



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of Commission Secretary ^{LOS}

DATE: April 4, 2023

SUBJECT: *Ex Parte* Communication Advisory Opinion 2023-01
(Diaz Barragán)

Transmitted herewith is an *ex parte* communication regarding the above matter.

Attachment

From: [Dara Lindenbaum](#)
To: [Neven Stipanovic](#); [Commission Secretary Office](#); [Commissioners Office](#); [Lisa Stevenson](#)
Subject: Fwd: Advisory Opinion Request 2023-01 (Diaz Barragán)
Date: Tuesday, April 4, 2023 4:26:17 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Correspondence to FEC re ECMOs and AOR 2023-01 \(Diaz Barragan\) \(Apr 4 2023\).pdf](#)

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From: Hays, Caleb [REDACTED]
Sent: Tuesday, April 4, 2023 4:00:10 PM
To: Dara Lindenbaum [REDACTED]; Sean Cooksey [REDACTED]
Cc: Allen Dickerson [REDACTED]; Trey Trainor [REDACTED]; Ellen Weintraub [REDACTED]; Shana Broussard [REDACTED]; Duane Pugh [REDACTED]; Monahan, Tim [REDACTED]; Schwalb, Janet [REDACTED]; Carney, Ryan [REDACTED]; O'Keefe, Kevin [REDACTED]
Subject: Re: Advisory Opinion Request 2023-01 (Diaz Barragán)

Chair Lindenbaum and Vice Chair Cooksey:

Please see the attached correspondence from Rep. Bryan Steil, Chairman of the U.S. House Committee on House Administration, with respect to Advisory Opinion Request 2023-01 (Diaz Barragán).¹

Caleb Hays

[1] *See Ex Parte* Communication Advisory Opinion 2023-01 (Diaz Barragán) (March 29, 2023), https://www.fec.gov/files/legal/aos/2023-01/202301C_1.pdf.

From: Hays, Caleb [REDACTED]
Date: Wednesday, March 29, 2023 at 3:55 PM
To: Allen Dickerson [REDACTED]
Subject: Advisory Opinion Request 2023-01 (Diaz Barragán)

Commissioner Dickerson,

Please be advised that correspondence with respect to Advisory Opinion Request 2023-01 (Diaz Barragán) is forthcoming from the U.S. House Committee on House Administration.

Caleb Hays

—
Caleb J. Hays
General Counsel & Deputy Staff Director



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One Hundred Eighteenth
Congress of the United States
House of Representatives

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April 4, 2023

The Hon. Dara Lindenbaum
Chair
Federal Election Commission
1050 First Street, N.W.
Washington, D.C. 20463

The Honorable Sean J. Cooksey
Vice-Chair
Federal Election Commission
1050 First Street, N.W.
Washington, D.C. 20463

Re: Advisory Opinion Request 2023-01 (Diaz Barragán)

Dear Chair Lindenbaum and Vice-Chair Cooksey:

As Chairman of the U.S. House of Representatives Committee on House Administration, which has jurisdiction over congressional member organizations, the expenditure of official funds in support of Members' official activities,¹ and in the interest of ensuring Members of Congress have sufficient notice of the complex regulation in this area, I write concerning Advisory Opinion Request 2023-01 made by Representative Nanette Diaz Barragán with respect to the use of campaign funds for officeholder expenses.²

In a February 2, 2023, letter submitted by counsel, Representative Nanette Diaz Barragán requested from the Commission an advisory opinion regarding whether her principal campaign committee, Barragán for Congress, may pay for ordinary and necessary travel expenses for members of the Congressional Hispanic Caucus (CHC), an eligible congressional member organization,³ to attend official Caucus events.⁴ Ms. Diaz Barragán serves as Chair of the CHC.⁵

While the Federal Election Commission (FEC) is the federal agency charged with regulating the use of federal campaign funds, the facts and circumstances of this request involve the use of campaign funds by an eligible congressional member organization, a matter within the jurisdiction of the Committee on House Administration.⁶ While the Commission may determine that that the Federal Election Campaign Act, as amended, permits the use of regulated campaign funds to pay for official duties,⁷ without separate action by the Committee on House

¹ Clause 7(d) of Rule X of the Rules of the U.S. House of Representatives, <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>. Further, among other purposes, Clause 1(k)(15) of Rule X of the Rules of the U.S. House of Representatives also delegates to the Committee on House Administration authority to regulate for official purposes the "use of campaign contributions [by] candidates for office of Representative, of Delegate, and of Resident Commissioner."

² Advisory Opinion Request 2023-01 (Diaz Barragán), https://www.fec.gov/files/legal/aos/2023-01/202301R_1.pdf.

³ Sarah J. Eckman, *Congressional Member Organizations (CMOs) and Informal Member Groups* (IN11036, Version 6; Mar. 21, 2023), U.S. Congressional Research Service. (CMOs are "caucuses, working groups, or task forces . . . [that] enable Members to raise awareness about a particular topic and exchange information or ideas with colleagues . . .").

⁴ Advisory Opinion Request 2023-01 (Diaz Barragán) at 2.

⁵ *Id.*

⁶ As noted by Rep. Diaz Barragán in her request, the Committee on Ethics also maintains related jurisdiction over the matter at hand. Advisory Opinion Request 2023-01 (Diaz Barragán) at 3.

⁷ Sec. 301(1) of the Federal Election Campaign Act, *codified at* 52 U.S.C. § 30114(a)(2).

Administration to approve the use of campaign funds by eligible congressional member organizations and to determine that the activities in question are official in nature with respect to eligible congressional member organizations, such decision will have no force or effect with respect to Members of the United States House of Representatives.

