclosed.

Example: Your spouse’s college roommate gives your spouse a \$500 coat as a holiday present. You would not have to report this gift on your Financial Disclosure Statement if you believe that the gift was given regardless of your House employment.

If you have any questions, please contact the Committee’s Advice and Education staff at (202) 225-7103. Please read on for an exciting tune to remember the Gift Rule!

¹⁶ House staff may be subject to financial disclosure filing requirements for a number of reasons, including 1) they are paid at or above the annual senior staff rate (\$141,022 for 2023, subject to change in future calendar years) for 60 days or more during the calendar year, even if on a temporary basis; 2) they are designated as a “principal assistant” for financial disclosure filing purposes by their employing Member; and 3) they are a shared employee of three or more offices, regardless of their rate of pay. Please contact the Committee if you have further questions about financial disclosure. See Ethics in Government Act (EIGA), 5 U.S.C. § 13101(13).

¹⁷ 5 U.S.C. § 13104(a)(2).

Ethics Holiday Song

Sung to the tune of "Winter Wonderland"



*Sleigh bells ring, are you listening
Holidays, time for gifting
The gift rule is strict
But exceptions exist
We wrote this song to help you understand*

*Gifts worth less than ten dollars
That aren't cash, food, or gift cards
You may accept
No need to reject
But no gifts you solicit or demand*

*Gifts from relatives are unrestricted
This includes in-laws and fiancés
It doesn't matter how much you are gifted
Same for gifts from governmental entitaaaaays*
entities

*Moving on, to less than \$50
These gifts can be, rather iffy
Depends who it's from
If lobbyists, you should run
Buy-downs, cash, and gift cards are all banned*

*Going to a reception?
What's offered? That's the question
Enjoy drinks and apps
But no meals at this bash
A carving table would be contraband*

*Going to a fundraiser?
Or a meal, in your blazer?
If the ticket is free
Email the Committee
We'll walk you through the rules so you can plan*

*Your dear friend may give you something nifty
You decide if \$250 or less
If the present costs more than \$250
You'll need written approval to accept*

*There are still more exceptions
And we're here for your questions
Just give us a call
And please know most of all,
We're wishing you a holiday that's grand*

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



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U.S. House of Representatives

COMMITTEE ON ETHICS

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December 14, 2023

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

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

SUBJECT: Reminder of Ethics Training Requirements for 2023

As we look forward to a new calendar year, the Committee on Ethics wishes to remind all House Members, officers, and employees of their annual ethics training and certification requirements. This memorandum explains 2023 ethics training requirements, how to access ethics training, and the required certification process 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. Ethics trainings are presented throughout the year, live and on-demand. The Committee is pleased to report that, to date, approximately 72% of House Members² and employees have satisfied their 2023 ethics training requirement. So far this Congress, the Committee has presented 39 live trainings, and over 9,451 Members and employees completed annual ethics training.

In addition to completing required ethics training, House Members and employees must also certify to the Ethics Committee that they have satisfied their annual ethics training requirement by January 31st of the following year.³

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).

2023 ETHICS TRAINING REQUIREMENTS AND ACCESS

The Committee's non-partisan staff presents live trainings 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 2023 training requirement is an individual who was *first* sworn in on or after January 3, 2023. Before each Congress, the Committee on Ethics provides ethics training for incoming new Members at the New Member Orientation organized by the Committee on House Administration. The Committee on Ethics reaches out to new Members elected through a special election to schedule individual, live ethics training within new Members’ first 60 days.
- **Existing House Members.** Existing House Members must complete one hour of ethics training by December 31, 2023. 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 2023 training requirement is an individual who first began employment with the House on or after January 3, 2023. Any former House employee who returns to House employment after a gap of more than 90 consecutive calendar days is considered to be a “new” employee. Fellows and interns paid by the House for more

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 2023, the senior staff annual salary rate is \$141,022, or a monthly pay rate at or above \$11,752. Please note that the senior staff annual salary rate is subject to change in 2024.

than 60 days also must comply with this requirement.⁶ This training requirement may be satisfied by attending a live or on-demand training.⁷ Employees may satisfy this requirement by completing the 118th Congress General Ethics 2023 Training live or on-demand.

- **Existing employees.** Existing House Employees must complete one hour of ethics training before the end of the calendar year, by December 31, 2023. **There are no extensions to this deadline, for any reason.** Employees may satisfy this requirement by completing the 118th Congress General Ethics 2023 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) statements 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 2023. 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 2023 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, 2023
New Staff	118 th Congress General Ethics 2023 Training	Within first 60 days
Existing Staff	118 th Congress General Ethics 2023 Training	December 31, 2023
New Senior Staff	118 th Congress General Ethics 2023 Training <i>and</i> Senior Staff Ethics 2023 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 2023 Training <i>and</i> Senior Staff Ethics 2023 Training or other ethics briefing on senior staff or supervisor issues.	December 31, 2023
		January 3, 2025

TRAINING CERTIFICATION

House Members and employees must certify to the Committee that they have satisfied their 2023 annual ethics training requirement no later than January 30, 2024.⁹

Members

The Committee automatically certifies New Members who complete the live ethics training and Existing Members who complete the on-demand Members ethics 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 employees who 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 supervisors) 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 and employees, including the publication of noncompliant House Members and employees' names, additional ethics training, or other actions the Committee deems appropriate. If you have any questions regarding this guidance, please feel free to contact the Committee's Office of Advice and Education at ethics.training@mail.house.gov.

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

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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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(f).

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.

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>

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

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The first step in creating a successful email marketing campaign is to build a list of potential customers. This can be done through a variety of methods, including direct mail, social media, and online advertising. Once you have a list, you can begin to create your email messages. It's important to keep your messages short and to the point, and to use a clear subject line. You should also make sure to include a clear call to action in your messages.

The second step in creating a successful email marketing campaign is to test your messages. This can be done by sending your messages to a small group of people first, and then to the rest of your list. This will help you to see how your messages are received, and to make any necessary adjustments.

The third step in creating a successful email marketing campaign is to track your results. This can be done by using a variety of tools, including email marketing software and analytics. This will help you to see how your campaign is performing, and to make any necessary adjustments.

The fourth step in creating a successful email marketing campaign is to optimize your messages. This can be done by using a variety of techniques, including A/B testing and personalization. This will help you to create messages that are more effective and more engaging.

The fifth step in creating a successful email marketing campaign is to analyze your results. This can be done by using a variety of tools, including email marketing software and analytics. This will help you to see how your campaign is performing, and to make any necessary adjustments.

The sixth step in creating a successful email marketing campaign is to create a schedule for your messages. This can be done by using a variety of tools, including email marketing software and analytics. This will help you to create a schedule that is most effective for your business.

The seventh step in creating a successful email marketing campaign is to create a budget for your campaign. This can be done by using a variety of tools, including email marketing software and analytics. This will help you to create a budget that is most effective for your business.

The eighth step in creating a successful email marketing campaign is to create a plan for your campaign. This can be done by using a variety of tools, including email marketing software and analytics. This will help you to create a plan that is most effective for your business.

