RULE XXIV

LIMITATIONS ON USE OF OFFICIAL FUNDS

Limitations on use of official and unofficial accounts

§1096. Limitation on accounts.

1. (a) Except as provided in paragraph (b), a Member, Delegate, or Resident Commissioner may not maintain, or have maintained for the use of such individual, 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 the principal campaign committee of such individual 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, office furniture, office equipment, or 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 Chief Administrative Officer 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. 43). In the 111th Congress a technical correction to clause 1(b)(2) was effected and gender-based references in clause 1 were eliminated (secs. 2(l), 2(m), H. Res. 5, Jan. 6, 2009, pp. 7, 9). In the 113th Congress clause 2 was amended to replace the Clerk with the Chief Administrative Officer (sec. 2(f), H. Res. 5, Jan. 3, 2013, p. __).

For an in-depth discussion of this rule prepared by the Committee on Standards of Official Conduct (now Ethics), see the *House Ethics Manual* (110th Cong., 2d Sess.).

Limitations on use of the frank

§1097. Limitations on use of 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.

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 defrayed 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 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 such individual 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. 43). Gender-based references were eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. 7).

For an in-depth discussion of this rule prepared by the Committee on Standards of Official Conduct (now Ethics), see the *House Ethics Manual* (110th Cong., 2d Sess.).

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

§1098. Travel by Members not reelected.

10. Funds from the applicable accounts described in clause 1(k)(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 such individual 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.

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). Conforming changes were effected in the 109th and 112th Congresses (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. 42; sec. 2(e)(8), H. Res. 5, Jan. 5, 2011, p. 80). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. 7).