First, the Committee on House Administration regulates the operations of eligible congressional member organizations pursuant to its authority to set regulations pertaining to the use of the Member’s Representational Allowance (MRA).⁸ The Committee has a long-standing prohibition on the use of any campaign funds by such organizations.⁹

Because eligible congressional membership organizations are not member offices, the Committee on House Administration must establish separately regulations to authorize and govern the use of the MRA for this purpose, and that regulatory authority extends to all aspects of an eligible congressional member organization’s operations. Those regulations are contained within the *Eligible Congressional Member Organizations Handbook*. In relevant part, the *Handbook* holds generally that “**campaign funds may not pay for an [eligible congressional member organization]’s official and representational expenses.**”¹⁰

Second, as creations of Congress intended to further legislative purposes, eligible congressional member organizations themselves may engage *only* in those “official and representational” activities specifically authorized by the *Handbook*.¹¹ Yet the Committee on House Administration has not determined that “ordinary and necessary travel expenses for Members of Congress solely to attend official [eligible congressional member organization] events” are official in nature.

The Committee on House Administration is the final authority for determining which activities qualify as “official” for Members of the U.S. House and therefore for what purposes official funds drawn from the U.S. House of Representatives accounts at the U.S. Treasury may be expended.¹² If the Committee determines an activity is not official, no official funds may be expended in support; *similarly*, if the Committee determines an activity is not official, the provisions of the Rules of the U.S. House of Representatives permitting the use of *campaign funds* to defray the costs of official activity *do not* apply.¹³ Therefore, unless and until the Committee on House Administration makes such a determination, neither official *nor* campaign funds may be used for such purposes—nor may the eligible congressional member organization engage in such activities using funds from other sources.

Absent subsequent action by the Committee on House Administration, no eligible congressional member organization may use campaign funds to support its activities, travel or otherwise.

⁸ 2 U.S.C. § 5341(d).

⁹ *Eligible Congressional Member Organization Handbook* [hereinafter, *Handbook*] 2 (Feb. 10, 2021), https://cha.house.gov/sites/evo-subsites/republicans-cha.house.gov/files/evo-media-document/2021_117th_eligible_congressional_member_organizations_2_16.pdf.

¹⁰ *Handbook* 2. See 2 U.S.C. § 5341.

¹¹ *Id.*

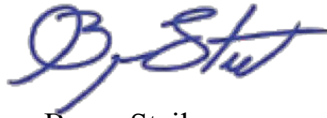
¹² Clause 1(k) of Rule X of the Rules of the U.S. House of Representatives.

¹³ Rule XXIV of the Rules of the U.S. House of Representatives.

The Hon. Dara Lindenbaum
The Hon. Sean J. Cooksey
April 4, 2023
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I appreciate your attention to this matter. Should you have questions or require additional information, please contact Caleb Hays, Committee on House Administration General Counsel and Deputy Staff Director.

Sincerely,



Bryan Steil
Chairman
Committee on House Administration

BGS/js/cjh

Enclosure: *Eligible Congressional Member Organizations Handbook*

CC: The Hon. Joseph D. Morelle, Ranking Member, Committee on House Administration
The Hon. Laurel Lee, Chair, Subcommittee on Elections, Committee on House Administration
The Hon. Terri Sewell, Ranking Member, Subcommittee on Elections, Committee on House Administration
The Hon. Michael Guest, Chairman, Committee on Ethics
The Hon. Susan Wild, Ranking Member, Committee on Ethics
The Honorable Members of the Federal Election Commission

Eligible Congressional Member Organizations Handbook



Committee on House Administration

Bryan Steil, Chairman

Joseph Morelle, Ranking Member

118th Congress
United States House of Representatives



The Committee on House Administration has issued the following regulations to ensure that Members of the United States House of Representatives utilize official resources to support the conduct of the official representational duties on behalf of the district from which he or she is elected.

Chairman Bryan Steil

ADOPTED FEBRUARY 10, 2021

All citations to the House Rules refer to the Rules of the House of Representatives

For additional assistance, please contact the Committee at 202-225-2061.

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INTRODUCTION: Eligible Congressional Member Organizations

The following regulations of the Committee on House Administration, collectively known as the Eligible Congressional Member Organizations Handbook (“ECMO Handbook”), govern all expenditures from the Members’ Representational Allowance (MRA).

The Handbook regulations are guidelines that assist Members of ECMOs in determining whether expenses are reimbursable. Therefore, the Handbook contains broad descriptions of reimbursable expenses, but is not an exhaustive list of such expenses.

Questions about reimbursement of an expense should be directed to the Committee on House Administration at x52061 prior to incurring the expense.

Administrative, financial and non-legislative support services (e.g., equipment purchases, technology standards and services, office supplies, room reservation and set-up) are acquired through the Office of the House Chief Administrative Officer (“CAO”). For further information about the CAO’s services, please refer to HouseNet, the House intranet (housenet.house.gov) or the CAO’s services office, First Call, at x58000.

The Handbook is a collection of regulations issued by the Committee on House Administration. In drafting these regulations, the Committee consults with other committees of the House, House leadership, Member office staff, and the Officers of the House.

GENERAL

REGISTRATION

For the 117th Congress, CMOs that meet certain criteria established by the House Rules may register with the Committee on House Administration as Eligible Congressional Member Organizations (ECMO). To do so, ECMOs must provide the following information:

1. Name
2. Statement of Purpose
3. Chairperson and Vice Chairperson of the ECMO
4. Employees designated to work on issues related to the ECMO (minimum of three employees are required).

CMOs must register through a letter to the Chairperson of the Committee on House Administration. CMOs granted ECMO status will be informed by the Chairperson of the Committee on House Administration.

MEMBERSHIP

The Chairperson and Vice Chairperson of an ECMO must be a Member of the House. Members of both the House and Senate may participate in ECMOs. The participation of Senators in an ECMO does not impact the scope of authorized ECMO activities in any regard.

