

being numbered as clause 14 when 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. 47) and in the 107th Congress to add the last two sentences of paragraph (b) (sec. 2(v), H. Res. 5, Jan. 3, 2001, p. 24). In the 105th Congress the rule was amended to effect three clerical corrections (H. Res. 5, Jan. 7, 1997, p. 121); in the 106th Congress clerical and stylistic changes were effected when the rules were recodified (H. Res. 5, Jan. 6, 1999, p. 47); 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. 24) and a clerical correction to a cross reference in clause 8(b) was effected (sec. 2(x), H. Res. 5, Jan. 3, 2001, p. 26). Clauses 14 through 17 were added in the 110th Congress (secs. 202, 207, H. Res. 6, Jan. 4, 2007, p. —; sec. 404(b), H. Res. 6, Jan. 4, 2007, p. — (adopted Jan. 5, 2007)). Clause 15 was amended in its entirety during the 110th Congress (H. Res. 363, May 2, 2007, 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 also has 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). In response to a parliamentary inquiry, the Chair advised that the operation of clause 16 was not affected by a special order of the House waiving various points of order against a measure and against its consideration (Mar. 23, 2007, p. —). 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) Except as provided in paragraph (b), a Member, Delegate, or Resident Commissioner may not maintain, or

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have maintained for his use, an unofficial office account. Funds may not be paid into an unofficial office account.

(b)(1) Except as provided in subparagraph (2), a Member, Delegate, or Resident Commissioner may defray official expenses with funds of his principal campaign committee under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(2) The funds specified in subparagraph (1) may not be used to defray official expenses for mail or other communications, compensation for services, office space, furniture, or equipment, and any associated information technology services (excluding handheld communications devices).

2. Notwithstanding any other provision of this rule, if an amount from the Official Expenses Allowance of a Member, Delegate, or Resident Commissioner is paid into the House Recording Studio revolving fund for telecommunications satellite services, the Member, Delegate, or Resident Commissioner may accept reimbursement from nonpolitical entities in that amount for transmission to the Clerk for credit to the Official Expenses Allowance.

3. In this rule the term “unofficial office account” means an account or repository in which funds are received for the purpose of defraying otherwise unreimbursed expenses allowable under section 162(a) of the Internal Revenue Code of 1986 as ordinary and necessary in the operation of a congressional office, and includes

a newsletter fund referred to in section 527(g) of the Internal Revenue Code of 1986.

This provision (formerly rule XLV) was adopted in the 95th Congress (H. Res. 287, Mar. 2, 1977, pp. 5933–53). It was amended in the 102d Congress to permit Members to receive reimbursements to their expense allowances for recording studio charges attributable to nonpolitical organizations receiving the transmissions (H. Res. 5, Jan. 3, 1991, p. 39). When the House recodified its rules in the 106th Congress, it consolidated former rules XLV and XLVI under clauses 1 through 9 of rule XXV and the second sentence of former clause 8 of rule I and former clauses 2(n)(5) and 5(e) of rule XI under clause 10 of rule XXV (H. Res. 5, Jan. 6, 1999, p. 47). This rule was redesignated as rule XXIV in the 107th Congress (sec. 2(s), H. Res. 5, Jan. 3, 2001, p. 24). In the 109th Congress clause 1 was amended to permit campaign funds to be used to defray certain official expenses (sec. 2(j), H. Res. 5, Jan. 4, 2005, p. 25).

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.).

Limitations on use of the frank

4. A Member, Delegate, or Resident Commissioner shall mail franked mail under section 3210(d) of title 39, United States Code at the most economical rate of postage practicable.

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5. Before making a mass mailing, a Member, Delegate, or Resident Commissioner shall submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with applicable provisions of law, rule, or regulation.

6. A mass mailing that is otherwise frankable by a Member, Delegate, or Resident Commissioner under the provisions of section 3210(e) of title 39, United States Code, is not frankable unless the cost of preparing and printing it is de-

frayed exclusively from funds made available in an appropriation Act.

