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113TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 113–727

SUMMARY OF ACTIVITIES
ONE HUNDRED THIRTEENTH CONGRESS

A REPORT

OF THE

COMMITTEE ON ETHICS
HOUSE OF REPRESENTATIVES

JANUARY 2, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, January 2, 2015.

Hon. KAREN L. HAAS,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, "Summary of Activities 113th Congress."

Sincerely,

K. MICHAEL CONAWAY,
Chairman.
LINDA T. SÁNCHEZ,
Ranking Member.

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Mr. CONAWAY and Ms. SÁNCHEZ, from the Committee on Ethics, submitted the following

R E P O R T

ACKNOWLEDGEMENT

The Committee notes the untimely death of its former Director of Advice and Education, Carol E. Dixon. Her wisdom, hard work, and dedication to public service will be missed by all.

OVERVIEW

The Committee on Ethics (Committee) is tasked with interpreting and enforcing the House's ethics rules. The Committee has sole jurisdiction over the interpretation of the Code of Official Conduct, which governs the acts of House Members, officers, and employees. The Committee is the only standing House committee with equal numbers of Democratic and Republican members. The operative staff of the Committee is required by rule to be professional and nonpartisan.

In the 113th Congress, the Committee was led by Chairman K. Michael Conaway and Ranking Member Linda T. Sánchez. The Members appointed at the beginning of the Congress were Charles W. Dent, Pedro R. Pierluisi, Patrick Meehan, Michael E. Capuano, Trey Gowdy, Yvette Clarke, Susan W. Brooks, and Ted Deutch.

The Committee's core responsibilities include providing training, advice, and education to House Members, officers, and employees; reviewing and approving requests to accept privately-sponsored travel related to official duties; reviewing and certifying all financial disclosure reports Members, candidates for the House, officers, and senior staff are required to file; and investigating and adjudi-

cating allegations of misconduct and violations of rules, laws, or other standards of conduct.

The Committee met 24 times in the 113th Congress, including 13 times in 2013, and 11 times in 2014. Every Committee vote in the 113th Congress was unanimous.

Within the scope of its training, advice and education, travel, and financial disclosure responsibilities, the Committee:

- Issued more than 320 formal advisory opinions regarding ethics rules;
- Fielded nearly 40,000 informal telephone calls, emails, and in-person requests for guidance on ethics issues;
- Released 18 advisory memoranda on various ethics topics to the House;
- Provided training to approximately 10,000 House Members, officers, and employees each year, and reviewed their certifications for satisfying the House's mandatory training requirements;
- Received more than 5,000 Financial Disclosure Statements and amendments filed by House Members, officers, senior staff, and House candidates; and
- Received 2,992 Periodic Transaction Reports filed by House Members, officers, and senior staff, containing thousands of transactions.

In addition, the Committee actively investigates allegations against House Members, officers, and employees, using a mix of informal and formal investigative techniques to determine the validity of factual allegations, explore potential rules violations, and recommend appropriate sanctions and corrective actions. The Committee's options for investigating a matter include fact-gathering under Committee Rule 18(a), which may or may not be publicly disclosed, the empanelment of investigative subcommittees, and the review of transmittals from the Office of Congressional Ethics (OCE). The fact that the Committee is investigating a particular matter or that a House Member, officer, or employee is referenced in an investigative matter should not be construed as a finding or suggestion that the Member, officer, or employee has committed any violation of the rules, law, or standards of conduct.

During the 113th Congress, within the scope of its investigative responsibilities, the Committee:

- Commenced or continued investigative fact-gathering regarding 89 separate investigative matters;
- Empanelled four new investigative subcommittees, in the matters of Representative Robert E. Andrews, Representative Don Young, Representative Michael G. Grimm, and Representative Henry J. "Trey" Radel III;
- Held 23 investigative subcommittee meetings;
- Filed 10 reports with the House totaling nearly 1,900 pages regarding various investigative matters;
- Publicly addressed 34 matters, described in Section V of this report;
- Resolved 44 additional matters;
- Conducted 78 voluntary witness interviews;
- Authorized the issuance of 60 subpoenas; and
- Reviewed more than 430,000 pages of documents.

All votes taken in the investigative subcommittees were unanimous. In addition to the publicly-disclosed matters discussed in

this report, there were a total of 24 investigative matters pending before the Committee as of January 2, 2015.

I. INTRODUCTION

House Rule XI, clause 1(d), requires each committee to submit to the House, not later than January 2 of each year, a report on the activities of that committee under that rule and House Rule X. This report summarizes the activities of the Committee for the annual period ending January 2, 2015, as well as for the entirety of the 113th Congress.

The jurisdiction of the Committee on Ethics is defined in clauses 1(g) and 11(g)(4) of House Rule X, clause 3 of House Rule XI, and clause 5(h) of House Rule XXV. The text of those provisions is attached as Appendix I to this Report.

In addition, a number of provisions of statutory law confer authority on the Committee. Specifically, for purposes of the statutes on gifts to federal employees (5 U.S.C. § 7353) and gifts to superiors (5 U.S.C. § 7351), both the Committee and the House of Representatives are the "supervising ethics office" of House Members, officers, and employees. In addition, as discussed further in Part III below, for House Members, officers, and employees, the Committee is both the "supervising ethics office" with regard to financial disclosure under the Ethics in Government Act (EIGA) (5 U.S.C. app. 4 §§ 101 et seq.) and the "employing agency" for certain purposes under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342). The outside employment and earned income limitations of the EIGA are administered by the Committee with respect to House Members, officers, and employees (5 U.S.C. app. 4 § 503(1)(A)). Finally, the notification of negotiation and recusal requirements created by the Honest Leadership and Open Government Act (HLOGA) are administered, in part, by the Committee.

II. ADVICE AND EDUCATION

Pursuant to a provision of the Ethics Reform Act of 1989 (2 U.S.C. § 4711(i)), the Committee maintains an Office of Advice and Education, which is staffed as directed by the Committee's Chairman and Ranking Member. Under the statute, the primary responsibilities of the Office include the following:

- Providing information and guidance to House Members, officers, and employees on the laws, rules, and other standards of conduct applicable to them in their official capacities;
- Drafting responses to specific advisory opinion requests received from House Members, officers, and employees, and submitting them to the Chairman and Ranking Member for review and approval;
- Drafting advisory memoranda on the ethics rules for general distribution to House Members, officers, and employees, and submitting them to the Chairman and Ranking Member, or the full Committee, for review and approval; and
- Developing and conducting educational briefings for House Members, officers, and employees.

The duties of the Office of Advice and Education are also addressed in Committee Rule 3, which sets out additional require-

ments and procedures for the issuance of Committee advisory opinions.

Under Committee Rule 3(j), the Committee will keep confidential any request for advice from a Member, officer, or employee, as well as any response to such a request. As a further inducement to House Members, officers, and employees to seek Committee advice whenever they have any uncertainty on the applicable laws, rules, or standards, statutory law (2 U.S.C. § 4711(i)(4)) provides that no information provided to the Committee by a Member or staff person when seeking advice on prospective conduct may be used as a basis for initiating a Committee investigation if the individual acts in accordance with the Committee's written advice. In the same vein, Committee Rule 3(k) provides that the Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion of the Committee if the conduct conforms to the specific facts addressed in the opinion. Committee Rule 3(l) also precludes the Committee from using information provided to the Committee by a requesting individual "seeking advice regarding prospective conduct . . . as the basis for initiating an investigation," provided that the requesting individual "acts in good faith in accordance with the written advice of the Committee." In addition, the Committee understands that federal courts may consider the good faith reliance of a House Member, officer, or employee on written Committee advice as a defense to Justice Department prosecution regarding certain statutory violations.[1]

The Committee believes that a broad, active program for advice and education is an extremely important means for attaining understanding of, and compliance with, the ethics rules. The specifics of the Committee's efforts in the areas of publications, briefings, and advisory opinion letters during the 113th Congress are set forth below. In addition, on a daily basis Committee staff attorneys provided informal advice in response to inquiries received from Members, staff persons, and third parties in telephone calls and e-mails directed to the Committee office, as well as in person. During the 113th Congress, Committee attorneys responded to nearly 40,000 phone calls and e-mail messages seeking advice, and participated in many informal meetings with Members, House staff, or outside individuals or groups regarding specific ethics matters.

PUBLICATIONS

The Committee's major publication is the *House Ethics Manual*, an updated version of which was issued in March 2008. The Manual provides detailed explanations of all aspects of the ethics rules and statutes applicable to House Members, officers, and employees. Topics covered by the Manual include the acceptance of gifts or travel, campaign activity, casework, outside employment, and involvement with official and outside organizations. The *House Ethics Manual* is posted in a searchable format on the Committee's Web site: http://ethics.house.gov.

[1] For example, a federal court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was undertaken in good faith reliance upon erroneous legal advice received from the official's supervising ethics office. United States v. Hedges, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990).