FUNDING AND RESOURCES

Unlike Member and committee offices, ECMOs are not entitled to specific numbers of staff positions. An ECMO may acquire staff positions and the resources to fund the positions only by written agreement between a participating ECMO Member and the ECMO Chairperson. All agreements must be filed with the Committee on House Administration. Neither ECMOs nor individual Members may accept goods, funds, or services from private organizations or individuals to support an ECMO.

EXPENSES

When an expense is incurred, the Chairperson of an ECMO must determine the primary purpose for the expenditure. Is the primary purpose for the expenditure official and representational of the ECMO? Or is it primarily related to personal, campaign-related political party, campaign, Member office or committee activities? Only expenses the primary purpose of which are official and representational of an ECMO and which are incurred in accordance with the Handbook are reimbursable.

1. An ECMO's funds derived from Members' MRAs pursuant to an agreement may only be used for official and representational expenses of the ECMO.
2. The Chairperson of an ECMO may expend personal funds in support of official and representational duties.
3. The MRA and/or ECMO funds may not be used to pay for any expenses related to activities or events that are primarily social in nature.
4. The ECMO funds may not pay for personal expenses.
5. The ECMO funds may not pay for campaign expenses.
6. The ECMO funds may not pay for campaign-related political party expenses.
7. The ECMO funds may not pay for committee expenses.
8. Committee resources may not pay for an ECMO's official and representational expenses.
9. Except where authorized by the Committee on Ethics, campaign funds may not pay for an ECMO's official and representational expenses.
10. A Member may not maintain, or have maintained for his or her use, an unofficial office account for the purpose of defraying or reimbursing ordinary and necessary expenses incurred in support of an ECMO's official and representational duties.
11. An ECMO may not accept from any private source in-kind support having monetary value for an official activity.
12. The Chairperson of an ECMO is personally responsible for the payments of any official and representational expenses incurred that exceed the provided ECMO funds or that are incurred but are not reimbursable under these regulations.
13. Unless specifically authorized by an applicable provision of federal law, House Rules, or Committee Regulations, no Member, relative of the Member, or anyone with whom the Member has a professional or legal relationship may directly benefit from the expenditure of ECMO funds.
14. The ECMO funds are available for services provided and expenses incurred from January 3 of one year through January 2 of the following year. All expenses incurred will be charged to the allowance available on the date the services were provided or the expenses were incurred. Upon the death, resignation, or expulsion of a Member who is an ECMO Chairperson, an ECMO Vice-Chairperson shall assume the duties of an ECMO Chairperson until such time as a new ECMO Chairperson is elected.
15. Requests to obligate prior year funds after January 2 of the succeeding year will be considered by the Committee when a Chairperson of an ECMO provides documentation demonstrating a bona fide intent to obligate the prior year's funds during the applicable year.
16. The ECMO funds are not transferable between years.
17. ECMOs may not use official resources to misrepresent their current official positions or titles within the House.
18. Pursuant to 18 U.S.C. § 1913, ECMO funds may not be used for certain activities in the absence of authorization

by Congress. Contact the Committee on House Administration at x52061 for more information.

BUDGETING AND DISCLOSURE

Within 30 days of authorization from the Committee on House Administration to operate as an ECMO for a respective Congress, an authorized Member acting as an agent of an ECMO must submit to the Members of that respective ECMO and the Committee on House Administration:

1. The proposed amount of annual dues per Member for that session of Congress; and
2. An annual proposed budget outlining the use of those dues for that session of Congress. To assist in this process, the Office of Finance sends each ECMO monthly statements showing year-to-date expenditures and obligated amounts. The quarterly expenditures reflected in these statements are compiled and published as the Quarterly Statement of Disbursements, which is a public document.

This notification must occur prior to any collection of dues from the applicable accounts of the House. An ECMO may, by ratification of a majority of its Members, require approval of the proposed dues and budget as a condition prior to the collection of dues.

Each ECMO must submit to the Committee on House Administration, by the 18th of each month, a report signed by the ECMO Chairperson on the activities of the ECMO during the preceding month. The monthly report must include the following:

1. Statement of expenses for the month and year to date. An ECMO must reconcile its figures with the Monthly Financial Statement prior to submitting the monthly reports.
2. List of ECMO employees, job titles, and gross monthly salaries (a copy of the monthly Payroll Certification Form is acceptable).

3. Certification by the Chairperson of the reporting ECMO that the report is available to Members of the ECMO for examination.

Monthly reports for each ECMO will be available for public inspection at the Committee on House Administration.

DISBURSEMENTS

Disbursements from an ECMO are made on a reimbursement or direct payment basis and require specific documentation and an ECMO Chairperson's certification as to accuracy and compliance with applicable federal laws, House Rules, and Committee regulations.

Reimbursements and payments from ECMO funds may be made only to an ECMO Chairperson, the ECMO's employees, or a vendor providing services to support the operation of an ECMO's official duties.

INCIDENTAL USE

Incidental personal use of equipment and supplies owned or leased by, or the cost of which is reimbursed by the House of Representatives, is permitted only when such use is negligible in nature, frequency, time consumed, and expense.

For example, limited use of government resources to access the Internet, to send or receive personal email, or to make personal phone calls is permissible, so long as the use meets the above criteria, and otherwise conforms with the Regulations of the Committee on House Administration and the Code of Official Conduct (House Rule XXIII).

Each ECMO office may adopt a more restrictive incidental use policy.

OVERSPENDING

Each ECMO Chairperson is personally responsible for the payment of any official and representational expenses incurred that exceed available ECMO funds. If an ECMO incurs an obligation to the U.S. House of Representatives and the amount of the obligation incurred exceeds the ECMO's funds, the Chairperson

of the ECMO shall pay the obligation from personal funds. If an ECMO Chairperson fails to pay the obligation voluntarily, the CAO will deduct the amount owed from any pay, mileage, or expense money due to the ECMO Chairperson in the case of a sitting Member or through an administrative offset or legal action in the case of a former Member. The Office of Finance will notify an ECMO Chairperson if that ECMO is projected to overspend the available ECMO funds.

