

Several provisions of the federal criminal code also address the conduct of Members, officers, and employees with respect to claims against the government (18 U.S.C. 203-207, 216).

RULE XLII.

GENERAL PROVISIONS.

The rules of parliamentary practice comprised in Jefferson's Manual and the provisions of the Legislative Reorganization Act of 1946, as amended, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.

§ 938. Relations of Jefferson's Manual and Legislative Reorganization Act of 1946 to the rules of the House.

This rule was adopted in 1837 (V, 6757), and amended January 3, 1953, p. 24, when it was also renumbered. Joint rules have not been in force since the 43d Congress. Discussion of the importance of Jefferson's Manual as an authority in congressional procedure (VII, 1029, 1049; VIII, 2501, 2517, 2518, 3330).

RULE XLIII.

CODE OF OFFICIAL CONDUCT.

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

1. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

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

2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and

the letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof.

3. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any 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 the Congress.

4. A Member, officer, or employee of the House of Representatives shall not accept gifts (other than the personal hospitality of an individual or with a fair market value of \$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978) in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, directly or indirectly from any person (other than from a relative), except to the extent permitted by written waiver granted in exceptional circumstances by the Committee on Standards of Official Conduct pursuant to clause 4(e)(1)(E) of rule X.

5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity.

6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. A Member shall convert no campaign funds to personal use in excess of reim-

bursement for legitimate and verifiable campaign expenditures and shall expend no funds from his campaign account not attributable to bona fide campaign or political purposes.

7. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund raising events.

8. A Member or officer of the House of Representatives shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received in the offices of the employing authority. In the case of committee employees who work under the direct supervision of a Member other than a chairman, the chairman may require that such Member affirm in writing that the employees have complied with the preceding sentence (subject to clause 6 of rule XI) as evidence of the chairman's compliance with this clause and with clause 6 of rule XI.

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

10. A Member of the House of Representatives 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 should refrain from voting on any question at a meeting of the House, or of the Committee of the Whole House, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innocence or until he is reelected to the House after the date of such conviction.

11. A Member of the House of Representatives shall not authorize or otherwise allow a non-House individual, group, or organization 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 by paragraph (b), any employee of the House of Representatives who is required to file a report pursuant to rule XLIV shall refrain from participating personally and substantially as an employee of the House of Representatives in any contact with any agency of the executive or judicial branch of Government with respect to nonlegislative matters affecting any nongovernmental person in which the employee has a significant financial interest.

(b) Paragraph (a) shall not apply if an employee first advises his employing authority of his significant financial interest and obtains from his employing authority a written waiver stating that the participation of the employee is

necessary. A copy of each such waiver shall be filed with the Committee on Standards of Official Conduct.

13. Before any Member, officer, or employee of the House of Representatives 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 authorized by House of Representatives or in accordance with its Rules.”

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House.

As used in this Code of Official Conduct of the House of Representatives—(a) the terms “Member” and “Member of the House of Representatives” include the Resident Commissioner from Puerto Rico and each Delegate to the House; and (b) the term “officer or employee of the House of Representatives” means any individual whose compensation is disbursed by the Clerk of the House of Representatives.

For the purposes of clause 4 of this Code of Official Conduct, the term “relative” means, with respect to any Member, officer, or employee of the House of Representatives, an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-

in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of such Member, officer, or employee, and shall be deemed to include the fiance or fiancée of the Member, officer, or employee.

This rule was 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. The rule was amended in the 92d Congress to bring the Delegates from the District of Columbia, Guam and the Virgin Islands within the definition of "Member" (H. Res. 5, Jan. 22, 1971, p. 144; H. Res. 1153, Oct. 13, 1972, pp. 36021-23). The rule was further amended in the 94th Congress by adding clause 9 (H. Res. 5, Jan. 14, 1975, p. 20). Clause 10 was adopted in the 94th Congress (H. Res. 46, Apr. 16, 1975, p. 10340). In the 95th Congress: (1) clause 4 was amended to change the prohibition against acceptance of gifts of "substantial value"; (2) clause 6 was amended 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); (3) clause 7 was amended to eliminate an exception permitting sponsors to give notice of purpose; and (4) definitions for purposes of clause 4 were added (H. Res. 287, Mar. 2, 1977, pp. 5933-53). Clause 11 was adopted in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7-16). In the 100th Congress clause 4 was again amended 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, and clause 9 was amended to prohibit discrimination in employment based upon age (H. Res. 5, Jan. 6, 1987, p. 6). In the Ethics Reform Act of 1989: (1) clause 4 was again amended to revise the rules governing the acceptance of gifts, including value thresholds, waivers, and defined "relatives"; (2) clause 5 was amended to prohibit the acceptance of honoraria effective January 1, 1991; (3) clause 6 was amended to specify that campaign funds be used only for bona fide campaign or political purposes; (4) clause 8 was amended to broaden Members' accountability for the pay and performance of staff; (5) clause 9 was amended to conform existing staff anti-discrimination rules to the Fair Employment Practices resolution adopted in the 100th Congress (now rule LI; see § 946a, *infra*); (6) clause 12 was added to proscribe certain contacts as involving conflicts of interest; and (7) the last undesignated paragraph was amended to make conforming changes in the definition of "relative" (P.L. 101-194, Nov. 30, 1989). The threshold and aggregate values in clause 4 were again adjusted by section

314(d) of the Legislative Branch Appropriations Act for fiscal year 1992 (P.L. 102-90, Aug. 14, 1991). Clause 13 was added in the 104th Congress (sec. 220, H. Res. 6, Jan. 4, 1995, 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.).

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 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 XLIV.

FINANCIAL DISCLOSURE.

1. A copy of each report filed with the Clerk under Title I of the Ethics in Government Act of 1978 shall be sent by the Clerk within the seven-day period beginning the date on which the report is filed to the Committee on Standards of Official Conduct. By August 1 of each year, the Clerk shall compile all such reports sent to him by Members within the period beginning on January 1 and ending on June 15 of each year and have them printed as a House document, which document shall be made available to the public.

2. For the purposes of this rule, the provisions of Title I of the Ethics in Government Act of 1978 shall be deemed to be a rule of the House as it pertains to Members, officers, and employees of the House of Representatives.

The original version of this rule was adopted in the 90th Congress, in the same resolution that redefined the jurisdiction of the Committee on Standards of Official Conduct (H. Res. 1099, Apr. 3, 1968, p. 8803). In the 91st Congress the rule was amended, effective for years after 1970, to require public disclosure of (1) honoraria from a single source totaling