

of order under this clause must be made immediately upon consideration of the conference report. Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6 of rule XXVIII (H. Res. 5, Jan. 6, 1999, p. —).

At any time after a bill has been sent to conference, a motion pursuant to this clause authorizing a conference committee to close its meetings to the public is privileged for consideration in the House, is debatable for one hour within the control of the Member offering the motion, and must be voted on by a record vote (Speaker O'Neill, May 23, 1977, pp. 15880–84; Apr. 13, 1978, p. 10128). Although a motion to close a conference committee meeting “to the public” would, under the precedents (see V, 6254, fn.), exclude Members who were not conferees, a motion may be offered as privileged under this clause to authorize a conference committee to close its meetings to the public, except to Members of Congress (Speaker O'Neill, May 23, 1977, pp. 15880–84).

While the Chair does not normally look behind signatures of conferees to determine the propriety of conference procedure, if proposed conferees have signed a conference report before they have been formally appointed in both Houses and do not meet formally in open session after such appointment, the conference report is subject to a point of order under this clause resulting in an automatic request for a further conference (Dec. 20, 1982, p. 32896). Conferees on the part of the House are entitled to reasonable notice of and opportunity to attend a meeting of the conference committee; however, such point of order will not lie against a conference report called up under an order of the House that has waived all points of order against consideration of the conference report (July 20, 2000, p. —).

Clause 11(k) of rule X provides that this provision does not apply to conference committee meetings respecting legislation (or any part thereof) reported by the Permanent Select Committee on Intelligence.

The rule “Statutory Limit on Public Debt” (formerly rule XLIX, later § 1094. Former rule on changed to rule XXIII) was repealed in the 107th Congress (H. Res. 5, Jan. 3, 2001, p. —). For the text of the former rule, and a recitation of its history, see § 1094 of the House Rules and Manual for the 106th Congress (H. Doc. 105–358).

## RULE XXIII

### CODE OF OFFICIAL CONDUCT

There is hereby established by and for the House the following code of conduct, to be known as the “Code of Official Conduct”:

§ 1095. Official  
conduct of Members,  
officers, or employees  
of the House.

1. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.

2. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.

3. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not receive compensation and may not permit compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in Congress.

4. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept gifts except as provided by clause 5 of rule XXV.

5. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept an honorarium for a speech, a writing for publication, or other similar activity, except as otherwise provided under rule XXV.

6. A Member, Delegate, or Resident Commissioner—

(a) shall keep his campaign funds separate from his personal funds;

(b) may not convert campaign funds to personal use in excess of an amount rep-

resenting reimbursement for legitimate and verifiable campaign expenditures; and

(c) may not expend funds from his campaign account that are not attributable to bona fide campaign or political purposes.

7. A Member, Delegate, or Resident Commissioner shall treat as campaign contributions all proceeds from testimonial dinners or other fund-raising events.

8. (a) A Member, Delegate, Resident Commissioner, or officer of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation he receives.

(b) In the case of a committee employee who works under the direct supervision of a member of the committee other than a chairman, the chairman may require that such member affirm in writing that the employee has complied with clause 8(a) (subject to clause 9 of rule X) as evidence of compliance by the chairman with this clause and with clause 9 of rule X.

(c)(1) Except as specified in subparagraph (2)—

(A) a Member, Delegate, or Resident Commissioner may not retain his spouse in a paid position; and

(B) an employee of the House may not accept compensation for work for a committee on which his spouse serves as a member.

(2) Subparagraph (1) shall not apply in the case of a spouse whose pertinent employment predates the One Hundred Seventh Congress.

9. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not discharge and may not refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status), disability, age, or national origin of such individual, but may take into consideration the domicile or political affiliation of such individual.

10. A Member, Delegate, or Resident Commissioner who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is a member, and a Member should refrain from voting on any question at a meeting of the House or of the Committee of the Whole House on the state of the Union, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innocence or until he is re-elected to the House after the date of such conviction.