The ninth step in creating a successful email marketing campaign is to create a strategy for your campaign. This can be done by using a variety of tools, including email marketing software and analytics. This will help you to create a strategy that is most effective for your business.

The tenth step in creating a successful email marketing campaign is to create a timeline for your campaign. This can be done by using a variety of tools, including email marketing software and analytics. This will help you to create a timeline that is most effective for your business.

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.

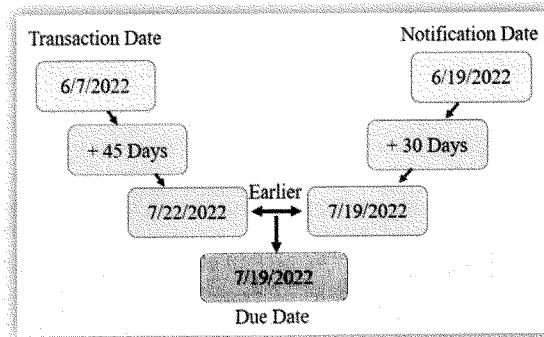
[Travel
Calculator](#)

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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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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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.

²House 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!

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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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.

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>

US House of Representatives Committee on Ethics | 1015 Longworth House Office Building |
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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	Uses House resources, including staff time and MRA funds, to arrange, promote, and conduct the event. Does Not use campaign funds for promotional materials for the event.	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. Does Not use any House resources, including staff, letterhead, inside mail, and MRA funds, to arrange, promote, or conduct the event.
Private Entity	Uses the private entity’s staff and funds to arrange, promote, and conduct the event.	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.

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 *Comme'n Standards Comm'n*, *Comme'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
Mark DeSaulnier, California
Deborah K. Ross, North Carolina
Glen F. Ivey, Maryland



ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

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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</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
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
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

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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
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
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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives

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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: 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.

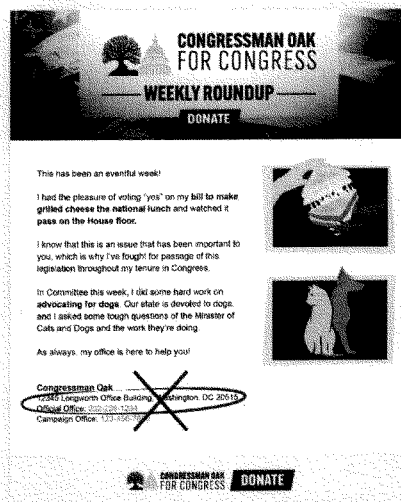
TIP: Designate one person in the office to log all unsolicited contributions and how the office disposed of them—by sending it back to the donor or by forwarding it to the campaign. The log should include dates to ensure offices can demonstrate sending the donation to the campaign within seven days,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

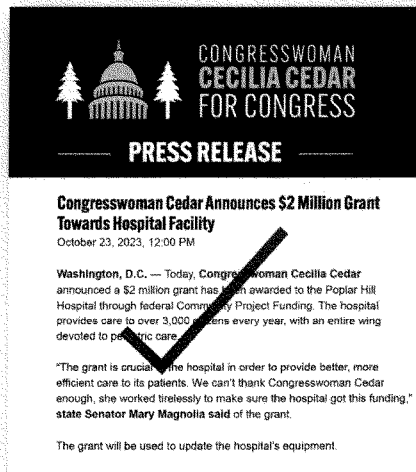
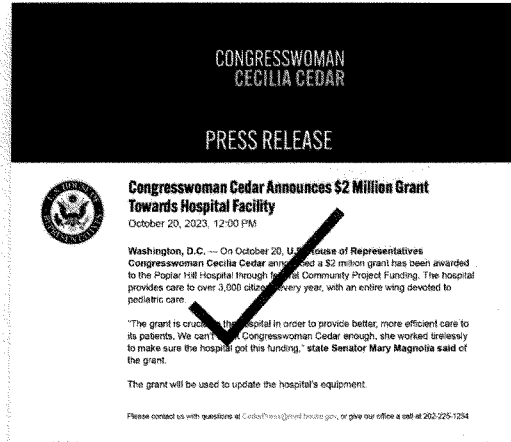
A. The campaign may be able to use official materials or information that were once but are no longer confidential, so long as their use is consistent with ethics rules, including exhaustion. However, the campaign may not be the first source to disclose previously confidential official materials. For 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**



**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?

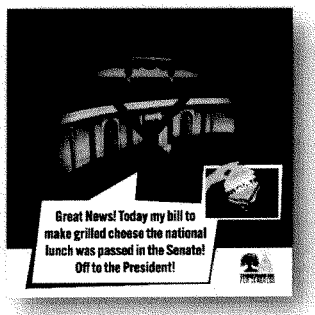
A. No, once the campaign uses any portion of the interview, the official office may not use any part of it.

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.

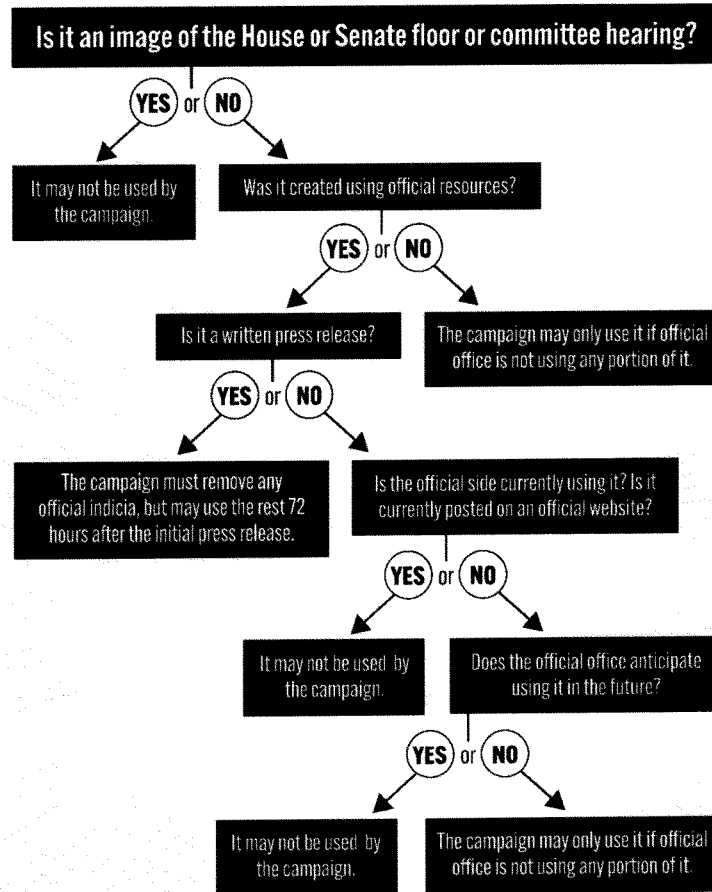
TIP: Your conversations with Committee counsel are confidential. The benefit of asking for advice before taking an action is that you can often avoid even the appearance of an inappropriate action. Ask as many questions as you have, ask as often as you like, and always ask before acting if you have any 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](#).

