

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

(b) The term “Member” means any Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives.

(c) The term “Members of Congress” means Senators and Representatives in, and Delegates and Resident Commissioners to, the Congress.

This rule 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. —). 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.

For an indepth discussion of this rule prepared by the Committee on Standards of Official Conduct, see the *House Ethics Manual* (102d Cong., 2d Sess.).

RULE XLVII.

LIMITATIONS ON OUTSIDE EMPLOYMENT AND EARNED INCOME.

1. (a)(1) Except as provided by subparagraph (2), in calendar year 1991 or thereafter, a Member or an officer or employee of the House may not—

§ 943a. Income Limitations.

(A) have outside earned income attributable to such calendar year which 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 such calendar year; or

(B) receive any honorarium.

(2) In the case of any individual who becomes a Member or an officer or employee of the House during calendar year 1991 or thereafter, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member, officer or employee which 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 such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer, or employee during such calendar year and the denominator of which is 365.

(3) In calendar year 1991 or thereafter, any payment in lieu of an honorarium which is made to a charitable organization on behalf of a Member, officer or employee of the House may not be received by such individual. No such payment shall exceed \$2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

(b)(1) Except as provided by subparagraph (2), in calendar year 1990, a Member may not have outside earned income (including honoraria received in such calendar year) attributable to such calendar year which exceeds 30 percent of the annual pay as a Member to which the Member was entitled in 1989.

(2) In the case of any individual who becomes a Member during calendar year 1990, such individual may not have outside earned income (including honoraria) attributable to the portion of that calendar year which occurs after such individual becomes a Member which exceeds 30 percent of \$89,500 multiplied by a fraction the numerator of which is the number of days such individual is a Member during such calendar year and the denominator of which is 365.

2. On or after January 1, 1991, a Member or an officer or employee of the House shall not—

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval of the Committee on Standards of Official Conduct.

3. For the purposes of this rule—

(a) The term “Member” means any Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives.

(b)(1) Except as provided by paragraph (2), the term “officer or employee of the House” means any individual (other than a Member) whose pay is disbursed by the Clerk and who is paid at a rate equal to or greater than the annual rate of basic pay in effect for grade GS–16 of the General Schedule under section 5332 of title 5, United States Code, and so employed for more than 90 days in a calendar year.

(2) When used with respect to honoraria, the term “officer or employee of the House” means any individual (other than a Member) whose salary is disbursed by the Clerk.

(c) The term “honorarium” means a payment of money or any thing of value for an appearance, speech, or article by a Member or an officer or employee of the House, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

(d) The term “travel expenses” means, with respect to a Member or an officer or employee of the House, or a relative of any such individual,

the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

(e) The term “outside earned income” means, with respect to a Member, officer or employee, wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered but does not include—

(1) the salary of such individual as a Member, officer or employee;

(2) any compensation derived by such individual for personal services actually rendered prior to the effective date of this rule or becoming such a Member, officer or employee, whichever occurs later;

(3) any amount paid by, or on behalf of, a Member, officer or employee, to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such individual from such a plan;

(4) in the case of a Member, officer or employee engaged in a trade or business in which the individual or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such individual so long as the personal services actually rendered by the individual in the trade or business do not generate a significant amount of income; and

(5) copyright royalties received from established publishers pursuant to usual and customary contractual terms.

Outside earned income shall be determined without regard to any community property law.

(f) The term “charitable organization” means an organization described in section 170(c) of the Internal Revenue Code of 1986.

The rule on outside earned income was adopted in the 95th Congress (H. Res. 287, Mar. 2, 1977, pp. 5933–53). It was amended for the first time in the 96th Congress to increase the limit on a single honorarium from \$750 to \$1000 (H. Res. 5, Jan. 15, 1979, pp. 7–16). The rule was amended further in the 97th Congress to (1) increase the limitation on outside earned income for a calendar year from 15 to 30 percent of a Member’s salary; (2) strike the \$1000 limitation on a single honorarium; and (3) provide that honoraria shall be attributable to the calendar year in which payment is received, effective January 1, 1981 (H. Res. 305, Dec. 15, 1981, p. 31529). In the 99th Congress, paragraphs (a) and (b) were amended to delete the 30 percent of aggregate salary limitation on outside earned income and to conform the limitation to that contained in law (2 U.S.C. 31–1 provides that a Member of Congress may not accept honoraria in excess of 40 percent of his aggregate salary) (H. Res. 427, Apr. 22, 1986, p. 8328). The next day, the House adopted a resolution vacating the proceedings by which that resolution had been adopted and laying that resolution on the table (H. Res. 432, Apr. 23, 1986, p. 8474). The Ethics Reform Act of 1989: (1) amended the title of the rule; (2) amended clause 1 to effect for 1991 and future years the elimination of honoraria not assigned to charity and closer restrictions on outside earned income (including limitation to 15 percent of Executive Level II pay); (3) amended clause 2 to effect for 1991 and future years new limits on outside employment; and (4) amended clause 3 to revise certain definitions (P.L. 101–194, Nov. 30, 1989). In the 102d Congress clause 2 was further amended to specify that the ban on affiliation with a firm applies only if compensation is received and only with respect to a professional services firm, and clause 3 was further amended to specify the applicability of outside earned income restrictions to officers and employees of the House (H. Res. 5, Jan. 3, 1991, 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.).

Before its coverage was restricted to the Senate in the Ethics Reform Act of 1989 (sec. 601(b), P.L. 101–194, Nov. 30, 1989), a separate provision of law (2 U.S.C. 441i) provided criminal penalties for any elected or ap-

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pointed Federal employee who accepts an honorarium of more than \$2000 per speech. A statutory ceiling of \$25,000 from honoraria in a calendar year was repealed in 1981 (P.L. 97-51, Oct. 1, 1981). The Senate repealed its rule on outside earned income in the 97th Congress (S. Res. 512, Dec. 14, 1982, p. 30640).

For provisions of the federal criminal code restricting postemployment activities, see 18 U.S.C. 207, which was originally enacted in title V of the Ethics in Government Act of 1978 (P.L. 95-521) and most recently amended in the Ethics Reform Act of 1989 (P.L. 101-194, Nov. 30, 1989) and a related technical corrections Act (P.L. 101-280, May 4, 1990).

The House established in the 95th Congress a Select Committee on Ethics to "consider and report to the House on any bills or resolutions which may include provisions incorporating into permanent law applicable provisions and appropriate modifications of rule XLIII, rule XLIV, rule XLV, rule XLVI, and rule XLVII which may be referred to the select committee by the Speaker." The select committee was given exclusive jurisdiction over the bills and resolutions referred to it, and jurisdiction to adopt regulations and to issue advisory opinions respecting the application of those rules. The resolution creating that committee (H. Res. 383, Mar. 9, 1977, pp. 6811-16) provided that it expire on December 31, 1977, but the committee and its functions ultimately were extended through the "completion of its official business" (H. Res. 871, Oct. 31, 1977, p. 35957). The advisory opinions compiled by the former Select Committee on Ethics have been incorporated in the *House Ethics Manual* (102d Cong., 2d Sess.) prepared by the Committee on Standards of Official Conduct.

RULE XLVIII.

PERMANENT SELECT COMMITTEE ON INTELLIGENCE.

1. (a) There is hereby established a permanent select committee to be known as the Permanent Select Committee on Intelligence (hereinafter in this rule referred to as the "select committee"). The select committee shall be composed of not more than sixteen Members, of whom not more than nine may be from the same party. The select committee shall include at least one Member from:

§ 944a. Permanent Select Committee on Intelligence.

(1) the Committee on Appropriations;