The Committee updates and expands upon the materials in the Manual, as well as highlights matters of particular concern, through the issuance of general advisory memoranda to all House Members, officers, and employees. The memoranda issued during the 113th Congress were as follows:

• Change to Financial Disclosure Reporting Obligations and Reminder Regarding Periodic Transaction Reporting Requirement (January 23, 2013);

• The 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (January 24, 2013);

• New Travel Forms (March 1, 2013);

• Ethics Guidance Related to Sequestration (March 8, 2013);

• REMINDER: Travel Approval Requests Must Be Submitted at least 30 Days Before the Trip (June 12, 2013);

• Notice With Regard to Financial Disclosure of Spouse Assets (July 24, 2013);

• Reminder about the 2013 Annual Ethics Training Requirement and Upcoming Training Dates (September 30, 2013);

• Reminder about the Limitation on Participating in Initial Public Offerings (November 5, 2013);

• Helping the Victims of the Philippines Typhoon (November 14, 2013);

• Holiday Guidance on the Gift Rule (December 4, 2013);

• Announcement of the New Electronic Filing System for Financial Disclosure Statements and Periodic Transaction Reports (January 14, 2014);

• The 2014 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (January 15, 2014);

• Update to Guidance on the Disclosure of Privately-Sponsored Travel (July 11, 2014);

• Campaign Activity Guidance (August 15, 2014);

• Holiday Guidance on the Gift Rule (December 4, 2014);

• Reminder About the 2014 Annual Ethics Training Requirement (December 22, 2014);

• Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers (December 23, 2014); and

• Negotiations for Future Employment and Restrictions on Post-Employment for House Staff (December 23, 2014).

A copy of each of these advisory memoranda is included as Appendix II to this Report.

In addition to the advisory memoranda listed above, the Committee issued an updated version of its summary memorandum, Highlights of the House Ethics Rules, in February 2013. Copies of all current Committee publications are available from the Committee's office, and their text is posted on the Committee's Web site. The Committee also submits a report each month of the Committee's activities to the Committee on House Administration. Finally, with this report and the annual report published by the Committee in early 2014, the Committee has sought to provide as much transparency as is appropriate. In addition to the many numbers re-

ferred to throughout this report, the Committee annually publishes the following summary chart in the interest of transparency.

Committee Report (numbers are approximate)	2013	2014	TOTAL
Formal Advice and Approval			
Advisory Opinion Requests Received	465	366	831
Advisory Opinions Mailed	416	323	739
Percentage of Opinions Mailed within 2 weeks	69%	68%	68.5%
Percentage of Opinions Mailed within 4 weeks	80%	80%	80%
Travel Requests Received	2,452	2,141	4,593
Travel Opinions Mailed	2,193	1,849	4,042
Percentage of Travel Opinions Mailed within 2 weeks	43%	22%	33%
Percentage of Travel Opinions Mailed within 4 weeks	82%	83%	82.5%
Informal Advice (including Financial Disclosure)			
Phone Calls	14,492	14,567	29,059
Emails	4,581	6,242	10,823
Training			
Total # of House Employees (as of Dec. 23)	9,313	9,285	----
Employees having completed training	9,132	----	----
Training briefings (scheduled training sessions)	48	54	102
Personal Advisory Meetings with Members, officers, and employees	710	1,135	1,845
Investigations			
Investigative Matters carried over from the 112th Congress	36	----	36
Investigative Matters commenced in the 113th Congress	30	23	53
Investigative Subcommittees carried over from the 112th Congress	0	----	0
Investigative Subcommittees commenced	3	1	4
Publicly Disclosed Resolutions	13	6	19
Confidential Resolutions	22	21	43
Referrals received from the Office of Congressional Ethics	14	7	21
Financial Disclosures			
FD Reports filed by Members, officers, and employees	1,988	2,419	4,407
FD Reports filed by Candidates	246	361	607
FD Reports and amendments reviewed by Committee staff	2,982	2,774	5,756
PTRs filed by Members, officers, and employees	1,646	1,346	2,992
Committee Publications			
Pink Sheets/General Advisories	11	9	20
Public Statements	19	28	47
Investigative Reports	4	6	10
Miscellaneous Oversight			
Recusals	46	54	100
Negotiations	93	113	206
Qualified Blind Trusts	2	2	2
Legal Expense Funds	8	11	18
Foreign Gifts and Travel Reports	4	6	10
Meetings			
Full Committee Meetings	13	11	24
Subcommittee Meetings	16	7	23
Working Group Meetings	9	16	25
Personnel			
Lowest Total Staff Level	23	21	---
Highest Total Staff Level	26	25	---

ETHICS TRAINING

Clause 3(a)(6) of House Rule XI, which originated in the 110th Congress, requires each House employee to complete ethics training each calendar year, pursuant to guidelines to be issued by the Committee. The House rules and Committee's guidelines require each House employee to complete one hour of ethics training each calendar year. The guidelines also require all House employees who are paid at the "senior staff rate" to complete an additional hour of training once each Congress on issues primarily of interest to senior staff.[2] Rule XI requires staff newly hired by the House to complete their training within 60 days of the commencement of their employment with the House.

Pursuant to its obligations under Rule XI, the Committee held 48 ethics training sessions during 2013 and 54 during 2014. During the 113th Congress, all employees other than new employees were permitted to fulfill their training requirement either through attending a training session in person or by viewing an on-line presentation. The training sessions for new employees provided a general summary of the House ethics rules in all areas, such as gifts, travel, campaign activity, casework, involvement with outside entities, and outside employment. The live and on-line sessions for existing House employees covered specific topics, such as gifts and travel or campaign work, on a more in-depth basis. The Committee also had several different options that senior staff could use to fulfill their requirement of one additional hour of training. The on-line training provided a general overview of ethics rules of particular interest to senior staff. The live training sessions focused in depth on a single topic, of import for senior staff, such as the rules on completing a Financial Disclosure Statement, the post-employment restrictions, or STOCK Act filings.

In 2013, the Committee trained more than 2,000 employees in person at live ethics briefings, and nearly 8,000 used one of the on-line training options. During 2014, the Committee trained more than 1,500 employees in person at live ethics briefings, and more than 7,000 through one of the on-line training options. The total number of employees who completed ethics training for 2014 will be determined after January 31, 2015, the date that House Rule XI established as the deadline for employees to certify completion of the ethics training requirement for 2014.

In addition to the training required under House Rule XI, the Committee also provided training in several other contexts. The House will include 60 new Members in the 114th Congress, most of whom have not previously served in the House. The Committee made a presentation to the Members-elect of the 114th Congress during New Member Orientation. The Committee also met with numerous departing Members and staff to counsel them on the ethics rules related to their transition to private life and the post-employment restrictions. The Committee also provided training open to all House Members, officers, and employees on the financial disclosure rules, which is discussed further in Section III. Finally, together

[2] In 2014, the senior staff rate was $120,749 per year, or a monthly salary above $10,062. This figure is subject to change each year, and the Committee issues a general advisory memorandum to all House Members, officers, and employees announcing changes in this and other salary thresholds relevant to ethics rules.

with the Committee on House Administration, the Committee participated in two general briefings, one in 2013 and one in 2014, on the rules related to Member participation in the Congressional Art Competition.

Committee staff also participated in approximately 10 briefings sponsored by or held for the members of outside organizations. In addition, Committee staff led approximately 12 briefings for visiting international dignitaries from a variety of countries, including Venezuela, Tanzania, and Armenia.

The Committee will continue this outreach activity in the 114th Congress.

ADVISORY OPINION LETTERS

The Committee's Office of Advice and Education, under the direction and supervision of the Committee's Chairman and Ranking Member, prepared and issued nearly 740 private advisory opinions during the 113th Congress: 416 in 2013 and 323 in 2014. Opinions issued by the Committee in the 113th Congress addressed a wide range of subjects, including various provisions of the gift rule, Member or staff participation in fund-raising activities of charities and for other purposes, the outside earned income and employment limitations, campaign activity by staff, and the post-employment restrictions.

TRAVEL APPROVAL LETTERS

As discussed above, House Rule XXV, clause 5(d)(2), which was enacted at the start of the 110th Congress, charged each House Member or employee with obtaining approval of the Committee prior to undertaking any travel paid for by a private source on matters connected to the individual's House duties.

House Rule XXV, clause 5(i), charges the Committee with undertaking an annual review of its guidelines and regulations regarding privately-funded, officially-connected travel by House Members, officers, and employees. In the 112th Congress, the Committee carried over a bipartisan travel working group to assess and make recommendations regarding its process for the review and approval of such travel. Committee members Representatives Charles Dent and Donna F. Edwards comprised the working group. As a result of the efforts of the working group, the Committee adopted comprehensive revised travel regulations for privately-sponsored, officially-connected travel which were released as a general advisory on December 27, 2012. The regulations were made effective for travel beginning on April 1, 2013. In the 113th Congress, the Committee continued its ongoing efforts to review the guidelines and regulations regarding privately-funded, officially-connected travel. This review included a thorough examination of the forms used for privately-funded, officially-connected travel approval.