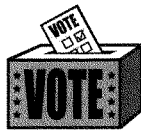
Additional Contact Information:

Committee on House Administration	<i>Republican Office: 5-8281</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 Liaison)	(202) 694-1006
CAO Technical Service Desk	5-6002

COMMITTEE ON ETHICS

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.

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



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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.”).

COMMITTEE ON ETHICS

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.

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.

Transition

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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Susan Wild, Pennsylvania
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John H. Rutherford, Florida
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ONE HUNDRED EIGHTEENTH CONGRESS
U.S. House of Representatives
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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 aid 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**

<i>Entity Represented by Former Member</i>		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).

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

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



ONE HUNDRED EIGHTEENTH CONGRESS
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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 aid 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**

<i>Entity Represented by Covered Former Employee</i>	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
	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
	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
	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. 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
	Accredited U.S. College or University	May contact immediately if an employee of the college or university	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
	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

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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Chairman
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ONE HUNDRED EIGHTEENTH CONGRESS

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				Meal	Local Travel
		Your Free Attendance	Free Attendance for Any Kind of Guest	Info. Materials	Appetizers and Drinks		
Reception	• Invitation from anyone • Food limited to appetizers, drinks • Other than one-on-one setting	✓	✓	✓	✓	✗	✗
Widely-Attended Event	• Invitation from the event organizer • Related to your official duties • Organizer expects ≥ 25 attendees from broad group	✓	✓	✓	✓	✓	✓
Charitable Fundraising Event	• Invitation from the event organizer • At least half of the proceeds benefit an IRC §170(c) organization • Attendance is personal	✓	✓	✓	✓	✓	✓
Less than \$50	• 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	• 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	• 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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Chairman
 Susan Wild, Pennsylvania
Ranking Member

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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.

* * * * *

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!

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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APPENDIX III

RULES

COMMITTEE ON ETHICS

Adopted February 28, 2023
118th Congress

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

COMMITTEE ON ETHICS

UNITED STATES HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

MICHAEL GUEST, Mississippi, *Chairman*
DAVE JOYCE, Ohio
JOHN H. RUTHERFORD, Florida
ANDREW R. GARBARINO, New York
MICHELLE FISCHBACH, Minnesota

SUSAN WILD, Pennsylvania, *Ranking Member*
VERONICA ESCOBAR, Texas
MARK DESAULNIER, California
DEBORAH K. ROSS, North Carolina
GLENN F. IVEY, Maryland

THOMAS A. RUST, *Staff Director and Chief Counsel*

CONTENTS

RULES OF THE COMMITTEE ON ETHICS

PART I—GENERAL COMMITTEE RULES	1
Rule 1. General Provisions	1
Rule 2. Definitions	2
Rule 3. Advisory Opinions and Waivers	3
Rule 4. Financial Disclosure	6
Rule 5. Meetings	10
Rule 6. Committee Staff	11
Rule 7. Confidentiality	12
Rule 8. Subcommittees—General Policy and Structure	14
Rule 9. Quorums and Member Disqualification	15
Rule 10. Vote Requirements	16
Rule 11. Committee Records	16
Rule 12. Broadcasts of Committee and Subcommittee Proceedings	17
PART II—INVESTIGATIVE AUTHORITY.....	17
Rule 13. House Resolution	17
Rule 14. Committee Authority to Investigate—General Policy	17
Rule 15. Complaints	18
Rule 16. Duties of Committee Chair and Ranking Minority Member	20
Rule 17. Processing of Complaints	22
Rule 17A. Referrals from the Board of the Office of Congressional Ethics	23
Rule 18. Committee-Initiated Inquiry or Investigation	26
Rule 19. Investigative Subcommittee	28
Rule 20. Amendments to Statements of Alleged Violation	31
Rule 21. Committee Reporting Requirements	32
Rule 22. Respondent’s Answer	33
Rule 23. Adjudicatory Hearings	34
Rule 24. Sanction Hearing and Consideration of Sanctions	40
or Other Recommendations	40
Rule 25. Disclosure of Exculpatory Information to Respondent	42
Rule 26. Rights of Respondents and Witnesses	42
Rule 27. Frivolous Filings	46
Rule 28. Referrals to Federal or State Authorities	46

FOREWORD

The Committee on Ethics is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES**Rule 1. General Provisions**

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 118th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

Rule 2. Definitions

(a) "Committee" means the Committee on Ethics.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigate," "Investigating," and/or "Investigation" mean review of the conduct of a Member, officer, or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) "Board" means the Board of the Office of Congressional Ethics.

(f) "Referral" means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer, or employee, including any accompanying findings or other supporting documentation.

(g) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(i) “Adjudicatory Subcommittee” means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) “Sanction Hearing” means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) “Respondent” means a Member, officer, or employee of the House of Representatives who is the subject of an investigation.

(l) “Office of Advice and Education” refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) “Member” means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee’s Travel Guidelines and Regulations; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information required by the Committee's Travel Guidelines and Regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file, any form required by the Committee's Travel Guidelines and Regulations may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. § 1001.

(g) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(h) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(i) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(m), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(j) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to that individual in response. The Committee shall not release any internal Committee staff work product, communications, or notes in response to such a request, except as authorized by the Committee.

(k) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(l) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(n) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(o) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file reports required to be filed under Title I of the Ethics in Government Act and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) Any reports required to be filed under Title I of the Ethics in Government Act filed by Members of the Board of the Office of Congressional Ethics that are forwarded to the Committee by the Clerk shall not be subject to paragraphs (d) through (q) of this Rule. The Office of Congressional Ethics retains jurisdiction over review of the timeliness and completeness of filings by Members of the Board as the Board's supervising ethics office.

(d) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days per Statement, including any amendment required by the Committee in accordance with clause (m). No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(e) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(f) Any individual who files a report required to be filed under Title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of \$200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(g) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(h) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(i) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(j) The Committee shall designate staff who shall review reports required to be filed under Title I of the Ethics in Government Act and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(k) Each report required to be filed under Title I of the Ethics in Government Act shall be reviewed within 60 days after the date of filing.

(l) If the reviewing staff believes that additional information is required because (1) the report required to be filed under Title I of the Ethics in Government Act appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(m) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who concurs with the Committee's notification that the report required to be filed under Title I of the Ethics in Government Act is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised report required to be filed under Title I of the Ethics in Government Act or an explanatory letter addressed to the Clerk of the House of Representatives.

(n) Any amendment shall be placed on the public record in the same manner as other reports required to be filed under Title I of the Ethics in Government Act. The individual designated by the Committee to review the original report required to be filed under Title I of the Ethics in Government Act shall review any amendment thereto.

(o) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who does not agree with the Committee that the report required to be filed under Title I of the Ethics in Government Act is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy

of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(p) The Committee shall be the final arbiter of whether any report required to be filed under Title I of the Ethics in Government Act requires clarification or amendment.

(q) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a report required to be filed under Title I of the Ethics in Government Act or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee, and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(d) Any hearing held by an adjudicatory subcommittee, or any sanction hearing held by the Committee, shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee

determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

Rule 7. Confidentiality

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

“I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Ethics, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.”