Contact the Office of Finance at x57474 or the Committee on House Administration at x52061 for assistance with accounting and budgeting.

Staff

GENERAL

No ECMO has hiring authority without the contribution of a staff position, or “hiring slots,” by a participating ECMO Member. Once contributed to an ECMO by an ECMO Member, an ECMO Chairperson will enjoy authority to hire, establish the terms and conditions of employment, and terminate the employment of ECMO staff made possible by the contribution of the hiring slot by an ECMO Member.

These terms and conditions must be consistent with applicable federal laws and House Rules. Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, religion, sex (including marital or parental status), sexual orientation, gender identity, disability, age, national origin, or service in the military.

1. Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, religion, sex (including marital or parental status), sexual orientation, gender identity, disability, age, national origin, or service in the military.
2. A Member or ECMO may not retain an employee on payroll who does not perform official duties commensurate with the compensation received for the offices of the employing authority. (House Rule XXIII, clause 8(a)).
3. “Employee” means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or furlough status.
4. “Staff” refers collectively to employees who serve in the office of an ECMO.
5. Annual rates of pay may not exceed the amount specified in the Speaker’s Pay Order.

6. Total compensation in any month including any lump sum and regular pay, student loan program payments, (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.
7. Retroactive pay adjustments are not authorized.
8. Government contributions to retirement, life insurance, Thrift Savings Plan, transit benefits, Student Loan Repayment Program, and health benefits programs are not charged to the MRA or ECMO funds.
9. Each month, an ECMO will receive a Payroll Certification Form from the Office of Payroll and Benefits that lists the annual pay and gross pay earned for each employee. If an employee is a relative of a current Member of Congress, the nature of the relationship to the Member must be noted on the Payroll Certification Form. An ECMO Chairperson must certify the information and return the form to the Office of Payroll and Benefits no later than the 5th day of the month. Contact the Office of Payroll and Benefits at x51435 for payroll forms.

EMPLOYEE CEILING

An ECMO may employ staff only pursuant to an agreement between an ECMO Member contributing a hiring slot and the ECMO Chairperson.

CONTRACTORS

ECMOs may contract with firms or individuals only for general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, and web services) for a specified time period not to exceed the calendar year. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided personnel benefits.

Contractors do not require a staff slot.

ECMO Chairpersons are advised to consult the Committee on House Administration when entering into such contracts.

CIVILIAN ANNUITANT

If an ECMO employs a federal civil service annuitant, the amount of the annual annuity, when added to the annual rate of pay at which the employee is to be paid by the ECMO, may not exceed the highest rate of basic pay as authorized by the Speaker's Pay Order. The combined total of the civil service annuity and the amount of the salary will be charged to the ECMO.

WAIVERS

ECMO offices will not be granted waivers of applicable annuity reductions or pay reductions.

DETAILEES

The term " detailee " means a non-Congressional federal employee assigned to a committee for a period of up to one year.

Pursuant to 2 U.S.C. § 4301(f), detailees may not be assigned to a ECMO office.

INTERNS

Only paid interns may be the subject of an agreement between a Member office and an ECMO.

Interns participating in the House Paid Internship Program are eligible for placement with an ECMO, provided the ECMO does not employ more than one intern in any 120-day period. Interns performing duties for an ECMO must be employed by a Member who belongs to the ECMO and are subject to same to the same federal laws and regulations, House Rules, House regulations, and Ethics regulations as interns who may be paid with MRA funds and program participants performing duties for Members' offices.

APPOINTMENT

The official appointment of each employee requires the ECMO Chairperson's signature on the Payroll Authorization Form. Required payroll forms must be received by the Office of Payroll and Benefits no later than two days before the appointment. Adjustments to a payroll appointment (e.g. pay adjustments, title changes, furlough status, terminations, etc.) must also be made on the appropriate forms. Such forms are due at Payroll and Benefits by the 5th day of the month in which the adjustment is effective.

DUAL COMPENSATION

The aggregate gross annual salary of an employee receiving payment from the House who is also receiving payment from the U.S. Senate, Architect of the Capitol, or any other department or agency of the U.S. Government, may not exceed the gross annual rate established by 5 U.S.C. § 5533. For the current applicable dual compensation rate, contact the Office of Payroll and Benefits at x51435.

FAIR LABOR STANDARDS ACT (FLSA)

As employing offices, ECMOs are subject to the FLSA as applied to the House of Representatives through the Congressional Accountability Act of 1995. Therefore, ECMO Chairpersons are responsible for assuring compliance with the minimum-wage/maximum-hour provisions of the FLSA. In cases where non-exempt ECMO staff may be shared with other employing offices, an ECMO Chairperson must coordinate the other office to ensure compliance with the FLSA. For further information please contact the Committee or the Office of House Employment Counsel.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

As employing offices, ECMOs are subject to the FMLA as applied to the House of Representatives through the Congressional Accountability Act of 1995. Applicable regulations provide that in some circumstances,

ECMO staff may be considered as jointly employed by the ECMO and the SCMO Member who contributed the hiring slot corresponding to the ECMO staff person. In such cases, the joint employers may agree to become "primary" and "secondary" for purposes of fulfilling FMLA obligations to the employees. To understand FMLA obligations fully, please contact the Committee or the Office of House Employment Counsel.

FINANCIAL DISCLOSURE

Members and employees receiving basic pay at a rate equal to or greater than 120 percent of the minimum pay for GS-15 for at least 60 days during any calendar year must file a Financial Disclosure Statement upon appointment, termination, and annually on May 15th, in addition to regular reports of certain securities transactions throughout the year on Periodic Transaction Reports.

Ordinary and necessary expenses incurred by an ECMO and its employees, in support of the filing of reports consistent with the provisions of the Ethics in Government Act, are reimbursable.