Under the travel approval process established by the Committee to implement this rule, the Committee reviewed more than 2,400 requests, and issued letters approving nearly 2,000 requests for travel in 2013. In 2014, the Committee reviewed more than 2,140 requests and issued letters approving nearly 1,850 requests for travel. The Committee also reviewed the post-travel disclosure forms filed by the traveler on each approved trip pursuant to

House Rule XXV, clause 5(b)(1)(A)(ii), requesting amendments or other remedial action by the traveler when deemed necessary.

III. FINANCIAL DISCLOSURE

Title I of the Ethics in Government Act of 1978 (EIGA), as amended (5 U.S.C. app. 4 §§ 101–111), requires certain officials in all branches of the federal government, as well as candidates for federal office, to file publicly-available Financial Disclosure Statements (Statements). These Statements disclose information concerning the filer's finances, as well as those of certain family members. By May 15 of each year, these "covered individuals" are required to file a Statement that provides information for the preceding calendar year. In addition, the Stop Trading on Congressional Knowledge Act (STOCK Act) amended EIGA to add a requirement that financial disclosure filers must report certain securities transactions over $1,000 no later than 45 days after the transaction. The Committee has termed these interim reports "Periodic Transaction Reports" or "PTRs."

Starting in 2013, financial disclosure filers were able to use an online electronic filing system to draft and submit their Statements and PTRs. Thanks to a very industrious collaboration with the Clerk of the House to create the online system, and extensive outreach and education, more than half of all Members and staff used the online electronic filing system to submit their calendar year 2013 Statements. Specifically, 63% of Members and 72% of House staff used the online system to draft and submit their 2013 Statements.

The Committee engages in substantial training efforts to assist filers with completing their Statements and PTRs. In 2013 and 2014, the Committee held three briefings for Members and three for officers and employees. In 2014, the Committee hosted six walk-in clinics to support filers' use of the new electronic filing system for Statements and PTRs.

In 2013, the Committee formed a bipartisan working group led by Representative Susan W. Brooks and Representative Ted Deutch to study matters related to disclosure of and handling of personal financial interests in the House of Representatives. In 2013 and 2014, the working group met formally 25 times. The working group sought input from the House community, as well as ethics experts from the government and private sector, during its review. The working group's efforts resulted in changes to the Committee's guidance on the financial disclosure of modern complex investment vehicles.

For the 113th Congress, the Committee continued its long-standing practice of Committee staff meeting with Members, officers, and employees of the House to assist filers with their Statements and PTRs. Committee staff responded to telephone, e-mail, and in-person questions from filers on an as-needed basis, in addition to reviewing drafts of Statements and PTRs. The Committee issued advisory memoranda concerning financial disclosure to the House community: three in 2013 and three in 2014. These advisories are available on the Committee's Web site and in Appendix II to this Report. The Committee encourages all financial disclosure filers to avail themselves of opportunities to seek and receive information and assistance.

For calendar year 2013, the Legislative Resource Center of the Clerk's office referred a total of 2,780 Financial Disclosure Statements to the Committee for review. Of those, 2,012 were Statements filed by current or new House Members or employees, 407 were filed by departing House Members or employees, and 361 were Statements filed by candidates for the House. The Clerk's office also referred a total of 1,646 PTRs to the Committee for review. The Committee received 697 PTRs from Members and 949 PTRs from officers and employees.

For calendar year 2014, the Legislative Resource Center of the Clerk's office referred a total of 2,774 Statements to the Committee for review. Of those, 1,900 were Statements filed by current or new House Members or employees, 120 were filed by departing House Members or employees, and 754 were Statements filed by candidates for the House. The Clerk's office also referred a total of 1,346 PTRs to the Committee for review, representing over 9,183 individual transactions. The Committee received 559 PTRs from Members and 787 PTRs from officers and employees.

Where the Committee's review indicated that a filed Statement or PTR was deficient, the Committee requested an amendment from the filer. Such amendments are routine and, without evidence of a knowing or willful violation, the Committee will usually take no further action. The Committee also followed up with filers whose Statements indicated non-compliance with applicable law, such as the outside employment and outside earned income limitations.

IV. COMMITTEE RULES

After the beginning of each Congress, the Committee must adopt rules for that Congress. On February 3, 2013, the Committee met and adopted the Committee rules for the 113th Congress. The substance of the Committee rules for the 113th Congress was largely identical to the amended rules adopted in the 112th Congress, except they were changed in conformance with changes that had been made to the House rules for the 113th Congress.[3]

A copy of the Committee Rules for the 113th Congress is included as Appendix III to this Report.

V. INVESTIGATIONS

Article I, Section 5 of the Constitution grants each chamber of Congress the power to "punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member." The Committee is designated by House rule as the body which conducts the investigative and adjudicatory functions which usually precede a vote by the full House regarding such punishment or expulsion. House Rule XI, clause 3, as well as Committee Rules 13 through 28, describe specific guidelines and procedures for the exercise of that authority.

The Committee's investigations are conducted either pursuant to authorization by the Chairman and Ranking Member, under Com-

[3] In the 112th Congress, as a result of the efforts of a working group formed to assess the Committee's rules and procedures, numerous changes were made to the Committee's investigative rules, including changes to Committee Rules 4, 9, 17A, 18, 19 and 23. Those changes were adopted by the Committee on May 18, 2012. House Comm. on Ethics, *Summary of Activities One Hundred Twelfth Congress,* H. Rept. 112–730, 112th Cong. 2nd Sess. at 21 (2012).

mittee Rule 18(a), or pursuant to a vote by the Committee to empanel an Investigative Subcommittee (ISC). Most investigations are conducted pursuant to Committee Rule 18(a). Even those investigations that ultimately result in the formation of an ISC usually begin as Committee Rule 18(a) investigations. Committee Rule 18(a) and ISC investigations differ only in process, not substance. In both kinds of investigations, Committee staff are authorized by Members of the Committee to interview witnesses, request documents and information, and engage in other investigative actions. Further, both the Committee and ISC may authorize subpoenas for documents and witness testimony.[4]

The Committee may opt to investigate a matter under Committee Rule 18(a) rather than an ISC for a number of reasons. For example, investigating pursuant to Committee Rule 18(a) preserves the Committee's ability both to deploy its limited resources in the most efficient manner possible, and to maintain the confidentiality of its investigations. In general, the Committee publicly announces when it has voted to empanel an ISC. In contrast, most investigations conducted pursuant to Committee Rule 18(a) are confidential. Maintaining the confidentiality of investigations minimizes the risk of interference and protects the identities of complainants. Indeed, in recent investigations, employees of a Member have brought allegations of misconduct to the Committee when they have remained in the employ of the Member and faced intimidation or reprisal.[5] Maintaining a confidential investigation also avoids unnecessarily tarnishing a Member's reputation before a determination of wrongdoing has been made.

Whether the Committee investigates a matter under Committee Rule 18(a) or through an ISC, by rule, the Committee may choose to exercise its investigative authority in several different scenarios.[6] However, most Committee investigations begin when the Committee, on its own initiative, undertakes an investigation. In the 113th Congress, the Committee commenced or continued investigative fact-gathering regarding 89 separate investigative matters, most of which were begun at the Committee's initiative. Those matters also included referrals from the OCE. In the 113th Congress, the OCE referred 21 matters to the Committee, 15 with a recommendation for further review and 6 with a recommendation for dismissal.

The OCE in an independent office within the House created by a House resolution in the 110th Congress after the release of a report of the Democratic Members of the Special Ethics Task Force

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[4] The mechanism for issuing a subpoena by the Committee or an ISC does differ. Where an ISC has been empanelled, it can authorize a subpoena, to be signed by the Committee's Chairman and Ranking member. If the investigation is at the Committee Rule 18(a) stage, the full Committee can vote to issue a subpoena to be signed by the Chairman.

[5] *See e.g.*, House Comm. on Standards of Official Conduct, *In the Matter of Allegations relating the Representative Laura Richardson,* H. Rept. 112–642, 112th Cong. 2d Sess. (2012).

[6] Specifically, the Committee may exercise its investigative authority when: (1) information offered as a complaint by a member of the House of Representatives is transmitted directly to the Committee; information offered as a complaint by a Member of the House of representatives is transmitted directly to the Committee; (2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee; (3) the Committee, on its own initiative, undertakes an investigation; (4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony; (5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or (6) a referral from the OCE is transmitted to the Committee. *See* Committee Rule 14(a).

on Ethics Enforcement (Task Force Report).[7] According to the Task Force Report, the OCE Board has the responsibility to review information on allegations of misconduct by Members, officers, and employees of the House and make recommendations to the Committee for the Committee's official consideration and action. Two OCE Board members may initiate a review by notifying all other OCE Board members in writing. The OCE Board then has 30 calendar days to consider the matter in a preliminary review phase and may vote to either terminate the review or progress to the second-phase review. Once in the second phase, the OCE Board has 45 calendar days (with a possible one-time extension of 14 days) to complete consideration of the matter and refer it to the Committee with a recommendation for dismissal, further review, or as unresolved due to a tie vote. The OCE Board's referral may not contain any conclusions regarding the validity of the allegations upon which it is based or the guilt or innocence of the individual who is the subject of the review. The Task Force considered whether to give the OCE either direct or indirect subpoena power. But the Task Force Report ultimately decided not to give the OCE subpoena power based on a number of factors. Instead, the Task Force Report stated that the Board's referral may include recommendations for the issuance of subpoenas by the Committee where members feel it appropriate.