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence or information relating to any investigation or proceeding of the Committee or a subcommittee to any person or organization outside the Committee, unless authorized by the Committee.

(d) This rule shall not prohibit the Chair or Ranking Minority Member from disclosing to the Board of the Office of Congressional Ethics the existence of a Committee investigation, the name of the Member, officer, or employee of the House who is the subject of that investigation, and a brief statement of the scope of that investigation in a written request for referral pursuant to Rule 17A(k). Such disclosures will only be made subject to written confirmation from the Board that the information provided by the Chair or Ranking Minority Member will be kept confidential by the Board.

(e) A Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after the respondent has been given full opportunity to respond pursuant to Rule 22. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held

on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(f) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(g) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

Rule 8. Subcommittees—General Policy and Structure

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for the Committee or an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is a respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adopting or amending of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproof.

(6) Adopting a recommendation to the House of Representatives that a sanction be imposed.

(7) Adopting a report relating to the conduct of a Member, officer, or employee.

(8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Committee Records

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 12. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(c) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(d) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 13. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 14. Committee Authority to Investigate—General Policy

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint, in writing and under oath, by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint, in writing and under oath, by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, undertakes an investigation;

(4) a Member, officer, or employee is indicted or otherwise formally charged with criminal conduct or is convicted of a felony in a Federal, State, or local court;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(6) a referral from the Board is transmitted to the Committee.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5);

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5);

(3) determinations regarding appeals from fines imposed by the Sergeant-at-Arms for the use of electronic devices in contravention of applicable House rules or policies, pursuant to House Rule II, clause 3(g); and

(4) information received from the Office of Congressional Workplace Rights, pursuant to the Congressional Accountability Act of 1995.

Rule 15. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the

language, “Signed and sworn to (or affirmed) before me on (date) by (the name of the person)” setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the “complainant”);

(2) the name and position or title of the respondent(s);

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent(s).

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee

has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days before a Federal, State, or local election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 16. Duties of Committee Chair and Ranking Minority Member

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the

requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to –

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote

of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 17. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent(s) within 5 days with notice that the complaint conforms to the applicable rules.

(b) A respondent may, within 30 days of the Committee's notification in clause (a), provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from a respondent or obtain additional information relevant to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent(s) shall be notified in writing regarding the Chair and Ranking Minority Member's determination under Rule 16(e) or the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

Rule 17A. Referrals from the Board of the Office of Congressional Ethics

(a) The Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct pursuant to clause 1(g) of House Rule X. Receipt of referrals from the Board under this rule does not limit the Committee's discretion to address referrals in any way through the appropriate procedures authorized by Committee Rules. The Committee shall review the report and findings transmitted by the Board without prejudice or presumptions as to the merit of the allegations.

(b)(1) Whenever the Committee receives either (A) a referral containing a written report and any findings and supporting documentation from the Board; or (B) a referral from the Board pursuant to a request under Rule 17A(k), the Chair shall have 45 calendar days or 5 legislative days after the date the referral is received, whichever is later, to make public the report and findings of the Board unless the Chair and Ranking Minority Member jointly decide, or the Committee votes, to withhold such information for not more than one additional 45-day period.

(2) At least one calendar day before the Committee makes public any report and findings of the Board, the Chair shall notify in writing the Board and the Member, officer, or employee who is the subject of the referral of the impending public release of these documents. At the same time, the Chair shall transmit a copy of any public statement on the Committee's disposition of the matter and any accompanying Committee report to the individual who is the subject of the referral.

(3) All public statements and reports and findings of the Board that are required to be made public under this Rule shall be posted on the Committee's website.

(c) If the OCE report and findings are withheld for an additional 45-day period pursuant to paragraph (b)(1), the Chair shall—

(1) make a public statement on the day of such decision or vote that the matter referred from the Board has been extended; and

(2) make public the written report and findings pursuant to paragraph (b) upon the termination of such additional period.

(d) If the Board transmits a report with a recommendation to dismiss or noting a matter as unresolved due to a tie vote, and the matter is extended for an additional period as provided in paragraph (b), the Committee is not required to make a public statement that the matter has been extended pursuant to paragraph (b)(1).

(e) If the Committee votes to dismiss a matter referred from the Board, the Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c) unless the Committee's vote is inconsistent with the recommendation of the Board. A vote by the Committee to dismiss a matter is not considered inconsistent with a report from the Board that the matter is unresolved by the Board due to a tie vote.

(f) Except as provided by paragraph (g):

(1) If the Committee establishes an investigative subcommittee respecting any matter referred by the Board, then the report and findings of the Board shall not be made public until the conclusion of the investigative subcommittee process. The Committee shall issue a public statement noting the establishment of an investigative subcommittee, which shall include the name of the Member, officer, or employee who is the subject of the inquiry, and shall set forth the alleged violation.

(2) If any such investigative subcommittee does not conclude its review within one year after the Board's referral, then the Committee shall make public the report of the Board no later than one year after the referral. If the investigative subcommittee does not conclude its review before the end of the Congress in which the report of the Board is made public, the Committee shall make public any findings of the Board on the last day of that Congress.

(g) If the vote of the Committee is a tie or the Committee fails to act by the close of any applicable period(s) under this rule, the report and the findings of the Board shall be made public by the Committee, along with a public statement by the Chair explaining the status of the matter.

(h)(1) If the Committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on a matter referred by the Board under paragraph (b)

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(A) The Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c), except that if the recommendation of the Board is that the matter requires further review, the Committee shall make public the written report of the Board but not the findings; and

(B) The Committee shall make a public statement that it is deferring taking action on the matter at the request of such law enforcement or regulatory authority within one day (excluding weekends and public holidays) of the day that the Committee agrees to the request.

(2) If the Committee has not acted on the matter within one year of the date the public statement described in paragraph (h)(1)(B) is released, the Committee shall make a public statement that it continues to defer taking action on the matter. The Committee shall make a new statement upon the expiration of each succeeding one-year period during which the Committee has not acted on the matter.

(i) The Committee shall not accept, and shall return to the Board, any referral from the Board within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate.

(j) The Committee may postpone any reporting requirement under this rule that falls within that 60-day period until after the date of the election in which the subject of the referral is a

candidate. For purposes of calculating any applicable period under this Rule, any days within the 60-day period before such an election and the date of the election shall not be counted.

(k)(1) At any time after the Committee receives written notification from the Board of the Office of Congressional Ethics that the Board is undertaking a review of alleged conduct of any Member, officer, or employee of the House at a time when the Committee is investigating, or has completed an investigation of the same matter, the Committee may so notify the Board in writing and request that the Board cease its review and refer the matter to the Committee for its consideration immediately. The Committee shall also notify the Board in writing if the Committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities by the end of any applicable time period specified in Rule 17A (including any permissible extension).

(2) The Committee may not request a second referral of the matter from the Board if the Committee has notified the Board that it is unable to resolve the matter previously requested pursuant to this section. The Board may subsequently send a referral regarding a matter previously requested and returned by the Committee after the conclusion of the Board's review process.