In accordance with Committee on House Resolution 110-07, "Each House employee who is simultaneously employed by three or more House employing authorities for more than 60 days during a calendar year must file a Financial Disclosure Statement under 5 U.S.C. app § 101 et seq. by May 15 of each year." This statement is required regardless of total compensation for the year. Contact the Committee on Ethics at x57103 for guidance concerning the current applicable rate of pay and other information regarding Financial Disclosure requirements.

LUMP SUM PAYMENTS

An ECMO Chairperson may authorize a lump sum payment to an employee for any purpose consistent with the following:

1. Payments must be consistent with House Rule XXIII, clause 8(a), which requires

that employees perform official duties commensurate with the compensation received. Employees may not be compensated from public funds to perform non-official, personal, campaign-related political party, or campaign activities on behalf of the ECMO, a Member, the employee, or anyone else;

2. A lump sum payment may not be more than the monthly pay of the employee receiving the lump sum payment;
3. Lump sum payments may be for services performed during more than one month;
4. ECMOs may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave;
5. Total compensation in any month including any lump sum payment, student loan payments, and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order;
6. Lump sum payments will be disclosed separately in the Quarterly Statement of Disbursements;
7. Lump sum payments are considered as part of "rate of pay" under the Speaker's Pay Order;
8. Lump sum payments are considered "supplemental wages" for taxation purposes; and
9. Lump sum payments are not considered as part of "basic pay" for purposes of calculating Thrift Savings Plan, life insurance, or federal pensions.

Contact the Committee on Ethics at x57103 for information on the treatment of lump-sum payments with regard to financial disclosure, post-employment restrictions, and outside earned income limitations.

PAY ADJUSTMENTS

An ECMO Chairperson may adjust, in any month, an employee's pay to reflect exceptional, meritorious, or less than satisfactory service.

Such adjustments must be received by the Office of Payroll and Benefits on or before the 5th day of the month in which the adjustment is to be effective.

Retroactive pay adjustments are not authorized.

PAYROLL SCHEDULE

Pursuant to 5 U.S.C. § 5505, the monthly payroll is based on a 30-day pay period. Payment is made on the last business day of the month.

RATES OF COMPENSATION

An ECMO Chairperson is responsible for adhering to the applicable minimum wage provisions of the Fair Labor Standards Act (\$7.25 per hour as of July 24, 2009).

Interns are not employees for purposes of compliance with the minimum wage and overtime provisions of the Fair Labor Standards Act.

The maximum rate of pay is established for Member offices by the Speaker's Pay Order.

TERMINATIONS

Terminations must be made on a Payroll Authorization Form and submitted to the Office of Payroll and Benefits as soon as the date of termination is known. If the termination notice is received by Payroll and Benefits after the 5th day of the month during which the termination becomes effective, the payroll for that month may have already been processed.

LEAVE

The ECMO Chairperson determines the terms and conditions of employment, including provisions for leave (e.g., annual, administrative, and sick).

Contact the Office of House Employment Counsel at x57075 for model leave policies.

Office Expenses

APPLIANCES

Ordinary and necessary expenses for small appliances (microwaves, coffee makers, etc.) for use in the ECMO offices are reimbursable. Equipment, including appliances, with a purchase price over \$500 must be added to the ECMO's inventory by contacting CAO First Call at x58000

DECORATING EXPENSES

Decorations of nominal value (e.g., frames, bookends, flags, seals, rugs, etc.) for ECMO offices are reimbursable.

Contact the Committee on House Administration at x52061 for a list of government agencies that provide wall decorations free of charge.

DEPOSITS

Security and other deposits are not reimbursable and must be paid from the ECMO Chairperson's personal funds. Each ECMO Chairperson should notify vendors that any return of deposits should be made to the ECMO Chairperson.

DRUG TESTING

Ordinary and necessary expenses related to drug testing, in accordance with an ECMO's written drug-testing policy, are reimbursable.

Offices should consult with the Office of House Employment Counsel at x57075 when establishing drug-testing policies.

DUES

Pursuant to 5 U.S.C. § 5946, dues, membership fees, assessments, and annual fees are not reimbursable.

EDUCATIONAL EXPENSES

Ordinary and necessary expenses for ECMO employees to attend vendor-sponsored conferences, seminars, briefings, professional training, and informational programs related to the official duties are reimbursable.

1. ECMO Members or employees may not be reimbursed for expenses to attend educational programs in order to obtain a primary, secondary, graduate, postgraduate, or professional degree.
2. Expenses associated with acquiring or maintaining professional certification or licensing are not reimbursable, except for basic first-aid, CPR, or notary certifications.
3. Informational programs are events in which interaction with participants relates to official business, including but not limited to discussions about the federal role of government in various issue areas, or are discussions of policy matters, etc. Information programs should not be primarily social in nature, including but not limited to awards events not related to official business, galas or balls that are primarily social, or other events in which official interaction is more incidental than is the primary purpose.
4. Travel and lodging expenses are not reimbursable with the exception of local parking and transport within the Washington, D.C., metropolitan area.

EMPLOYMENT-RELATED EXPENSES

Ordinary and necessary expenses related to filling employment vacancies are reimbursable.

The following expenses are not reimbursable:

1. Transportation to and from employment interviews; or
2. Relocation expenses upon acceptance or termination of employment; or
3. Relocation expenses incidental to a change in duty station.

FOOD AND BEVERAGE EXPENSES

Except where noted, an ECMO Chairperson and employees may be reimbursed for food and beverage expenses incidental to an official and representational meeting that includes one or more person(s) who are not a Member or employee of the House.

An ECMO may have its Members and employees reimbursed for food and beverage expenses no more than two times per year for legislative planning session meetings involving Members and staff.

ECMO Members and employees may not be reimbursed for food and beverage expenses related to social activities or social events (e.g., hospitality, receptions, entertainment, holiday or personal celebrations, and swearing-in or inauguration day celebrations).