11. A Member, Delegate, or Resident Commissioner may not authorize or otherwise allow an individual, group, or organization not under the direction and control of the House

to use the words “Congress of the United States,” “House of Representatives,” or “Official Business,” or any combination of words thereof, on any letterhead or envelope.

12. (a) Except as provided in paragraph (b), an employee of the House who is required to file a report under rule XXVI may not participate personally and substantially as an employee of the House in a contact with an agency of the executive or judicial branches of Government with respect to nonlegislative matters affecting any nongovernmental person in which the employee has a significant financial interest.

(b) Paragraph (a) does not apply if an employee first advises his employing authority of a significant financial interest described in paragraph (a) and obtains from his employing authority a written waiver stating that the participation of the employee in the activity described in paragraph (a) is necessary. A copy of each such waiver shall be filed with the Committee on Standards of Official Conduct.

13. Before a Member, Delegate, Resident Commissioner, officer, or employee of the House may have access to classified information, the following oath (or affirmation) shall be executed:

“I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service with the House of Representatives, except as author-

ized by the House of Representatives or in accordance with its Rules.”

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the House. The Clerk shall make signatures a matter of public record, causing the names of each Member, Delegate, or Resident Commissioner who has signed the oath during a week (if any) to be published in a portion of the Congressional Record designated for that purpose on the last legislative day of the week and making cumulative lists of such names available each day for public inspection in an appropriate office of the House.

14. (a) In this Code of Official Conduct, the term “officer or employee of the House” means an individual whose compensation is disbursed by the Chief Administrative Officer.

(b) An individual whose services are compensated by the House pursuant to a consultant contract shall be considered an employee of the House for purposes of clauses 1, 2, 3, 4, 8, 9, and 13 of this rule. An individual whose services are compensated by the House pursuant to a consultant contract may not lobby the contracting committee or the members or staff of the contracting committee on any matter. Such an individual may lobby other Members, Delegates, or the Resident Commissioner or staff of the House on matters outside the jurisdiction of the contracting committee.

This rule was transferred from rule XLIII to rule XXIV when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. —).

It was again redesignated as rule XXIII in the 107th Congress (sec. 2(s), H. Res. 5, Jan. 3, 2001, p. —). The rule was originally adopted in the 90th Congress (H. Res. 1099, Apr. 3, 1968, p. 8803). The jurisdiction of the Committee on Standards of Official Conduct was redefined in the same resolution. Clause 4 was entirely rewritten (and definitions for the purpose of clause 4 were deleted) in the 104th Congress to reflect the adoption of a Gift Rule (H. Res. 254, Nov. 30, 1995, p. 35077). Prior to the 104th Congress, clause 4 had been amended in the 95th Congress to change the prohibition against acceptance of gifts of “substantial value” (H. Res. 5, Jan. 4, 1975, p. 20) and definitions for purposes of clause 4 were added in the 96th Congress (H. Res. 287, Mar. 2, 1977, pp. 5933–53). Those definitions were amended in the Ethics Reform Act of 1989 to make conforming changes in the definition of “relative” (P.L. 101–194). Clause 4 was also amended: (1) in the 100th Congress to increase from \$35 to \$50 the value of personal hospitality of an individual that is not to be counted when computing the aggregate amount of gifts per calendar year (H. Res. 5, Jan. 6, 1987, p. 6); and (2) in the Ethics Reform Act of 1989 to revise the rules governing the acceptance of gifts, including value thresholds and waivers (P.L. 101–194). Those threshold and aggregate values were again adjusted by section 314(d) of the Legislative Branch Appropriations Act for fiscal year 1992 (P.L. 102–90). The Ethics Reform Act of 1989 (P.L. 101–194) amended clause 5 to prohibit the acceptance of honoraria. Clause 6 was amended in the 95th Congress to delete from the second sentence the exception “unless specifically provided by law,” which had been added in the 94th Congress (H. Res. 5, Jan. 4, 1975, p. 20). Clause 6 was also amended by the Ethics Reform Act of 1989 (P.L. 101–194) to specify that campaign funds be used only for bona fide campaign or political purposes. Clause 7 was amended in the 95th Congress to eliminate an exception permitting sponsors to give notice of purpose (H. Res. 5, Jan. 4, 1975, p. 20). The Ethics Reform Act of 1989 (P.L. 101–194) amended clause 8 to broaden Members’ accountability for the pay and performance of staff. Clause 8 was again amended in the 106th Congress to permit telecommuting by House employees (H. Res. 5, Jan. 6, 1999, p. —). Clause 8(c) was added in the 107th Congress (sec. 2(t), H. Res. 5, Jan. 3, 2001, p. —). Clause 9 was added in the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20). Clause 9 was amended in the 100th Congress to prohibit discrimination in employment based upon age (H. Res. 5, Jan. 6, 1987, p. 6) and again the 101st Congress to conform existing staff antidiscrimination rules to the Fair Employment Practices resolution adopted in the 100th Congress (now contained in the Congressional Accountability Act of 1995 (P.L. 104–1; 2 U.S.C. 1301; see § 1101, *infra*)) (P.L. 101–194). Clause 10 was added in the 94th Congress (H. Res. 46, Apr. 16, 1975, p. 10340). Clause 11 was added in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16). Clause 12 was added by the Ethics Reform Act of 1989 (P.L. 101–194) to proscribe certain contacts as involving conflicts of interest. Clause 13 was added in the 104th Congress (sec. 220, H. Res. 6, Jan. 4, 1995, p. 468), except