Rule 18. Committee-Initiated Inquiry or Investigation

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

The Chair and Ranking Minority Member may also jointly take appropriate action consistent with Committee Rules to resolve the matter.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an investigation into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An investigation shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e)(1) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Chair and Ranking Minority Member have the discretion to gather information pursuant to subsection (a) of this Rule, and the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee, at any time prior to conviction or sentencing.

(2) Not later than 30 days after a Member of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State, or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

(3) In addition to any other evidence which the Committee or investigative subcommittee may consider, the Committee or investigative subcommittee may take into evidence

any information related to the subject of an investigation contained in trial transcripts and all exhibits admitted into evidence at trial.

Rule 19. Investigative Subcommittee

(a)(1) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(2) A respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The members of the Committee shall engage in a collegial discussion regarding such objection. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from participating in the inquiry pursuant to Rule 9(e).

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all evidence or testimony produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The investigative subcommittee, through any of its members or the staff, shall ask the respondent(s) and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent(s) an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) Required testimony shall be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and

nothing but the truth (so help you God)?” The oath or affirmation shall be administered by the Chair or any individual designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with a respondent and/or the respondent’s counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its inquiry.

(e) Upon completion of the inquiry, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation, or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

(h) An investigative subcommittee may transmit a single report regarding multiple respondents, but shall adopt a separate Statement of Alleged Violation for each respondent where applicable.

Rule 20. Amendments to Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation any time before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 21. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's

views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 22. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The

investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or public holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

Rule 23. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall

designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The members of the Committee shall engage in a collegial discussion regarding such objection. The member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from serving on the subcommittee pursuant to Rule 9(e).

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) The subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. A subpoena for documents may specify terms of return other than at a meeting or hearing of the subcommittee. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g)(1)-(4), (6)-(7) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that committee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses committee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) No later than two weeks or 5 legislative days after the Chair of the Committee designates members to serve on an adjudicatory subcommittee, whichever is later, the Chair of the adjudicatory subcommittee shall establish a schedule and procedure for the hearing and for prehearing matters. The procedures may be changed either by the Chair of the adjudicatory subcommittee or by a majority vote of the members of the subcommittee. If the Chair makes prehearing rulings upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, the Chair shall make available those rulings to all subcommittee members at the time of the ruling.

(j) The procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(k) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair and Ranking Minority Member of the subcommittee shall open the hearing with equal time and during which time, the Chair shall state the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other relevant evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses) and other evidence offered by Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(l) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(m) Each witness appearing before the subcommittee shall be furnished a printed or electronic copy of the Committee rules, the relevant provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(n) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(o) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated. Committee counsel or respondent's counsel may move the adjudicatory subcommittee to make a finding that there is no material fact at issue. If the adjudicatory subcommittee finds that there is no material fact at issue, the burden of proof will be deemed satisfied.

(p) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(q) The findings of the adjudicatory subcommittee shall be reported to the Committee.

**Rule 24. Sanction Hearing and Consideration of Sanctions
or Other Recommendations**

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation

of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 25. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a respondent, it shall make such information known and available to the respondent as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 26. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) If the Committee issues a report with respect to a claim referred to the Committee by the Office of Congressional Workplace Rights pursuant to Section 416(e) of the Congressional Accountability Act of 1995, the Committee shall ensure that the report does not directly disclose the identity or position of the individual who filed the claim.

(h) A respondent shall receive written notice whenever-

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first;

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee; and

(5) (5) the Committee or an investigative subcommittee determines to take into evidence the trial transcript or exhibits admitted into evidence at a criminal trial pursuant to Rule 18(e)(3).

(i) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle an investigation, in whole or in part, on which the Statement is based, that agreement, unless the respondent requests

otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(j) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(k) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent(s) informing the respondent(s) of such vote.

(l) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(m) Prior to their testimony, witnesses shall be furnished a printed or electronic copy of the Committee's Rules and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(n) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(o) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers, and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall

be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(p) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 27. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

Rule 28. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

APPENDIX IV

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
Ranking Member

Dave 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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FOR RELEASE: Upon Receipt**March 2, 2023**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ALEXANDRIA OCASIO-CORTEZ**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On June 23, 2022, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Alexandria Ocasio-Cortez. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the then Chairwoman and Acting Ranking Member jointly decided on December 7, 2022, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Ocasio-Cortez and Representative Ocasio-Cortez's submission to the Committee.

###

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U.S. House of Representatives
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FOR RELEASE: Upon Receipt

March 2, 2023

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
 OF THE COMMITTEE ON ETHICS REGARDING
 REPRESENTATIVE GEORGE SANTOS**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

In accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 16(d), the Committee unanimously voted on February 28, 2023, to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative George Santos may have: engaged in unlawful activity with respect to his 2022 congressional campaign; failed to properly disclose required information on statements filed with the House; violated federal conflict of interest laws in connection with his role in a firm providing fiduciary services; and/or engaged in sexual misconduct towards an individual seeking employment in his congressional office.

The Honorable David Joyce will serve as Chair of the Investigative Subcommittee, and the Honorable Susan Wild will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable John Rutherford and the Honorable Glenn Ivey.

The Committee notes that the mere fact of establishing an Investigative Subcommittee does not itself indicate that any violation has occurred.

No other public comment will be made on this matter except in accordance with Committee rules.

###

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
Ranking Member

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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives**COMMITTEE ON ETHICS**

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FOR RELEASE: Upon Receipt**June 22, 2023**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE GEORGE SANTOS**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on June 22, 2023, to release the following statement:

On February 28, 2023, the Committee voted to establish an Investigative Subcommittee (ISC) with jurisdiction to determine whether Representative George Santos may have: engaged in unlawful activity with respect to his 2022 congressional campaign; failed to properly disclose required information on statements filed with the House; violated federal conflict of interest laws in connection with his role in a firm providing fiduciary services; and/or engaged in sexual misconduct towards an individual seeking employment in his congressional office.

The ISC is actively working to resolve this matter in an expeditious timeframe and has issued over 30 subpoenas and more than 40 voluntary requests for information. As required by House and Committee rules, the ISC's work is confidential and the Committee will not release its findings prior to the conclusion of the ISC process.

On May 9, 2023, Representative Santos was indicted on federal charges in the U.S. District Court for the Eastern District of New York. Most of the charges in the indictment were already in the jurisdiction of the ISC. In accordance with House Rule XI, clause 3(b)(9) and Committee Rule 18(e), the Committee voted to expand the jurisdiction of the ISC's inquiry to include counts IX-XI of the indictment, allegations that Representative Santos fraudulently obtained unemployment insurance benefits.

The Committee is aware of the risks associated with dual investigations and is in communication with the Department of Justice to mitigate the potential risks while still meeting the Committee's obligations to safeguard the integrity of the House.

The Committee notes that the mere fact of an investigation into these allegations does not itself indicate that any violation has occurred. No other public comment will be made on this matter except in accordance with Committee rules.