ECMO Members and employees may not be reimbursed for the cost of alcoholic beverages.

FRAMING

Framing services for items to be displayed in Washington, D.C., offices are reimbursable. In Washington, D.C., when an ECMO uses the in-House framing service provided by the CAO, costs will be automatically charged to the ECMO.

FURNITURE

Furniture (e.g., furniture, rugs, carpet, draperies, repairs, etc.) is supplied and maintained by the CAO for Washington, D.C., ECMO offices through First Call at x58000 without charge to the ECMO. Furniture is not reimbursable for ECMO offices.

ECMO funds may be used to procure or reimburse the cost of items such as desks (standing and traditional), office chairs, and desk lamps necessary for remote work situations, subject to any applicable telework requirements. ECMOs are required to maintain an inventory of items used in remote work

locations. The purchase of any single item exceeding \$250.00 is subject to preapproval by the Committee on House Administration.

GIFTS AND DONATIONS

No gifts or donations are reimbursable by an ECMO.

GREETINGS

Expenses related to the purchase or distribution of greetings, including holiday celebrations, condolences, and congratulations for personal distinctions (wedding anniversaries, birthdays, etc.), are not reimbursable.

LATE FEES

Ordinary and necessary fees related to late payments incurred beyond the control of an ECMO Chairperson are reimbursable.

MASS TRANSIT BENEFIT

ECMO staff working in Washington, D.C. are eligible for transit benefits. For information regarding this benefit, please contact Office of Payroll and Benefits at x51435.

OFFICIAL MEETINGS

Ordinary and necessary expenses related to conducting official meetings are reimbursable. These expenses include, but are not limited to, chairs, tables, audio/video equipment, etc.

PARKING

Please see the Committee on House Administration website for the [House Parking Policy](#).

PUBLICATIONS

Ordinary and necessary expenses related to purchasing or subscribing to publications, including but not limited to research materials, reference books, informational brochures, electronic services, or periodicals are reimbursable.

All invoices for subscriptions received by the Office of Finance through the close of business January 2 will be debited from the current ECMO year. Subscriptions beginning on January 1 or 2 may be debited from either allowance year, as directed by an ECMO Chairperson.

Subscriptions to newspapers and periodicals may exceed an ECMO Chairperson's term.

Subscriptions that exceed an ECMO Chairperson's term in office will be assigned to the ECMO Chairperson's successor.

STAFF MEETINGS

ECMO Members and ECMO staff may attend staff meetings (e.g., staff retreats, internal staff development, legislative planning sessions, etc.) at a Member-authorized location in the Washington, D.C., metropolitan area for official purposes, and may seek reimbursement for expenses relating to attendance at such meetings, provided that such expenses are otherwise consistent with all other Handbook regulations. ECMO staff may not be reimbursed for lodging expenses where staff meetings are held.

The ECMO funds may not be used for social events or activities.

SUPPLIES

Office supplies to support the conduct of the ECMO's official duties are reimbursable.

The Office Supply Store ("OSS") is located in Room B-217 Longworth at x53321. OSS issues each ECMO an Account Card for official purchases, which may only be used by an ECMO Chairperson and/or staff. The cost of all items purchased with the Account Card is charged to the ECMO.

TELECOMMUTING

Ordinary and necessary expenses incurred to facilitate telecommuting by ECMO staff, including provision of portable computers

and other telecommunications devices, are reimbursable to the ECMO when in compliance with the [Committee on House Administration telecommuting policy](#).

TELECOMMUNICATIONS

Ordinary and necessary expenses related to the official use, including periodic or flat service fees, of telecommunications lines (voice and data) in the residence of an ECMO Chairperson or employee are not reimbursable.

AUDIO AND VIDEO EXPENSES

Ordinary and necessary expenses related to audio and video recording and materials, including but not limited to the following, are reimbursable:

1. Filming related to the appearance of an ECMO Chairperson or an ECMO's employee at an official event; or
2. Recordings and transcripts of commercial broadcasts related to an ECMO for in-office use; or
3. Recordings that are produced by an ECMO or recordings that are provided to an ECMO and authorized by the providing entity to be reproduced for official distribution; or
4. Video teleconferencing services incurred in support of an ECMO's official duties.

Except where authorized, the costs related to purchasing television broadcast time are not reimbursable. ECMOs are subject to copyright laws when utilizing outside materials.

In Washington, D.C., the House Recording Studio is available for audio and video services. Contact the House Recording Studio at x53941 for information on services, charges, and availability.

There are certain election-related restrictions on mass communications. Please consult the Committee on House Administration prior to use of any video or audio services.

Printing and Production

Printed materials produced by an ECMO are reimbursable when they are in compliance with the Franking Regulations. Reimbursable printing and production expenses include, but are not limited to:

1. Administrative papers (casework tracking forms, personnel record forms, etc.)
2. Legislative papers (bills, drafts, summaries, amendments, etc.)
3. Business cards for the ECMO Chairperson and their employees
4. Stationery

Printed materials are prohibited from use as an unsolicited mass communication by the ECMO. Items not distributed as a mass communication are not required to meet Franking content standards, but the content must be official.

STATIONERY

Pursuant to 44 U.S.C. § 734, ordinary and necessary expenses associated with the printing and production of official stationery are reimbursable. Official stationery may be procured from the Government Publishing Office.

Contact the Congressional Printing Management Division at 202-512-0224 and the Office of Publication Services at x65200 for stationery requests.

Additional stationery requests (writing paper, bond, etc.) are reimbursable.

Official stationery must contain the following information:

1. ECMO's name;
2. ECMO Chairperson's name; and
3. Congress of the United States, House of Representatives, or comparable language.

Official stationery may include professional license(s).