7. A Member, Delegate, or Resident Commissioner may not send a mass mailing outside the congressional district from which he was elected.

8. In the case of a Member, Delegate, or Resident Commissioner, a mass mailing is not frankable under section 3210 of title 39, United States Code, when it is postmarked less than 90 days before the date of a primary or general election (whether regular, special, or runoff) in which he is a candidate for public office. If the mail matter is of a type that is not customarily postmarked, the date on which it would have been postmarked, if it were of a type customarily postmarked, applies.

9. In this rule the term “mass mailing” means, with respect to a session of Congress, a mailing of newsletters or other pieces of mail with substantially identical content (whether such pieces of mail are deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces of mail in that session, except that such term does not include a mailing—

(a) of matter in direct response to a communication from a person to whom the matter is mailed;

(b) from a Member, Delegate, or Resident Commissioner to other Members, Delegates, the Resident Commissioner, or Senators, or to Federal, State, or local government officials; or

(c) of a news release to the communications media.

This provision (formerly rule XLVI) was adopted in the 95th Congress (H. Res. 287, Mar. 2, 1977, pp. 5933–53). In the 102d Congress it was extensively amended to conform to restrictions on franking and mass mailings included in the legislative branch appropriations acts for fiscal years 1990 and 1991 (P.L. 101–163 and 101–520, respectively) (H. Res. 5, Jan. 3, 1991, p. 39). Clause 7 (formerly clause 4) was rewritten in the 103d Congress to conform to the statutory prohibition against mass mailings outside the congressional district from which a Member was elected. Before the House recodified its rules in the 106th Congress, this provision was found in former rule XLVI (H. Res. 5, Jan. 6, 1999, p. 47). In the 109th Congress clause 8 was amended to expand the window during which a mass mailing is not frankable to 90 days before the date of an election (from 60 days), thereby conforming the rule to section 3210 of title 39, United States Code (sec. 2(j), H. Res. 5, Jan. 4, 2005, 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.).

Prohibition on use of funds by Members not elected to succeeding Congress

10. Funds from the applicable accounts described in clause 1(j)(1) of rule X, including funds from committee expense resolutions, and funds in any local currencies owned by the United States may not be made available for travel by a Member, Delegate, Resident Commissioner, or Senator after the date of a general election in which he was not elected to the succeeding Congress or, in the case of a Member, Delegate, or Resident Commissioner who is not a candidate in a general election, after the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

§ 1098. Travel by Members not reelected.

This provision was added in the 95th Congress (H. Res. 287, Mar. 2, 1977, p. 5941). In the 105th and 106th Congresses this clause was amended to update archaic references to the “contingent fund” (H. Res. 5, Jan. 7, 1997, p. 121; H. Res. 5, Jan. 6, 1999, p. 47). When the House recodified its rules in the 106th Congress, it consolidated the second sentence of former clause 8 of rule I and former clauses 2(n)(5) and 5(e) of rule XI

under clause 10 of former rule XXV (redesignated as rule XXIV in the 107th Congress) (H. Res. 5, Jan. 6, 1999, p. 47). A conforming change was effected in the 109th Congress (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. —).

RULE XXV

LIMITATIONS ON OUTSIDE EARNED INCOME AND ACCEPTANCE OF GIFTS

Outside earned income; honoraria

1. (a) Except as provided by paragraph (b), a
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limitations. Member, Delegate, Resident Commissioner, officer, or employee of the House may not—

(1) have outside earned income attributable to a calendar year that exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of that calendar year; or

(2) receive any honorarium, except that an officer or employee of the House who is paid at a rate less than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule may receive an honorarium unless the subject matter is directly related to the official duties of the individual, the payment is made because of the status of the individual with the House, or the person offering the honorarium has interests that may be substantially affected by the performance or non-performance of the official duties of the individual.

(b) In the case of an individual who becomes a Member, Delegate, Resident Commissioner, of-