



Update about the coronavirus: joint House Administration-Ethics guidance

Sending Office: Committee on House Administration
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Dear Colleague:

Several offices have contacted the Committee on House Administration (CHA), the House Commission on Congressional Mailing Standards (Commission), and the Committee on Ethics to inquire about the use of official resources to provide information to constituents about the coronavirus (COVID-19) and implementing continuity of operations plans. We would like to take this opportunity to provide a review of the applicable rules, regulations, and procedures. We understand the uniquely challenging circumstances arising out of this public health emergency, and we hope that this guidance helps Members and staff continue to mobilize the various resources at their disposal for keeping our communities safe during this difficult time.

Official Communications

In general, all content in official communications must be related to official business. Official business includes, among other things, federal issues of public concern. The coronavirus is a federal issue of public concern, so it is generally an appropriate topic to address in official communications. As part of these communications, Members may inform their constituents about resources available from non-profits, private entities, and hospitals with respect to public health and safety and the ongoing pandemic (e.g., testing, health care, and other community services for those impacted by the virus). These resources must be specific to coronavirus information.

Members' official communications may always include resources provided by federal, state, and local government entities, including public health agencies. For example, CHA recommends use of these government established websites as primary sources for information on the pandemic:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

<https://www.usa.gov/coronavirus>

<https://www.nih.gov/health-information/coronavirus>

Members are generally limited from sending mass mailings and mass communications in the "blackout period," the 90 days prior to any primary or general election or caucus for any federal, state, or local election in which the Member is a candidate. However, Commission regulations expressly permit Members to send communications regarding threats to life safety. The coronavirus qualifies as a threat to life safety, so mass communications limited to information about the coronavirus will generally be exempt from the blackout rule. Note that communications mailed via USPS do not fall under this exemption and are still prohibited. A Member who is otherwise in a blackout period is strongly advised to get prior approval from the Commission for a communication about the coronavirus.

For additional information about official communications in general, please see the recently updated Communications Standards Manual, which is available online at

https://cha.house.gov/sites/democrats.cha.house.gov/files/documents/Communications%20Standards%20Manual_12-19-

[2019%20ONLINE.pdf](#). For specific questions about particular communications your office may wish to send, please contact the Commission directly, at (202) 225-9337 (majority) or (202) 226-0647 (minority). You can also submit a request for an Advisory Opinion online, at <https://frankingrequests.house.gov>.

Solicitations

In times of emergency, Members and staff may want to solicit or collect goods for their constituents or charitable organizations. For example, a Member may wish to solicit donations to help pay for food, medical supplies, or expenses. As public servants, we understand the desire to help, but we remind you official resources may not be used to solicit anything of value.

While official resources may not be used to solicit contributions or to imply that such organizations or purposes have been endorsed by the House of Representatives, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under § 170(c) of the Internal Revenue Code – including, for example, § 501(c)(3) charitable organizations such as the Red Cross or Habitat for Humanity – without first obtaining Committee on Ethics approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; and official mailing lists). Members may not use official resources or communications to refer constituents to organizations or resources whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations that are not permitted under the rules of the House.

Solicitations on behalf of non-qualified entities or individuals are considered and decided on a case-by-case basis through a written request for permission to the Committee on Ethics. Members and staff may use the “Solicitation Waiver Request” form to request permission to assist with fundraising activities for individuals and organizations not recognized under IRC § 170(c), which is on the Committee on Ethics’ website at <https://ethics.house.gov>.

Continuity of Operations Plans

The Sergeant at Arms (SAA) has provided more information about continuity of operations plans (COOP). In general, COOP arrangements allow offices to consider the actions and resources needed to operate in the event of an emergency, including a pandemic. Additional information, including sample plans, is available on HouseNet. For more specific information about establishing such a plan, please contact the SAA Emergency Division, at (202) 226-0950 or by email at SAAMD@mail.house.gov.

Telework

In prior communications, CHA has announced that employees of an office that implements a previously established COOP or emergency plan may telework during the period that the plan is in effect. CHA has developed a model policy that offices may choose to adopt to permit telework on a temporary basis in response to an emergency or implementation of the office’s COOP plan. CHA has also developed a model employee agreement for use by staff. (Please note that an office may opt to permit telework on a temporary basis in these circumstances while choosing not to permit telecommuting as part of its regular operations. However, the equipment an office purchases to provide for telework in an emergency scenario may also be used for telecommuting in the ordinary course of business.) The Centers for Disease and Control and Prevention have recommended that people at higher risk – including older adults and people who have serious chronic medical conditions, like heart disease, diabetes, and lung disease – take extra precautions to keep space between themselves and others and avoid crowds. We recommend that telework be implemented for any such employees.

In light of the unique and unusual circumstances presented by the coronavirus, as well as to promote House office emergency preparedness in general, CHA reminds offices of its previously announced determination that it is appropriate for both Member and committee offices to be able to access any remaining unspent LY 2019 funds to purchase teleworking equipment and supplies (e.g. laptop and tablet computers, cell phones, etc.). Both Member and committee offices may continue to use LY 2020 funds for this purpose, as well. (CHA has also determined that remaining unspent LY 2019 funds may be used in

connection with previously unscheduled tele-townhalls, if they are conducted for the specific purpose of relaying information regarding the coronavirus.)

Employment Policies

Members are always responsible for ensuring that each of his or her employees performs official duties that are commensurate with the compensation that the employee receives from the House. The Code of Ethics for Government Service further instructs every employee to “[g]ive a full day’s labor for a full day’s pay.” Code of Ethics for Government Service ¶ 3. These provisions prohibit fraud and misuse of government resources. Notwithstanding these restrictions, we understand that if offices or committees are utilizing COOP plans, Members and staff may be unable to work at their full capacities. Accordingly, absent any indication that government resources are being misused, the Committee on Ethics will not take any action regarding Members or staff who may be working at less-than-full capacity under an established COOP plan.

Further, we recommend Members review their employment policies (e.g., leave, telework, office hours) so that work may continue, while always prioritizing the health and safety of themselves and staff. Please note employment policies should be applied consistently among all employees without any preferential treatment. For questions regarding employment policies, please contact the Office of House Employment Counsel at (202) 225-7075.

For questions on:

- Official resources in general, please contact CHA at [\(202\) 225-2061](tel:202-225-2061) (majority) or [\(202\) 225-8281](tel:202-225-8281) (minority).
- Communications resources, please contact the Commission at [\(202\) 225-9337](tel:202-225-9337) (majority) or [\(202\) 226-0647](tel:202-226-0647) (minority).
- Personal or campaign resources, solicitations, outside employment, or financial disclosure requirements, please contact the Committee on Ethics at [\(202\) 225-7103](tel:202-225-7103).

Sincerely,

Chairperson Zoe Lofgren

Committee on House Administration

Chairman Ted Deutch

Committee on Ethics

Ranking Member Rodney Davis

Committee on House Administration

Ranking Member Kenny Marchant

Committee on Ethics