Official stationery may not contain the following information:

1. Seals other than the Great Seal, Congressional Seal, or State Seal
2. Member's political party identification
3. Slogans
4. Private entity information or endorsement
5. Campaign contact information (e.g., address, phone number, email address)
6. Greetings
7. Picture or likeness of the Member
8. Family crest

USE OF STATIONERY

Official stationery may be used only for a letter or other document the content of which must be official in nature. Content must comply with the Franking Regulations. However, an ECMO may not use the Frank. Contact the Franking Commission at x60647 for information on content of official correspondence.

Contact the Committee on Ethics at x57103 for information on the use of official stationery.

BUSINESS CARDS

Ordinary and necessary expenses for business cards for an ECMO Chairperson and employees are reimbursable. Business cards must contain the name of the employing authority and accurately describe the position to which the employee has been appointed.

Business cards may be obtained through Office Supply Service at x53321.

EQUIPMENT

Ordinary and necessary expenses for equipment for use by an ECMO are reimbursable subject to Committee regulations. For all questions relating to equipment and equipment-related issues, refer to the *Guide to Outfitting and Maintaining an Office* available at (cha.house.gov). For further information relating to any of the CAO's services, please refer to HouseNet or call First Call at x58000.

Communications

1. *Electronic*
Members may devote a section of their official website to ECMO issues.
2. *Stationery*
ECMO funds may be used to print or pay for stationery for an ECMO.
3. *Inside Mail*
A Member may use inside mail to communicate information related to an ECMO.
4. *Prohibition on Frank*
ECMOs may not use the Frank, nor may a Member lend his or her Frank to an ECMO.

A Member may use their official resources aside from the Frank for communications related to the purpose of an ECMO. Any such communications must still comply with Franking Regulations.

PRESS CONFERENCES

Ordinary and necessary expenses related to conducting an official press conference are reimbursable.

INSIDE MAIL

1. Inside Mail is a delivery service for the transmittal of interoffice communications provided by House Postal Operations, pursuant to the regulations established by the Committee on House Administration. Inside mail service is available among offices in the Capitol, the House and Senate Office Buildings, the Library of Congress, the White House, the State Department, and the Social Security Administration.
2. Inside mail is provided to support the conduct of the official business of Members, committees, Officers of the House, and Congressional Staff Organizations.
3. Inside mail service may not be used to circulate letters which are personal or

campaign-related, or which constitute commercial advertising except when postage is paid for with personal expenses.

4. All mail to be delivered via inside mail should be clearly marked “Inside Mail” and should be deposited in an Inside Mailbox.
5. Authorized items for circulation of inside mail include:
 - a. A Dear Colleague or similar correspondence relating to the official and representational business of the Member. This correspondence must be on official letterhead and signed by the Member.
 - b. A position paper, report, legislative analysis, or any material published or produced by another individual or organization that a Member wishes to circulate. This correspondence must be accompanied by a signed cover letter on official letterhead. A copy of the cover letter must be attached to each item to be distributed.
 - c. Mail in a reusable blue U.S. House of Representatives Inside Mail envelope.
 - d. Mail produced by Congressional Staff Organizations registered with the Committee on House Administration.

Dear Colleague letters and similar correspondence must be transmitted to House Postal Operations, in the appropriate quantity, with a cover letter signed by the Member, indicating to whom the mailing should be distributed. For information regarding these procedures, contact House Postal Operations at x63764.

ELECTRONIC COMMUNICATIONS

Ordinary and necessary expenses related to electronic communications (Internet, fax machines, etc.) are reimbursable.

- No unsolicited mass communications are allowed.
- All official electronic communications must comply with House information

technology and security policies as approved by the Committee on House Administration.

- All official electronic communications sent to an email list of 100 or more individuals must include a usable opt-out in the body of the email that enables an individual to opt-out from the Member's email list. Opt-out requests must be honored. These mailings must comply with IT Policy 007.0 - Email List Management Policy as approved by the Committee.

SUBSCRIBED EMAILS

A subscribed email is an email sent to individuals who have taken a willful action to subscribe to an ECMO's email list. ECMOs must notify individuals who subscribe to email updates that the individual is authorizing the ECMO to send regular email updates from the ECMO to the individual's email account. All email updates to subscribers must contain an option that enables the individual to unsubscribe from the email list. ECMOs may send subscribed email updates without obtaining an advisory opinion, but the contents must still adhere to Franking regulations.

NON-SUBSCRIBED EMAILS

If each email address used in a mass communication was not obtained with an individual subscribing for subscribed email updates, then an ECMO may not send the communication until those email addresses obtained without consent are removed.

WEBSITES

An ECMO Chairperson may request a URL for an ECMO, provided that the request complies with the ECMO domain name regulations issued by the Committee on House Administration. Web pages using such a URL need not have the same design or layout as the Web site of the sponsoring Member. An ECMO may also be hosted on the sponsoring Member's website.

Internet sites paid for with official funds (websites) are a series of centrally maintained Web pages, accessible to the public via the Internet and stored on a specific host. The home page is the first accessible page for that site.

1. Ordinary and necessary expenses associated with the creation and continued operation of websites, in support of an ECMO's official duties, are reimbursable.
2. Except as noted in item 6, below, ECMO websites must be located in the HOUSE.GOV host-domain and must be hosted in conformance with the regulations issued by the Committee on House Administration.
3. ECMO websites may be maintained by either House Information Resources (HIR), the ECMO office, or a private vendor authorized to provide Web services to the House in compliance with the regulations issued by the Committee on House Administration.
4. ECMOs' websites may link to Member and Committee websites, but Member or Committee websites may not be located on websites paid for by an ECMO.
5. Members may include information within their Website about ECMO issues and activities. All ECMO references within a Website must relate to the Member's official and representational duties.
6. In addition to their official HOUSE.GOV website, an ECMO may establish profiles, pages, channels or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public (Social Media Accounts). ECMO-controlled content on Social Media Accounts is subject to the same requirements as content on ECMO websites.
7. Websites should be compliant with the accessibility standards set out in § 508 of the Rehabilitation Act of 1973 and the World Wide Web Consortium's Web Content Accessibility Guidelines.
8. Websites may link to non-government sites, so long as the link content relates to

an ECMO's official duties and the content would not otherwise violate any other House rules, regulations, or federal laws. Internet resources may not contain content that misrepresents an ECMO or Member's current role in Congress.