###

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
Ranking Member

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U.S. House of Representatives

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FOR RELEASE: Upon Receipt

October 31, 2023

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE GEORGE SANTOS

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on October 31, 2023, to release the following statement:

On February 28, 2023, the Committee voted to establish an Investigative Subcommittee (ISC) to review allegations involving Representative George Santos. The ISC is continuing to expeditiously review the allegations during the pendency of a related criminal prosecution. The jurisdiction of the ISC includes 23 counts charged over two indictments, as well as multiple allegations of criminal and ethical violations that are beyond the scope of the indictments. Specifically, the ISC has reviewed allegations that Representative Santos: engaged in unlawful activity with respect to his 2022 congressional campaign; failed to properly disclose required information on statements filed with the House; violated federal conflict of interest laws in connection with his role in a firm providing fiduciary services; engaged in sexual misconduct towards an individual seeking employment in his congressional office; and/or fraudulently obtained unemployment insurance benefits.

The ISC has contacted approximately 40 witnesses, reviewed more than 170,000 pages of documents, and authorized 37 subpoenas. The Committee's nonpartisan staff and the ISC Members have put countless hours into this investigation, which has been a priority for the investigative team and involved a significant amount of the Committee's resources.

The Committee will announce its next course of action in this matter on or before November 17, 2023.

###

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FOR RELEASE: Upon Receipt

November 9, 2023

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Sheila Cherfilus-McCormick, which was transmitted to the Committee by the Office of Congressional Ethics on September 25, 2023.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Wednesday, December 27, 2023.

###

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Ranking Member

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FOR RELEASE: Upon Receipt

November 16, 2023

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE GEORGE SANTOS

Pursuant to House Rule XI Clause 3(q)(1), today the Chairman of the Committee on Ethics, Representative Michael Guest, and the Ranking Member, Representative Susan Wild, submitted a report to the House of Representatives in the Matter of Allegations Relating to Representative George Santos. The full Committee report includes the report of the Investigative Subcommittee (ISC) in this matter.

At the completion of its investigation, the ISC unanimously concluded that there was substantial evidence that Representative George Santos: knowingly caused his campaign committee to file false or incomplete reports with the Federal Election Commission; used campaign funds for personal purposes; engaged in fraudulent conduct in connection with RedStone Strategies LLC; and engaged in knowing and willful violations of the Ethics in Government Act as it relates to his Financial Disclosure (FD) Statements filed with the House. In light of the ongoing criminal investigation into Representative Santos, and the ISC's findings of additional uncharged and unlawful conduct by Representative Santos, the ISC recommended that the Committee immediately refer these allegations to the Department of Justice.

The Committee has unanimously voted to adopt the ISC's report, and with it, refer the substantial evidence of potential violations of federal criminal law to the Department of Justice for such further action as it deems appropriate. The Committee concurs with the ISC's determination that Representative Santos' conduct warrants public condemnation, is beneath the dignity of the office, and has brought severe discredit upon the House.

The Committee thanks the Committee staff and the Members of the Investigative Subcommittee for their hard work, dedication, and service to the Committee and to the House. Representative David P. Joyce served as Chair of the Investigative Subcommittee. Representative Susan Wild served as Ranking Democratic Member. Representative John H. Rutherford and Representative Glenn F. Ivey also served on the Subcommittee.

###

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FOR RELEASE: Upon Receipt

November 22, 2023

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE JAMAAL BOWMAN

On October 26, 2023, Representative Jamaal Bowman was charged by the D.C. Attorney General's Office with a misdemeanor violation of making a false alarm of fire. Pursuant to Committee Rule 18(e)(2) and House Rule XI, clause 3(b)(9), within 30 days of a Member being indicted or otherwise formally charged with criminal conduct, the Committee shall either establish an Investigative Subcommittee ("ISC") or report to the House describing its reasons for not establishing an ISC.

Pursuant to Committee Rule 10(a), establishment of an ISC and a report to the House regarding the conduct of a Member both require an affirmative vote of a majority of the Members of the Committee. A majority of the Members of the Committee did not agree to establish an ISC or report to the House regarding Representative Bowman's conduct.

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FOR RELEASE: Upon Receipt

December 27, 2023

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

In accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 17A, the Committee unanimously voted to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative Sheila Cherfilus-McCormick violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of her duties or the discharge of her responsibilities, with respect to allegations that she may have violated campaign finance laws and regulations in connection with her 2022 special election and/or 2022 re-election campaigns; failed to properly disclose required information on statements required to be filed with the House; and/or accepted voluntary services for official work from an individual not employed in her congressional office.

The Honorable Andrew R. Garbarino will serve as the Chair of the Investigative Subcommittee, and the Honorable Chrissy Houlahan will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable Cliff Bentz and the Honorable Troy A. Carter.

The Committee has determined to take this action following receipt of a referral from the Office of Congressional Ethics regarding this matter. The Committee notes that the mere fact of establishing an Investigative Subcommittee does not itself indicate that any violation has occurred.

No other public comment will be made on this matter except in accordance with Committee rules. Pursuant to House Rule XI, clause 3(b)(8)(B)(iii), and Committee Rule 17A(f)(1), no documents will be released at this time.

###

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Ranking Member

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FOR RELEASE: Upon Receipt

January 25, 2024

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE JAMAAL BOWMAN

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

The Committee received a referral from the Office of Congressional Ethics (OCE) regarding allegations that Representative Jamaal Bowman may have willfully or knowingly given a false alarm of fire within the District of Columbia and may have obstructed or attempted to impede an official House proceeding. In its referral, OCE unanimously recommended that the Committee further review allegations that Representative Bowman gave a false fire alarm and dismiss allegations that he obstructed or attempted to impede an official House proceeding.

The Committee independently reviewed the allegations that are the subject of OCE's referral, pursuant to Committee Rule 18(a). While the Committee's review was ongoing, on October 26, 2023, Representative Bowman pled guilty in the District of Columbia Superior Court to knowingly and willfully giving a false fire alarm, pursuant to a deferred sentencing agreement. Under the terms of the agreement, Representative Bowman was required to write a letter of apology to the Chief of the U.S. Capitol Police, pay a \$1,000 fine, and make a \$50 contribution to the Crime Victims Compensation Fund.

Pursuant to Committee Rule 18(e)(2) and House Rule XI, clause 3(b)(9), within 30 days of a Member being indicted or otherwise formally charged with criminal conduct, the Committee shall either establish an Investigative Subcommittee (ISC) or report to the House describing its reasons for not establishing an ISC. On November 22, 2023, the Committee announced that a majority of the Members of the Committee did not agree to establish an ISC or issue a report to the House. At that time, some Members of the Committee thought it was appropriate to impanel an ISC immediately, while other Members of the Committee thought that any action should wait until OCE made its referral.

On December 7, 2023, a majority of the House of Representatives voted to censure Representative Bowman for his conduct. The censure resolution included language that Representative Bowman knowingly caused a false fire alarm, forced the evacuation of the Cannon House Office building, and disrupted the work of the House.