When the Committee receives a referral from the OCE, it is required to review the referral "without prejudice or presumptions as to the merit of the allegations."[8] The Committee thus makes an independent determination about how to proceed in the matter based on the information before the Committee, which may include not only the OCE referral and supporting documents provided to the Committee by the OCE, but other information. It is not uncommon that the Committee's review will require more than 90 days, because of the need to review documents, interview witnesses, and/or assess the legal significance of evidence, among other investigative steps. Some investigations may require the review of tens of thousands, if not hundreds of thousands, of pages of documents. For example, in the 113th Congress one investigation that spanned multiple Congresses required the Committee to review more than 220,000 pages of documents to resolve the matter.[9]

In one matter referred to the Committee during the 112th Congress, although the OCE recommended dismissal, the Committee continued review of the matter. In another matter referred during the 112th Congress, the Committee agreed with the OCE's recommendation to dismiss certain allegations against a Member but continued its own, confidential review of related allegations against the same Member that were not part of the OCE's referral. As described further below, in one of those matters, the Committee subsequently issued a letter of reproval; the other matter remains pending. Had the Committee simply accepted the OCE recommendation to dismiss each matter, it would not have been required to make any public statement or conduct any further investigation.

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[7] Special Task Force on Ethics Enforcement, 110th Cong., Report of the Democratic Members of the Special Task Force on Ethics Enforcement (Comm. Print 2007).

[8] Committee Rule 17A(a).

[9] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Don Young,* H. Rept. 113–487, 113th Cong. 2nd Sess. at 2 (2014).

In some instances, the Committee may be asked to defer its investigation by another law enforcement entity, generally the U.S. Department of Justice (DOJ). The Committee typically honors such requests, barring unusual circumstances. For one thing, parallel investigations pose the risk of compromising one another. Also, for the most serious criminal violations, only DOJ can pursue a prosecution to seek imprisonment, the most serious possible consequence for a violation of law. Provided that the Committee still retains jurisdiction, a decision by the Committee to defer does not preclude the Committee from continuing its investigation later, regardless of the outcome of the other entity's investigation. In addition, a decision by the Committee to defer an investigation does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee. In the 113th Congress, the Committee did opt to defer several investigations at the request of DOJ, as described further below.

The Committee publicly addressed 34 investigative matters during the 113th Congress. In addition to confidential matters, the Committee also carried over several public matters from the 112th Congress. In the 113th Congress, the Committee continued to address the matters concerning Representatives Robert E. Andrews, Vern Buchanan, Michael G. Grimm, Alcee L. Hastings, William L. Owens, and Aaron Schock. A chronological overview of public statements made by the Committee in the 113th Congress regarding investigative matters follows.

On February 6, 2013, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative William L. Owens and officially-connected travel that was sponsored, funded, or organized by the Taipei Economic and Cultural Representative Office (TECRO).

On February 6, 2013, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Aaron Schock and persons working on his behalf solicited funds on behalf of a political action committee in excess of the legal limitations on such solicitations.

On February 26, 2013, the Committee voted to establish an ISC with regard to allegations that Representative Don Young improperly obtained, received, or accepted gifts, improperly used official resources or campaign funds for personal purposes, failed to report certain gifts on his annual Financial Disclosure Statements, and made false statements to federal officials.

On February 26, 2013, the Committee voted to establish an ISC with regard to allegations that Representative Robert E. Andrews improperly used funds from his principal campaign committee and leadership PAC for personal purposes, used official resources for nonofficial and personal purposes, and made false statements to federal officials.

On July 26, 2013, the Committee announced that it had unanimously voted to dismiss three referrals from the OCE related to a privately-sponsored trip that was paid for, in part, by the Turkish Coalition of America (TCA).

On September 11, 2013, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Michele Bachmann

used her leadership PAC to compensate a campaign consultant for work performed for her presidential campaign, used campaign resources to promote the sale of her book, and received improper in-kind contributions to her presidential campaign from her book publisher.

On September 11, 2013, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Timothy H. Bishop or a member of his campaign staff solicited a campaign donation from a constituent who had sought official action from his office.

On September 11, 2013, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Peter Roskam and officially-connected travel that was sponsored, funded, or organized by TECRO.

On September 11, 2013, the Committee transmitted a Report to the House regarding allegations referred by the OCE that Representative John F. Tierney failed to report some payments his wife received from her family to the Internal Revenue Service and on his annual Financial Disclosure Statements.

On October 30, 2013, the Committee voted not to establish an ISC with regard to the arrests of eight Members—Joseph Crowley, Keith Ellison, Al Green, Raul M. Grijalva, Luis V. Gutierrez, John Lewis, Charles B. Rangel, and Jan Schakowsky—for blocking passage during a protest in front of the United States Capitol.

On November 15, 2013, the Committee transmitted a Report to the House regarding allegations relating to travel to Taiwan by Representatives William Owens and Peter Roskam in 2011.

On November 26, 2013, the Committee announced that it had unanimously voted to continue deferring consideration of allegations related to Representative Michael G. Grimm in response to a request from DOJ in the 112th Congress.

On December 12, 2013, the Committee voted to establish an ISC with respect to conduct forming the basis for criminal charges of possession of cocaine in the District of Columbia, to which Representative Henry J. "Trey" Radel III pled guilty.

On March 24, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Cathy McMorris Rodgers used House resources for campaign activity and combined campaign and House resources for her campaign for a Republican House leadership position.

On March 24, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Markwayne Mullin received outside earned income in excess of the outside earned income limitations that apply to Members of Congress and impermissibly received payment for his service on the board of directors of a company.

On May 5, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Luis V. Gutiérrez used his Member's Representational Allowance (MRA) to pay for consulting services that may not be paid for with MRA funds.

On May 8, 2014, the Committee voted to establish an ISC with regard to allegations forming the basis for criminal charges of obstructing the tax law, conspiracy to defraud the United States, aiding and abetting tax evasion, health care fraud, wire fraud, mail fraud, unlawful employment of aliens, obstruction of an official proceeding, and perjury, as filed against Michael G. Grimm in the United States District Court for the Eastern District of New York on April 25, 2014.

On June 11, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Steve Stockman accepted campaign contributions from persons who were employed by his congressional office, falsified Federal Election Commission (FEC) reports and official payroll records, made false statements to the OCE, and compensated part-time staff as full-time House employees.

On June 20, 2014, the Committee transmitted a Report to the House regarding allegations relating to Representative Don Young.

On June 18, 2014, the Committee unanimously voted to defer consideration of allegations referred by the OCE that Representative Michael G. Grimm threatened a reporter following the 2014 State of the Union address, in response to a request from DOJ.

On September 10, 2014, the Committee voted not to establish an ISC with regard to the arrest of Representative Gwen Moore for disorderly conduct during a protest in West Milwaukee, Wisconsin.

On September 30, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Tom Petri took official actions on behalf of entities in which he had a financial interest.

On October 29, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Paul Broun used his MRA to pay for consulting services that may not be paid for with MRA funds.

On November 10, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Bobby L. Rush received unpaid usage of office space.

On November 10, 2014, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Ed Whitfield's wife, a federally-registered lobbyist, actively lobbied his congressional office and used his staff to actively lobby other congressional offices.

On November 26, 2014, the Committee announced that it had unanimously voted to continue deferring consideration of allegations related to Representative Michael Grimm in response to a request from DOJ in the 112th Congress.

On December 11, 2014, the Committee submitted four individual Reports to the House in separate matters regarding allegations related to Representative Judy Chu, Representative Alcee L. Hastings, Representative Phil Gingrey, and Representative Tom Petri.

These investigative matters are described in more detail below, in alphabetical order. Copies of all of the Committee's public state-

ments related to these matters are included as Appendix IV to this Report.

In the Matter of Allegations related to Representative Robert E. Andrews

On April 2, 2012, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Robert E. Andrews may have converted funds from his principal campaign committee and leadership political action committee (PAC) to personal use by paying for trips to Scotland and to California with family members. On August 31, 2012, the Chairman and Ranking Member released a public statement that, pursuant to Committee Rule 18(a), the Committee would continue to review the matter. On that same date, pursuant to Committee Rule 17A(c)(2), the Committee published OCE's Report and Findings relating to allegations against Representative Andrews.