the last sentence, which was added in the 107th Congress (sec. 2(t), H. Res. 5, Jan. 3, 2001, p. —). Clause 14 (which was an undesignated paragraph at the end of the rule before the rules were recodified in the 106th Congress) was amended in the 92d Congress to bring the Delegates and Resident Commissioner within the definition of “Member” (H. Res. 5, Jan. 22, 1971, p. 144; H. Res. 1153, Oct. 13, 1972, pp. 36021–23). It was again amended in the 106th Congress to include consultants among employees covered by certain provisions of the code of conduct (H. Res. 5, Jan. 6, 1999, p. —) in the 107th Congress to add the last two sentences of clause 14(b) (sec. 2(v), H. Res. 5, Jan. 3, 2001, p. —). In the 105th Congress the rule was amended to effect three clerical corrections (H. Res. 5, Jan. 7, 1997, p. —); in the 106th Congress clerical and stylistic changes were effected when the rules were recodified (H. Res. 5, Jan. 6, 1999, p. —); and in the 107th Congress conforming changes were made to reflect the redesignation of several rules (sec. 2(s), H. Res. 5, Jan. 3, 2001, p. —) and a clerical correction to a cross reference in clause 8(b) was effected (sec. 2(x), H. Res. 5, Jan. 3, 2001, p. —).

For an in-depth discussion of this rule prepared by the Committee on Standards of Official Conduct, see the *House Ethics Manual* (102d Cong., 2d Sess.). The committee has also compiled a complete statement of the rules on gifts and travel, which supersedes Chapter 2 of the 1992 *House Ethics Manual (Gifts and Travel)*, 106th Cong., 2d Sess.).

It is not a proper parliamentary inquiry to ask the Chair to interpret the application of a criminal statute to a Member’s conduct, as it is for the House and not the Chair to judge the conduct of Members (Nov. 17, 1987, p. 32153). The Committee on Standards of Official Conduct has opined that “conviction” in clause 10 includes a plea of guilty or a certified finding of guilty even though sentencing may occur later (H. Rept. 94–76).

## RULE XXIV

### LIMITATIONS ON USE OF OFFICIAL FUNDS

#### ***Limitations on use of official and unofficial accounts***

1. A Member, Delegate, or Resident Commissioner may not maintain, or have maintained for his use, an unofficial office account. Funds may not be paid into an unofficial office account.

§ 1096. Limitation on accounts.