On December 11, 2023, OCE transmitted its referral recommending that the Committee further review allegations that Representative Bowman gave a false fire alarm.

In light of the House's intervening censure of Representative Bowman, the Committee determined that further review of Representative Bowman's conduct would be moot. The Committee has separately confirmed that Representative Bowman has complied with the relevant terms of his deferred sentencing agreement.

House Rule XI, clause 3 and Committee Rule 17A provide for no specific further action. The Committee will not further review the matter.

Pursuant to House Rule XI, clause 3(b)(8)(E) and Committee Rule 17A(g), the Committee hereby publishes OCE's Report and Findings.

###

Michael Guest, Mississippi
Chairman
Susan Wild, Pennsylvania
Ranking Member

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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives
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FOR RELEASE: Upon Receipt

March 26, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE TROY E. NEHLS**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Troy E. Nehls, which was transmitted to the Committee by the Office of Congressional Ethics on December 11, 2023.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Friday, May 10, 2024.

###

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FOR RELEASE: Upon Receipt

May 9, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE WESLEY HUNT**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Wesley Hunt, which was transmitted to the Committee by the Office of Congressional Ethics on March 25, 2024.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, June 24, 2024.

###

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FOR RELEASE: Upon Receipt

May 9, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
 OF THE COMMITTEE ON ETHICS REGARDING
 REPRESENTATIVE RONNY JACKSON**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Ronny Jackson, which was transmitted to the Committee by the Office of Congressional Ethics on March 25, 2024.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, June 24, 2024.

###

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FOR RELEASE: Upon Receipt

May 10, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE TROY E. NEHLS**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On December 11, 2023, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Troy E. Nehls. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member jointly decided on March 26, 2024, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Nehls and Representative Nehls' submission to the Committee.

###

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FOR RELEASE: Upon Receipt

May 29, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE HENRY CUELLAR**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On April 30, 2024, criminal charges against Representative Henry Cuellar were filed in the United States District Court for the Southern District of Texas. Pursuant to Committee Rule 18(e)(2) and House Rule XI, clause 3(b)(9), within 30 days of a Member being indicted or otherwise formally charged with criminal conduct, the Committee shall either establish an Investigative Subcommittee or report to the House describing its reasons for not establishing an Investigative Subcommittee.

In accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 18(e), the Committee unanimously voted to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative Cuellar solicited or accepted bribes, gratuities, or improper gifts; acted as a foreign agent; violated federal money laundering laws; misused his official position for private gain; and/or made false statements or omissions on public disclosure statements filed with the House.

The Honorable Michael Guest will serve as Chair of the Investigative Subcommittee, and the Honorable Glenn Ivey will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable Ben Cline and the Honorable Madeleine Dean.

The Committee is aware of the risks associated with dual investigations and is in communication with the Department of Justice to mitigate the potential risks while still meeting the Committee's obligations to safeguard the integrity of the House. No other public comment will be made on this matter except in accordance with Committee rules.

###

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FOR RELEASE: Upon Receipt

June 5, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE BILL HUIZENGA**

On June 5, 2024, the Committee released the attached Report regarding allegations relating to Representative Bill Huizenga.

###

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FOR RELEASE: Upon Receipt

June 18, 2024

STATEMENT REGARDING THE MATTER OF REPRESENTATIVE MATT GAETZ

Pursuant to Committee Rule 7, the Committee on Ethics (Committee) determined to release the following statement:

On April 9, 2021, the Committee announced it had initiated a review into allegations that Representative Matt Gaetz may have engaged in sexual misconduct and/or illicit drug use, shared inappropriate images or videos on the House floor, misused state identification records, converted campaign funds to personal use, and/or accepted a bribe, improper gratuity, or impermissible gift, in violation of House Rules, laws, or other standards of conduct. The Committee deferred its consideration of the matter in response to a request from the Department of Justice (DOJ). In May 2023, the Committee reauthorized its investigation after DOJ withdrew its deferral request.

There has been a significant and unusual amount of public reporting on the Committee's activities this Congress. Much of that reporting has been inaccurate. The Committee's investigations are conducted confidentially, but the Committee's confidentiality rules do not prohibit witnesses from disclosing information about the Committee's requests or conversations with Committee investigators. The Committee is confident in the integrity of its process.

Representative Gaetz has categorically denied all of the allegations before the Committee. Notwithstanding the difficulty in obtaining relevant information from Representative Gaetz and others, the Committee has spoken with more than a dozen witnesses, issued 25 subpoenas, and reviewed thousands of pages of documents in this matter. Based on its review to date, the Committee has determined that certain of the allegations merit continued review. During the course of its investigation, the Committee has also identified additional allegations that merit review.

Accordingly, the Committee is reviewing allegations pursuant to Committee Rules 14(a)(3) and 18(a) that Representative Gaetz may have: engaged in sexual misconduct and illicit drug use, accepted improper gifts, dispensed special privileges and favors to individuals with whom he had a personal relationship, and sought to obstruct government investigations of his conduct. The Committee will take no further action at this time on the allegations that he may have shared inappropriate images or videos on the House floor, misused state identification records, converted campaign funds to personal use, and/or accepted a bribe or improper gratuity.

The Committee notes that the mere fact of an investigation into these allegations does not itself indicate that any violation has occurred. No other public comment will be made on this matter except in accordance with Committee rules.

###

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FOR RELEASE: Upon Receipt**June 24, 2024**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE WESLEY HUNT

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On March 25, 2024, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Wesley Hunt. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on May 9, 2024, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Hunt and Representative Hunt's submission to the Committee.

###

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FOR RELEASE: Upon Receipt

June 24, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
 OF THE COMMITTEE ON ETHICS REGARDING
 REPRESENTATIVE RONNY JACKSON**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On March 25, 2024, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Ronny Jackson. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on May 9, 2024, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Jackson.

###

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Ranking Member

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FOR RELEASE: Upon Receipt

June 25, 2024

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On December 27, 2023, the Committee announced it had voted to establish an Investigative Subcommittee (ISC) with jurisdiction to determine whether Representative Sheila Cherfilus-McCormick may have: violated campaign finance laws and regulations in connection with her 2022 special election and/or 2022 re-election campaigns; failed to properly disclose required information on statements required to be filed with the House; and/or accepted voluntary services for official work from an individual not employed in her congressional office. In its December 27, 2023, announcement, the Committee explained it had determined to take this action based upon a review of a referral from the Office of Congressional Ethics (OCE) regarding these same matters. On May 29, 2024, OCE transmitted an additional referral to the Committee regarding allegations involving Representative Cherfilus-McCormick.

In accordance with House Rule XI, clause 3(o)(2), and Committee Rule 19(d), the Committee voted to expand the jurisdiction of the ISC's inquiry regarding Representative Cherfilus-McCormick to include allegations based upon a review of OCE's additional referral. Specifically, the ISC's inquiry was expanded to include: Whether Representative Cherfilus-McCormick violated the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the performance of her duties or the discharge of her responsibilities, with respect to allegations that Representative Cherfilus-McCormick: (1) engaged in improper conduct in connection with community project funding requests; (2) misused official funds for campaign purposes; and/or (3) violated campaign finance laws and regulations in connection with her 2024 re-election campaign.