On February 26, 2013, based on the results of the 18(a) investigation, the Committee unanimously voted to empanel an ISC to investigate allegations that Representative Andrews improperly used funds from his principal campaign committee and PAC for personal purposes, used official resources for nonofficial and personal purposes, and made false statements to federal officials.

On February 4, 2014, Representative Andrews announced that he was resigning from the House, effective February 18, 2014. On the date of Representative Andrews' resignation, the ISC's and the Committee's jurisdiction to continue its investigation of Representative Andrews ended.

In the Matter of Allegations related to Representative Michele Bachmann

On June 13, 2013, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Michele Bachmann may have violated the Federal Election Campaign Act, 2 U.S.C. 441a, as well as House Rule XXIII, clause 1, where her leadership PAC allegedly compensated a campaign consultant for work performed for Representative Bachmann's presidential campaign.[10] The Report and Findings also recommended further review of allegations that her campaign used its resources to promote Representative Bachmann's book, and her book publisher provided improper in-kind contributions to her presidential campaign. The Committee released the OCE's Report and Findings, along with Representative Bachmann's response, on September 11, 2013, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

Representative Bachmann did not run for election to the House for the 114th Congress and the Committee will not have jurisdiction over her after January 3, 2015.

Representative Timothy H. Bishop

On June 13, 2013, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allega-

[10] This statute was recodified as 52 U.S.C. § 30116, effective September 1, 2014.

tions that Representative Timothy H. Bishop may have violated 18 U.S.C. 201, as well as House Rule XXIII, clause 1, where he allegedly solicited a campaign contribution from a constituent seeking official action from his office. The Committee released the Report and Findings, along with Representative Bishop's response, on September 11, 2013, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

Representative Bishop lost his bid for reelection to the House for the 114th Congress and the Committee will not have jurisdiction over him after January 3, 2015.

In the Matter of Allegations related to Representative Paul Broun

On July 31, 2014, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Paul Broun may have used his MRA to pay for consulting services that may not be paid for with MRA funds. The Committee released the Report and Findings on October 29, 2014, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

Representative Broun did not run for election to the House for the 114th Congress, and the Committee will not have jurisdiction over him after January 3, 2015.

In the Matter of Allegations related to Representative Vern Buchanan

On February 9, 2012, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Vern Buchanan may have violated 18 U.S.C. §§ 201, 1505, and 1512, as well as House Rule XXIII, clause 1, by making the settlement of a lawsuit against a former business partner contingent on the business partner signing a false affidavit to be filed with the FEC. The Committee in the 112th Congress released the OCE Report and Findings, along with Representative Buchanan's response, on May 9, 2012, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 113th Congress the Committee had not completed its investigation into this matter. Representative Buchanan was reelected to the House for the 114th Congress.

In the Matter of Allegations related to Representative Judy Chu [11]

In June 2011, the Chairman and Ranking Member of the Committee for the 112th Congress authorized Committee staff to investigate allegations, pursuant to Committee Rule 18(a), that Representative Judy Chu's Chief of Staff and Legislative Director had required other staff to perform campaign-related work in the House office, during regular working hours. The Committee investigated the allegations and determined that Representative Chu's Chief of Staff and Legislative Director directed members of Representative Chu's staff to perform campaign-related work using official re-

[11] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Judy Chu,* H. Rept. 113–665, 113th Cong. 2nd Sess. (2014).

sources on a sporadic and limited basis. The investigation did not reveal any evidence that Representative Chu was aware of any improper use of official resources for campaign purposes.

However, the Committee did find that Representative Chu took actions that interfered with the Committee's investigation of the matter. During the Committee's investigation, Representative Chu communicated with a potential material witness in a manner suggestive of an interpretation of events that the Committee was investigating. Representative Chu later expressed regret for her inappropriate communications. The Committee unanimously decided to issue a public letter of reproval regarding her interference with the Committee's investigation.

On December 11, 2014, the Committee submitted a Report to the House describing the facts and its findings in this matter and issued a public letter of reproval to Representative Chu.

In the Matter of Allegations related to Representative Phil Gingrey [12]

In the Spring of 2012, the Chairman and Ranking Member of the Committee for the 112th Congress authorized Committee staff to investigate allegations, pursuant to Committee Rule 18(a), that Representative Phil Gingrey received stock warrants from two Georgia community banks—Bank of Ellijay and Westside Bank—as compensation for serving on their boards of directors, and that he advocated legislation that would benefit the banks.

On April 2, 2012, the OCE forwarded to the Committee a Report in which it recommended dismissal of allegations that Representative Gingrey received stock warrants as compensation for his service as a board member. On August 2, 2012, the Committee voted unanimously to close its review of the compensation allegation, while continuing its review of allegations related to Representative Gingrey's advocacy on behalf of the banks.

The Committee's investigation showed that Representative Gingrey invested $250,000 in Bank of Ellijay, and subsequently took official actions to assist the bank. The Committee found no evidence that Representative Gingrey's actions resulted in any financial benefit to him, or were taken with that intent. However, the Committee concluded that Representative Gingrey's efforts to assist Bank of Ellijay violated two provisions of the Code of Ethics for Government Service, which prohibit dispensing special favors to anyone, "whether for renumeration or not," and the acceptance of benefits that could be seen as influencing a Member's official duties. The Committee also found that Representative Gingrey's actions did not reflect creditably on the House or comport with the spirit of the House rules regarding conflicts of interest.

On December 11, 2014, the Committee submitted a Report to the House describing the facts and its findings in this matter and issued a public letter of reproval to Representative Gingrey.

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[12] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Phil Gingrey,* H. Rept. 113–664, 113th Cong. 2nd Sess. (2014).

In the Matter of Allegations related to Representative Michael G. Grimm

On June 28, 2012, the OCE forwarded to the Committee a Report in which it recommended dismissal of allegations that Representative Michael G. Grimm may have violated federal campaign finance laws, where he allegedly solicited and accepted prohibited campaign contributions, including contributions in excess of contribution limits, excessive cash contributions, contributions from foreign nationals, and contributions made in the name of another. The Report contained additional allegations that Representative Grimm had filed false information in his campaign finance reports to the FEC, and that he may have improperly sought assistance from a foreign national in soliciting campaign contributions in exchange for offering to use his official position to assist that individual in obtaining a green card. The OCE recommended dismissal because it could not establish with sufficient certainty that a violation occurred after Representative Grimm became a Member of Congress.

On November 15, 2012, the Committee unanimously voted to affirm jurisdiction over matters relating to a successful campaign for election to the House. The Committee had previously taken this position with respect to its jurisdiction in other matters similar to these allegations, where Members had allegedly violated laws, rules, or standards of conduct when conducting their initial campaign for the House.[13] Because the Committee disagreed with the OCE's conclusion regarding its jurisdiction, the Committee released a public statement on November 26, 2012, and stated that it had authorized an inquiry into the alleged violations pursuant to Committee Rule 18(a). However, the Committee noted that DOJ had requested that the Committee defer its investigation of the matter, and the Committee agreed to do so. The Committee issued a public statement on November 26, 2013, and again on November 26, 2014, stating that it would continue to defer its investigation of this matter at DOJ's request.

On April 9, 2014, the OCE forwarded to the Committee a Report and Findings recommending further review of allegations that Representative Grimm violated the House Code of Official Conduct and District of Columbia law by threatening a reporter in the course of an interview following the 2014 State of the Union address.[14] On June 25, 2014, the Committee released the OCE Report and Findings, and stated that DOJ had asked the Committee to defer consideration of the matter, and the Committee had agreed to do so.

On April 25, 2014, the U.S. Attorney for the Eastern District of New York filed an indictment against Representative Grimm in federal district court, charging him with obstructing the tax law, conspiracy to defraud the United States, aiding and abetting tax evasion, health care fraud, wire fraud, mail fraud, unlawful employment of aliens, obstruction of an official proceeding, and perjury. On May 23, 2014, the Committee issued a public statement indicating that on May 8, 2014, the Committee voted unanimously

[13] *See, e.g.*, House Comm on Standards of Official Conduct, *In the Matter of Representative Earl F. Hilliard,* H. Rept. 107–130, 107th Cong. 1st Sess. (2001); House Comm. on Standards of Official Conduct, *In the Matter of Representative Jay Kim,* H. Rept. 105–797, 105th Cong. 2d Sess. at 6,677 (1998).

[14] *See* House Rule XXIII, clauses 1 and 2; D.C. Code § 22–404 (2013); D.C. Code § 22–407 (2013).

to establish an ISC with jurisdiction to determine whether Representative Grimm violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to the allegations forming the basis for the criminal charges against him. The Committee further stated that DOJ had asked the Committee to defer consideration of the matter, and the Committee agreed to do so.