9. For ECMOs internet social media accounts, an ECMO Chairperson should ensure their social media URLs and account names reflect their position. Departing ECMO Chairpersons may not maintain their official social media pages/sites after they leave the Chairperson of an ECMO; however, they may retain their personal accounts provided the name (and other identifying information) of such accounts clearly do not convey the impression that the former ECMO Chairperson is still a head of the ECMO, or that the account is an official account of the House.

WEBSITE CONTENT

The content of an ECMO Website:

1. The official content of any material posted by an ECMO on any website must be in compliance with Federal law and House Rules and Regulations applicable to official communications and germane to the conduct of the Member's official and representational duties. Accessing a website (whether by using a link or by other means) is to be treated as a "solicited communication" from an ECMO office.
2. May not include personal (outside of incidental references), political party (except for political party affiliations), or campaign information.
3. May not include grassroots lobbying or solicit support for an ECMO's position.
4. May not generate, circulate, solicit, or encourage signing petitions.
5. May not include any advertisement for any private individual, firm, or corporation, or imply in any manner that the government endorses or favors any specific commercial product, commodity, or service.

NAME (URL)

The URL name for an official Website located in the HOUSE.GOV domain must be recognizably derivative or representative of the name of the ECMO office sponsoring the Website and comply with the regulations issued by the Committee on House Administration.

The URL name for an official Website located in the HOUSE.GOV domain may not:

1. Be a slogan.
2. Imply in any manner that the House endorses or favors any specific commercial product, commodity, or service.
3. Be deceptive and must accurately represent the ECMO's name.

A Member may use personal funds to purchase a personalized URL as a locating address, so long as it points back and resolves to the official website address.

Transportation

GENERAL

Transportation by ECMO staff for nominal taxi and parking fees within the Washington, D.C., Metropolitan Area is reimbursable up to \$2,000 annually.

Living expenses and commuting expenses are not reimbursable, except in extraordinary circumstances (e.g., extreme weather conditions, staff working beyond availability of mass transit or rideshare arrangements, etc.) when an ECMO receives written authorization from the Committee. "Living expenses" include meals, housing, and other personal expenses incurred at the ECMO's employee's residence or duty station. "Commuting expenses" are transportation expenses incurred by an ECMO employee while commuting between their residence and duty station.

OFFICIALLY LEASED VEHICLES

No ECMO funds may be used for expenses related to the lease of a vehicle in support of the conduct of official duties of the ECMO.

Seeking Reimbursement: Vouchers

For information related to submitting vouchers for reimbursement, please refer to the Voucher Documentation Standards available on HouseNet.

Reimbursement and Direct Payment

Disbursements from the ECMO funds are paid on a reimbursement basis or by direct payment (to vendors) and require:

1. The ECMO Chairperson's signature, certifying that the expense was incurred in support of the ECMO's official duties.
2. Supporting documentation (receipt, lease, bill etc.).

EXPIRED APPROPRIATIONS

The Salaries and Expenses appropriation for the House of Representatives, which includes ECMO funds, is withdrawn two years after the year for which the funds were originally appropriated. This occurs on September 30 of the year.

In the unlikely event an office requests reimbursement for an official and representational expense incurred during a year for which the appropriation has been withdrawn, the Office of Finance will determine if an amount sufficient to pay the expense would have been available if the appropriation had not been withdrawn. If no funds would have been available, then the expense is the personal liability of the Member.

If the expense would have been payable had it been timely submitted, notwithstanding the expired appropriation, then the expense may be paid from a currently available allowance, if available.

TAX EXEMPT LETTERS

To avoid paying unnecessary taxes, please contact the Office of the General Counsel at x59700 for tax exempt letters applicable to each state.

WORK PRODUCT AND ASSETS OF THE ECMO

Work product and data produced, acquired or developed during the normal course of the ECMO activities remain the property of the ECMO. The ECMO or the ECMO Chairperson may develop internal rules or regulations for the management, dissemination and transfer of this work product and data. Opt-in subscriber lists may not be transferred to other House entities, including the personal office of the ECMO Chairperson. Upon dissolution, the work product and data of the ECMO transfers to the final Chairperson.

The ECMO Chairperson may authorize purchases of office equipment and software from the ECMO account. The CAO will manage the

equipment inventory of the ECMO Chairperson according to the same regulations that apply to a Member's Washington, D.C., office as outlined in the Guide To Outfitting and Maintaining an Office, with the following exceptions: (1)

ECMOs may only acquire equipment on a onetime payment plan; (2) committees may not transfer equipment to an ECMO Chairperson's inventory; (3) during a transition, the succeeding ECMO Chairperson will inherit all the items assigned to the previous Chairperson's ECMO inventory; and (4) upon dissolution of the ECMO, the equipment assets of the ECMO transfer to the House.

Modifications

ADDITIONAL CHANGES

The Chairperson of the Committee is authorized to make technical and conforming modifications to the ECMO Handbook, and to make other modifications with the concurrence of the Ranking Minority Member of the Committee and notification to all members of the Committee. In the event changes are made pursuant to this clause, the Chairperson shall notify all ECMO offices by suitable means.

The Chairperson of the Committee on House Administration, with the concurrence of the Ranking Minority Member, is authorized to waive certain provisions of these regulations as they may deem necessary. In the event waivers are made pursuant to this clause, the Chairperson shall notify the other Members of the Committee when such a waiver is made.