The Committee notes that the mere fact of an investigation into these allegations does not itself indicate that any violation has occurred. No other public comment will be made on this matter except in accordance with Committee rules.

###

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FOR RELEASE: Upon Receipt

September 25, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK**

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On September 25, 2023, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Sheila Cherfilus-McCormick. The matter referred by OCE is currently within the jurisdiction of an Investigative Subcommittee (ISC).

Pursuant to House Rule XI, clause 3(b)(8)(B)(iii) and Committee Rule 17A(f)(2), if an ISC does not conclude its review within one year after receiving a referral from OCE, the Committee shall make public OCE's Report no later than one year after the referral. Accordingly, the Committee is making public OCE's Report in the matter referred to the Committee on September 25, 2023.

The Committee notes that the mere fact of a continued investigation into these allegations does not itself indicate that any violation has occurred. No other public comment will be made on this matter except in accordance with Committee rules.

###

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FOR RELEASE: Upon Receipt

November 12, 2024

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
 COMMITTEE ON ETHICS REGARDING REPRESENTATIVE VICTORIA SPARTZ**

On November 12, 2024, the Committee released the attached Report regarding
 allegations relating to Representative Victoria Spartz.

###

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Chairman
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Ranking Member

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FOR RELEASE: Upon Receipt**November 18, 2024**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ANDY OGLES**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), and 17A(j), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Andy Ogles, which was transmitted to the Committee by the Office of Congressional Ethics on August 2, 2024.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before January 2, 2025.

###

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ONE HUNDRED EIGHTEENTH CONGRESS
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FOR RELEASE: Upon Receipt

December 5, 2024

**STATEMENT OF THE COMMITTEE ON ETHICS
REGARDING REPRESENTATIVE MATT GAETZ**

Pursuant to Committee Rule 7, the Committee on Ethics (Committee) determined to release the following statement:

The Committee met today to discuss the matter of Representative Matt Gaetz. The Committee is continuing to discuss the matter. There will be no further statements other than in accordance with Committee and House Rules.

###

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FOR RELEASE: Upon Receipt

December 16, 2024

STATEMENT OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE CORY MILLS

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Committee on Ethics has extended the matter regarding Representative Cory Mills, which was transmitted to the Committee by the Office of Congressional Ethics on August 29, 2024.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter following its organizational meeting and adoption of Committee Rules in the 119th Congress.

###

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ONE HUNDRED EIGHTEENTH CONGRESS

U.S. House of Representatives
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FOR RELEASE: Upon Receipt

December 23, 2024

**STATEMENT OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE
 MATT GAETZ**

On December 23, 2024, the Committee on Ethics (Committee) released the attached Report regarding allegations relating to Representative Matt Gaetz.

The Committee previously noted that there has been a significant and unusual amount of reporting on its activities during its review of the matter of Representative Gaetz, and much of that reporting has been inaccurate. The Committee's investigations are conducted confidentially, but the Committee's confidentiality rules do not prohibit witnesses from disclosing information about the Committee's requests or conversations with Committee investigators. To the extent that any of the public reporting on this matter came from unauthorized disclosures of confidential Committee information, we strongly condemn such unauthorized disclosures, which are damaging and harmful to the Committee's work.

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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

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December 23, 2024

**STATEMENT OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE
MICHAEL MCCAUL**

On December 23, 2024, the Committee released the attached Report regarding allegations relating to Representative Michael McCaul.

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FOR RELEASE: Upon Receipt**December 30, 2024**

**STATEMENT OF THE COMMITTEE ON ETHICS
REGARDING CERTAIN INVESTIGATIVE MATTERS INVOLVING
ALLEGATIONS OF PERSONAL USE OF CAMPAIGN FUNDS**

The Committee on Ethics (Committee) has investigated allegations that several Members may have used campaign funds for purposes that are not legitimate and verifiable. The Committee has now unanimously determined to close several such investigative matters, including those relating to allegations referred by the Office of Congressional Ethics (OCE) involving Representative Sanford Bishop, Representative Wesley Hunt, Representative Ronny Jackson, and Representative Alexander Mooney, in addition to other confidential matters that have been under review.

Clause 6 of the Code of Official Conduct provides that Members “may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures,” and generally “may not expend funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.” Federal campaign finance law also prohibits the personal use of campaign funds and the Federal Election Commission (FEC) has issued regulations and guidance relating to the definition of “personal use.” The Committee’s longstanding guidance notes that the requirement under clause 6 that expenditures be “verifiable” is “separate from, and in addition to, whatever record requirements are imposed by the [FEC].” Although Members have “wide discretion” in determining what constitutes a bona fide campaign or political purpose for which campaign funds and resources may be devoted, the Committee has cautioned that “Members have no discretion whatsoever to convert campaign funds to personal use.” In a recent report, however, the Committee noted that existing law and guidance from the FEC is often ambiguous and provides for significant gray areas of spending, and that it is apparent that the House community would benefit from updated guidance on personal use of campaign funds and related recordkeeping requirements. Accordingly, the Committee is now releasing such guidance.

In several of the matters that the Committee is resolving, there was evidence that the Member’s campaign did not fully comply with the applicable standards relating to personal use of campaign funds, as well as reporting or recordkeeping requirements for campaign expenditures. However, there was no evidence that any Member intentionally misused campaign funds for their personal benefit. The Committee has contacted relevant Members to provide them with a copy of the updated guidance as well as specific findings and recommendations with respect to that Member’s campaign activity. The Committee will take no further action in those matters and will consider them closed.

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FOR RELEASE: Upon Receipt

January 2, 2025

**STATEMENT OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK**

Pursuant to Committee Rule 7, the Committee on Ethics (Committee) determined to release the following statement regarding the Investigative Subcommittee in the Matter of Representative Sheila Cherfilus-McCormick:

On September 25, 2023, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Sheila Cherfilus-McCormick. The matter referred by OCE is currently within the jurisdiction of the Investigative Subcommittee (ISC).

On September 25, 2024, pursuant to House Rule XI, clause 3(b)(8)(B)(iii) and Committee Rule 17A(f)(2), the Committee released OCE's Report. Pursuant to House Rule XI, clause 3(b)(8)(B)(iii) and Committee Rule 17A(f)(2), if an ISC does not conclude its review before the end of the Congress in which OCE's Report is made public, the Committee shall make public any findings of OCE's Board on the last day of that Congress. Accordingly, the Committee is making public OCE's Findings in the matter referred to the Committee on September 25, 2023.

No other public comment will be made on this matter except in accordance with Committee rules.

###

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COMMITTEE ON ETHICS

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FOR RELEASE: Upon Receipt**January 2, 2025**

STATEMENT OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE ANDY OGLES

Pursuant to Committee Rule 7, the Committee on Ethics (Committee) determined to release the following statement:

On August 2, 2024, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Andy Ogles. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member jointly decided on November 18, 2024, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Ogles.

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