As of the conclusion of the 113th Congress, the Committee continues to defer its investigation of the above matters, at the request of DOJ. Representative Grimm was reelected to the House for the 114th Congress. However, on December 29, 2014, Representative Grimm announced his intention to resign from the House, effective January 5, 2015, after the beginning of the 114th Congress. Should Representative Grimm resign, the Committee's jurisdiction to continue its investigation of Representative Grimm will end at that time.

In the Matter of Allegations related to Representative Luis V. Gutiérrez

On December 4, 2013, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Luis V. Gutiérrez impermissibly used his MRA to pay a consultant to perform work on behalf of his official office. The referral also included an allegation that Representative Gutiérrez impermissibly allowed the consultant to lobby him during the time he was employed by Representative Gutiérrez. Committee Rule 17A(j) provides that the Committee may postpone any reporting requirement related to a referral from the OCE that falls within 60 days of an election in which the subject of the referral is a candidate. Representative Gutiérrez was on the primary ballot in March 2014. Therefore, the announcement that the Chairman and Ranking Member jointly decided to extend the matter of Representative Gutiérrez for a 45-day period pursuant to Committee Rule 18A(b)(1)(A) was postponed until March 20, 2014. On May 5, 2014, the Chairman and Ranking Member released a public statement that, pursuant to Committee Rule 18(a), the Committee would continue to review the matter. On that same date, pursuant to Committee Rule 17A(c)(2), the Committee published the OCE's Report and Findings relating to allegations against Representative Gutiérrez.

As of the conclusion of the 113th Congress the Committee had not completed its investigation into this matter. Representative Gutiérrez was reelected to the House for the 114th Congress.

In the Matter of Allegations related to Representative Alcee L. Hastings [15]

On November 8, 2011, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Alcee L. Hastings may have violated House Rule XXIII, clause 1, and the Congressional Accountability Act, 2 U.S.C. §§ 1311(a), 1317(a), where he allegedly sexually har-

[15] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Alcee L. Hastings,* H. Rept. 113–663, 113th Cong. 2nd Sess. (2014).

assed a staffer of the United States Commission on Security and Cooperation in Europe. The Committee in the 112th Congress released the OCE's Report and Findings, along with Representative Hastings' response, on January 11, 2012, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

The Committee conducted a thorough investigation into these allegations, reviewing more than one thousand pages of documents and interviewing eight witnesses, some more than once. At the conclusion of its investigation, the Committee found that the most serious allegations in this matter were not supported by evidence. While Representative Hastings did admit to certain conduct that was less than professional, the Committee determined that the conduct did not rise to the level of a violation of House rules, laws, regulations, or other standards of conduct.

On December 11, 2014, the Committee submitted a Report to the House describing the facts and its findings in this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations related to Representative Cathy McMorris Rodgers

On December 23, 2013, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Cathy McMorris Rodgers may have violated House rules by using House resources for campaign activity and combined campaign and House resources for her campaign for a House leadership position. The Committee released the OCE's Report and Findings, along with Representative McMorris Rodgers' response, on March 24, 2014, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 113th Congress the Committee had not completed its investigation into this matter. Representative McMorris Rodgers was reelected to the House for the 114th Congress.

In the Matter of Allegations related to Representative Gwen Moore [16]

In accordance with the requirements of H. Res. 451, H. Res. 5, Section 4(d) and Committee Rule 18(e)(2), the Committee convened on September 10, 2014, to consider the arrest of Representative Gwen Moore for disorderly conduct during a protest in West Milwaukee, Wisconsin, on September 4, 2014. After reviewing and considering this matter, the Committee voted against empanelling an ISC. In reaching this decision, the Committee considered the scope and nature of the violation, and determined it to be one for which review by an investigative subcommittee was not required.

On September 11, 2014, the Committee submitted a report to the House of Representatives describing the facts and its findings regarding this matter.

[16] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Gwen Moore,* H. Rept. 113–585, 113th Cong. 2nd Sess. (2014).

In the Matter of Allegations related to Representative Markwayne Mullin

On December 23, 2013, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Markwayne Mullin received outside earned income in excess of the outside earned income limitations that apply to Members of Congress and that he impermissibly received payment for his service on the board of directors of a company. The Committee released the Report and Findings, along with Representative Mullin's response, on March 24, 2014, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 113th Congress the Committee had not completed its investigation into this matter. Representative Mullin was reelected to the House for the 114th Congress.

In the Matter of Allegations related to Representative Tom Petri [17]

On July 2, 2014, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Tom Petri may have violated House rules, laws, and other standards of conduct where he allegedly undertook official actions for entities in which he had a financial interest. The Committee released the OCE's Report and Findings, along with Representative Petri's response, on September 30, 2014, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

The Committee investigated the allegations and determined that Representative Petri repeatedly sought advice from the Committee staff on the official actions in question, and appears to have substantially complied with that advice. The Committee concluded that Representative Petri was entitled to rely on the staff-level analysis of his conduct and their contemporaneous advice.

On December 11, 2014, the Committee submitted a Report to the House describing the facts and its findings in this matter, as well as its determination to take no further action in this matter.

In the Matter of the Representative Henry J. "Trey" Radel III

In accordance with the requirements of H. Res. 451, H. Res. 5, Section 4(d) and Committee Rule 18(e)(2), on December 12, 2013, the Committee established an ISC to determine whether Representative Henry J. "Trey" Radel III violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to conduct forming the basis for criminal charges of possession of cocaine in the District of Columbia, to which Representative Radel pled guilty on November 20, 2013.

On January 27, 2014, Representative Radel announced that he was resigning from the House, effective that day. On the date of Representative Radel's resignation, the ISC's and the Committee's jurisdiction to continue its investigation of Representative Radel ended.

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[17] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Tom Petri,* H. Rept. 113–666, 113th Cong. 2nd Sess. (2014).

In the Matter of Allegations related to Representatives William Owens and Peter Roskam [18]

Beginning in the 112th Congress, the Committee began investigating separate trips taken to Taiwan by Representatives William Owens and Peter Roskam that were sponsored by the Chinese Culture University (CCU), a private university. Although CCU was ostensibly the private sponsor of each Member's trip, the Taipei Economic and Cultural Representative Office (TECRO) had previously invited each Member on a trip to Taiwan. TECRO is the representative of the Government of Taiwan in the United States and so any trip sponsored by TECRO could only be authorized under the Mutual Educational and Cultural Exchange Act (MECEA).

After TECRO extended the initial invitations, each Member's trip was changed from a MECEA program to travel subject to the House's officially-connected, privately-sponsored travel rules. Following the change in the nature of the trip, both Members sought and received approval from the Committee for themselves and their wives to participate in these privately-sponsored trips to Taiwan, now sponsored by CCU. However, TECRO remained involved in the planning and conduct of the trip. At that time, the Committee was not informed that the trips had initially been planned and organized under the MECEA program. It was only after the conclusion of the trips that the Committee became aware of this fact.

Neither TECRO nor CCU cooperated with the Committee's investigation of these two trips, and the Committee's investigation determined that the presently-available evidence was inconclusive as to whether CCU was a proper sponsor under the privately-sponsored travel rules. Thus, the Committee was unable to determine if Representative Roskam's travel was improper. However, the Committee's investigation did find that Park Strategies, LLC, a registered foreign agent for TECRO, was closely involved in the planning and organization of Representative Owens' trip. Under the privately-sponsored travel rules, such lobbyist involvement is prohibited. Thus, the Committee determined that Representative Owens' travel was improper, and repayment of the market value of the travel was necessary. Representative Owens had voluntarily repaid the value of the travel for both him and his wife prior to the Committee's review.

On November 15, 2013, the Committee submitted a Report to the House describing the facts and its findings in this matter, as well as its determination to take no further action.

In the Matter regarding the arrests of Members of the House during a protest outside the United States Capitol on October 8, 2013 [19]

In accordance with the requirements of H. Res. 451, H. Res. 5, Section 4(d) and Committee Rule 18(e)(2), the Committee convened on October 30, 2013, to consider the arrest of Representatives Joseph Crowley, Keith Ellison, Al Green, Raul M. Grijalva, Luis V. Gutierrez, John Lewis, Charles B. Rangel, and Jan Schakowsky for

[18] House Comm. on Ethics, *In the Matter of Allegations Relating to Travel to Taiwan by Representatives William Owens and Peter Roskam in 2011,* H. Rept. 113–266, 113th Cong. 2nd Sess. (2013).

[19] House Comm. on Ethics, *In the Matter Regarding the Arrests of Members of the House During a Protest Outside the United States Capitol on October 8, 2013,* H. Rept. 113–256, 113th Cong. 1st Sess. (2013).

blocking passage during a protest in front of the United States Capitol on October 8, 2013. Prior to that, each of the Representatives had forfeited a $50.00 collateral payment, whereupon the charges against them had been dropped. The local proceedings related to these arrests were thus resolved.

After reviewing and considering this matter, the Committee voted against empanelling an ISC related to the conduct of the Representatives. In reaching this decision, the Committee considered the scope and nature of the violations, and determined them to be ones for which review by an ISC was not warranted.

On October 30, 2013, the Committee submitted a Report to the House of Representatives describing the facts and its findings regarding the matter.

In the Matter of Allegations related to Representative Bobby L. Rush

On June 10, 2014, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Bobby L. Rush received unpaid usage of office space. On July 25, 2014, the Chairman and Ranking Member jointly decided to extend the matter of Representative Rush for a 45-day period pursuant to Committee Rule 17A(b)(1)(A). Committee Rule 17A(j) provides that the Committee may postpone any reporting requirement related to an OCE referral that falls within 60 days of an election in which the subject of the referral is a candidate. Representative Rush was on the general election ballot in November 2014. Therefore, the announcement that the Chairman and Ranking Member jointly decided to continue to review this matter was postponed until November 8, 2014. On the following weekday, November 10, 2014, the Chairman and Ranking Member released a public statement that, pursuant to Committee Rule 18(a), the Committee would continue to review the matter. On that same date, pursuant to Committee Rule 17A(c)(2), the Committee published the OCE's Report and Findings relating to allegations against Representative Rush, along with Representative Rush's response.

As of the conclusion of the 113th Congress the Committee had not completed its investigation into this matter. Representative Rush was reelected to the House for the 114th Congress.

In the Matter of Allegations related to Representative Aaron Schock

On August 30, 2012, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Aaron Schock and persons working on his behalf solicited funds on behalf of a PAC in excess of the legal limitations on such solicitations. On February 6, 2013, the Chairman and Ranking Member released a public statement that, pursuant to Committee Rule 18(a), the Committee would continue to review the matter. On that same date, pursuant to Committee Rule 17A(c)(2), the Committee published the Report and Findings relating to allegations against Representative Schock, along with Representative Schock's response.

As of the conclusion of the 113th Congress the Committee had not completed its investigation into this matter. Representative Schock was reelected to the House for the 114th Congress.

In the Matter of Allegations related to Representative Steve Stockman

On March 13, 2014, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Steve Stockman may have violated House rules, laws, and other standards of conduct, by accepting campaign contributions from persons who were employed by his congressional office at the time the contributions were made, and filing FEC reports that falsely attributed campaign contributions to family members of Representative Stockman's official staff, when the contributions were actually made by the staff themselves. The Report and Findings also recommended further review of allegations that Representative Stockman compensated official staff as full-time House employees, when they were actually working part-time for the official office and part-time for Representative Stockman's campaign, and that he made false statements to the OCE and otherwise obstructed the OCE's investigation by falsifying official payroll records after OCE began its investigation. The Committee released the Report and Findings, along with Representative Stockman's response, on June 11, 2014, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On September 11, 2014, DOJ requested that the Committee defer its investigation of the allegations contained in the Report and Findings. The Committee agreed to this request. Representative Stockman did not run for election to the House for the 114th Congress and the Committee will not have jurisdiction over him after January 3, 2015.

In the Matter of Allegations relating to Staff Travel provided by the Turkish Coalition of America in August 2008[20]

Beginning in the 112th Congress, the Committee undertook an investigation of a multi-day, privately-sponsored trip to Turkey in August 2008 that was paid for, in part, by the Turkish Coalition of America (TCA). Five House employees sought and received Committee approval to participate in the trip. However, the Committee later learned that, at the time of the travel, TCA employed or retained a federally-registered lobbyist, making it ineligible to sponsor a multi-day trip under the House's privately-sponsored travel rules. The Committee's investigation found that the employees who participated in the trip acted in good faith, relied on the Committee's approval, and had no knowledge that TCA employed or retained a lobbyist.

On June 13, 2013, after completing its own investigation, the Committee received referrals from the OCE regarding three of the travelers. These three travelers were the only travelers still employed by the House when the OCE began its investigation, and therefore were the only travelers subject to the OCE's jurisdiction. In its referrals the OCE determined that the employees acted in good faith and were unaware that TCA employed a lobbyist.[21]

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[20] House Comm. on Ethics, *In the Matter of Allegations Relating to Staff Travel Provided by the Turkish Coalition of America in August 2008,* H. Rept. 113–176, 113th Cong. 1st Sess. (2013).

[21] Despite the lack of evidence of wrongdoing, the OCE referred the matter to the Committee with a recommendation for further review because "pursuant to precedent of the Committee on

On July 26, 2013, the Committee submitted a Report to the House describing the facts and its findings in this matter, as well as its determination to take no further action.

In the Matter of Allegations related to Representative John Tierney[22]

On June 13, 2013, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that some payments that Representative John Tierney's wife received from her brother and mother were income that should have been reported by Representative Tierney to the Internal Revenue Service (IRS) and disclosed on his annual Financial Disclosure Statements. Representative Tierney and his wife had treated the payments as gifts from a family member and therefore had not reported the payments to the IRS or disclosed them on Representative Tierney's Financial Disclosure Statements.

The Committee investigated the allegations and unanimously determined that the evidence was inconclusive as to whether the payments to Mrs. Tierney were income or gifts. Accordingly, the Committee decided that the evidence did not warrant a finding that Representative Tierney intentionally mischaracterized the nature of the payments for financial disclosure or tax purposes.

On September 11, 2013, the Committee submitted a Report to the House describing the facts and its findings in this matter, as well as its determination to take no further action.

In the Matter of Allegations related to Representative Ed Whitfield

On June 10, 2014, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Ed Whitfield's wife, a federally-registered lobbyist, actively lobbied his congressional office and used his staff to actively lobby other congressional offices in violation of House Rule XXV, clause 7. The Committee released the Report and Findings, along with Representative Whitfield's response, on November 10, 2014, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 113th Congress the Committee had not completed its investigation into this matter. Representative Whitfield was reelected to the House for the 114th Congress.

In the Matter of Allegations Related to Representative Don Young[23]

During the 111th Congress, pursuant to their authority under Committee Rule 18(a) the Chairman and Ranking Member authorized an investigation into allegations related to Representative Don Young's receipt of certain gifts related to travel expenses, as well as other things of value, which he received between 2003 and 2007. The Committee's investigation began after both Representative

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Ethics, a person's ignorance of the true source of travel expenses is not an absolute shield from liability for receipt of travel expenses from an improper source." While this is a true statement, the Committee determined that the precedents cited by the OCE were distinguishable from this case for several reasons.

[22] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative John Tierney,* H. Rept. 113–208, 113th Cong. 1st Sess. (2013).

[23] House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Don Young,* H. Rept. 113–487, 113th Cong. 2nd Sess. (2014).

Young and DOJ sent letters to the Committee regarding the allegations, as well as materials relevant to the allegations. At the outset of the 112th Congress, the then-Chairman and Ranking Member reauthorized the investigation based on the information submitted by Representative Young and DOJ. The Committee received and reviewed over 150,000 pages of documents from DOJ and Representative Young, and also reviewed reports from witness interviews conducted by the Federal Bureau of Investigation (FBI) at DOJ's offices in Washington, D.C.

Based on an initial review of the documents collected, as well as its review of the FBI interview reports, the Committee voted to empanel an ISC on February 26, 2013. The ISC issued 20 subpoenas and reviewed over 220,000 pages of documents, which included over 150,000 pages provided to the Committee during the 111th and 112th Congresses. The ISC interviewed 16 witnesses, including Representative Young's former chief of staff, former campaign manager, other relevant staffers, and other witnesses to the trips taken by Representative Young.

On February 27, 2014, the ISC sent an additional request for information to Representative Young and informed him of his right to make a statement to the ISC under Committee Rule 19(b)(3). Representative Young provided a written response on March 12, 2014.

Upon completing its investigation, the ISC issued a Report in which it concluded that, given the lengthy chronology of this matter, and the corrosion of evidence over time, it could not recommend a finding that Representative Young purposefully or corruptly accepted any of the gifts reviewed in this matter. Nevertheless, the ISC concluded that Representative Young did violate House Rule XXV, clause 5, by accepting certain gifts that did not fall within an exception to the gift rule.[24] The ISC also found that Representative Young improperly used campaign funds for personal use by paying for certain personal travel expenses with his campaign fund, in violation of House Rule XXIII, clause 6(b) and 2 U.S.C. § 439a(b).[25] Finally, the ISC concluded that Representative Young had violated the Ethics in Government Act, 5 U.S.C. app. 4 101–111, and House Rule XXVI, clause 2, by not including in his annual Financial Disclosure Statements the required disclosure of gifts he received.

Accordingly, the ISC recommended that Representative Young repay the full amount of the improper gifts and the improperly used campaign funds. This amount totaled $59,063.74, which included repayment of $30,936.33 to Representative Young's principal campaign committee and repayment of $28,127.41 to ten private individuals or companies. The ISC also recommended that Representative Young amend his Financial Disclosure Statements to report gifts received, whether those gifts were permissibly accepted or not. Furthermore, while the ISC did not recommend that Representative Young receive a House sanction for his actions, it recommended that the Committee issue a letter of reproval to Representative Young for his conduct.

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[24] House Rule XXV, clause 5 (hereinafter "the House Gift Rule"), was previously codified as House Rule XXVI, clause 5, until the 110th Congress.

[25] This statute was recodified as 52 U.S.C. § 30114(b), effective September 1, 2014.

In a June 2, 2014, letter to the ISC, Representative Young accepted the ISC's Report, along with its recommendation that he be issued a letter of reproval, and he expressed regret. Representative Young also submitted evidence that he had repaid the gifts and campaign funds as the ISC recommended. On June 18, 2014, the Committee considered the ISC Report and recommendations and voted unanimously to release a public Report to the House. The Committee concurred in the ISC's findings and recommendations. The Committee found that, while Representative Young accepted responsibility for his actions, repaid the amounts in question, and took steps to ensure future compliance with House rules, these actions did not overcome the need to issue him a letter of reproval regarding his conduct. This was especially true given that Representative Young used campaign funds for personal purposes and accepted several of the improper gifts after the 2007 House Gift Rule changes, and that Representative Young only brought these matters to the attention of the Committee after DOJ had begun its investigation. The Committee agreed with the ISC that Representative Young should be reproved because his actions "demonstrated a lack of appropriate safeguards and an inattention to the relevant standards of conduct."[26]

On June 20, 2013, the Committee submitted a Report to the House describing the facts and its findings in this matter and issued a public letter of reproval to Representative Young. Following these actions, the Committee determined that, once Representative Young files properly completed amendments to his Financial Disclosure Statements the matter will be closed.

Other Committee investigative actions

In addition to the publicly disclosed matters discussed in this Report, the Committee either commenced review of, or continued to review from the 112th Congress, 54 investigative matters. Of these 54 matters which remain confidential, 44 were resolved in the 113th Congress.

[26] Committee on Ethics, *In the Matter of Allegations Relating to Representative Don Young,* H. Rept. 113–487, 113th Cong. 2nd Sess. at 4 (2014) (quoting ISC Report).

APPENDIX I

Rule X, clause 1(g)

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4.

* * *

(g) **Committee on Ethics.**

The Code of Official Conduct.

Rule X, clause 11(g)(4)

(4) The Committee on Ethics shall investigate any unauthorized disclosure of intelligence or intelligence-related information by a Member, Delegate, Resident Commissioner, officer, or employee of the House in violation of subparagraph (3) and report to the House concerning any allegation that it finds to be substantiated.

Rule XI, clause 3

Committee on Ethics

3. (a) The Committee on Ethics has the following functions:

(1) The committee may recommend to the House from time to time such administrative actions as it may consider appropriate to establish or enforce standards of official conduct for Members, Delegates, the Resident Commissioner, officers, and employees of the House. A letter of reproval or other administrative action of the committee pursuant to an investigation under subparagraph (2) shall only be issued or implemented as a part of a report required by such subparagraph.

(2) The committee may investigate, subject to paragraph (b), an alleged violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House of the Code of Official Conduct or of a law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, Delegate, Resident Commissioner, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. After notice and hearing (unless the right to a hearing is waived by the Member, Delegate, Resident Commissioner, officer, or employee), the committee shall report to the House its findings of fact and recommendations, if any, for the final disposition of any such investigation and such action as the committee may consider appropriate in the circumstances.

(3) The committee may report to the appropriate Federal or State authorities, either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee, any substantial evidence of a violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House, of a law applicable to the performance of his duties or the discharge of the responsibilities of such individual that may have been disclosed in a committee investigation.

(4) The committee may consider the request of a Member, Delegate, Resident Commissioner, officer, or employee of the House for an advisory opinion with respect to the general propriety of any current or proposed conduct of such Member, Delegate, Resident Commissioner, officer, or employee. With appropriate deletions to ensure the privacy of the person concerned, the committee may publish such opinion for the guidance of other Members, Delegates, the Resident Commissioner, officers, and employees of the House.

(5) The committee may consider the request of a Member, Delegate, Resident Commissioner, officer, or employee of the House for a written waiver in exceptional circumstances with respect to clause 4 of rule XXIII.

(6)(A) The committee shall offer annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House. Such training shall–

(i) involve the classes of employees for whom the committee determines such training to be appropriate; and

(ii) include such knowledge of the Code of Official Conduct and related House rules as may be determined appropriate by the committee.

(B)(i) A new officer or employee of the House shall receive training under this paragraph not later than 60 days after beginning service to the House.

(ii) Not later than January 31 of each year, each officer and employee of the House shall file a certification with the committee that the officer or employee attended ethics training in the last year as established by this subparagraph.

(b)(1)(A) Unless approved by an affirmative vote of a majority of its members, the Committee on Ethics may not report a resolution, report, recommendation, or advisory opinion relating to the official conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House, or, except as provided in subparagraph (2), undertake an investigation of such conduct.

(B)(i) Upon the receipt of information offered as a complaint that is in compliance with this rule and the rules of the committee, the chair and ranking minority member jointly may appoint members to serve as an investigative subcommittee.

(ii) The chair and ranking minority member of the committee jointly may gather additional information concerning alleged conduct that is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or either of them has placed on the agenda of the committee the issue of whether to establish an investigative subcommittee.

(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, Delegate, Resident Commissioner, officer, or employee of the House only–

(A) upon receipt of information offered as a complaint, in writing and under oath, from a Member, Delegate, or Resident Commissioner and transmitted to the committee by such Member, Delegate, or Resident Commissioner;

(B) upon receipt of information offered as a complaint, in writing and under oath, from a person not a Member, Delegate, or Resident Commissioner provided that a Member, Delegate, or Resident Commissioner certifies in writing to the committee that such Member, Delegate, or Resident Commissioner believes the information is submitted in good faith and warrants the review and consideration of the committee; or

(C) upon receipt of a report regarding a referral from the board of the Office of Congressional Ethics.

If a complaint is not disposed of within the applicable periods set forth in the rules of the Committee on Ethics, the chair and ranking minority member shall establish jointly an

investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if at any time during those periods either the chair or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(3) The committee may not undertake an investigation of an alleged violation of a law, rule, regulation, or standard of conduct that was not in effect at the time of the alleged violation. The committee may not undertake an investigation of such an alleged violation that occurred before the third previous Congress unless the committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(4) A member of the committee shall be ineligible to participate as a member of the committee in a committee proceeding relating to the member's official conduct. Whenever a member of the committee is ineligible to act as a member of the committee under the preceding sentence, the Speaker shall designate a Member, Delegate, or Resident Commissioner from the same political party as the ineligible member to act in any proceeding of the committee relating to that conduct.

(5) A member of the committee may seek disqualification from participating in an investigation of the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision in the case in which the member seeks to be disqualified. If the committee approves and accepts such affidavit of disqualification, the chair shall so notify the Speaker and request the Speaker to designate a Member, Delegate, or Resident Commissioner from the same political party as the disqualifying member to act in any proceeding of the committee relating to that case.

(6) Information or testimony received, or the contents of a complaint or the fact of its filing, may not be publicly disclosed by any committee or staff member unless specifically authorized in each instance by a vote of the full committee.

(7) The committee shall have the functions designated in titles I and V of the Ethics in Government Act of 1978 [on financial disclosure and the limitations on outside earned income and outside employment], in sections 7342 [the Foreign Gifts and Decorations Act], 7351 [on gifts to superiors], and 7353 [on gifts] of title 5, United States Code, and in clause 11(g)(4) of rule X.

(c)(1) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Ethics or a subcommittee thereof shall occur in executive session unless the committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(2) Notwithstanding clause 2(g)(2) of rule XI, each hearing of an adjudicatory subcommittee or sanction hearing of the Committee on Ethics shall be held in open session unless the committee or subcommittee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.

(d) Before a member, officer, or employee of the Committee on Ethics, including members of a subcommittee of the committee selected under clause 5(a)(4) of rule X and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Ethics, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules."

Copies of the executed oath shall be retained by the Clerk as part of the records of the House. This paragraph establishes a standard of conduct within the meaning of paragraph (a)(2). Breaches of confidentiality shall be investigated by the Committee on Ethics and appropriate action shall be taken.

(e)(1) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Ethics, the committee may take such action as it, by an affirmative vote of a majority of its members, considers appropriate in the circumstances.

(2) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Ethics.

Committee agendas

(f) The committee shall adopt rules providing that the chair shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

Committee staff

(g)(1) The committee shall adopt rules providing that–

(A) the staff be assembled and retained as a professional, nonpartisan staff;

(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the committee of such individual without specific prior approval from the chair and ranking minority member; and

(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

(3)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the

committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chair and ranking minority member each may appoint one individual as a shared staff member from the respective personal staff of the chair or ranking minority member to perform service for the committee. Such shared staff may assist the chair or ranking minority member on any subcommittee on which the chair or ranking minority member serves.

Meetings and hearings

(h)(1) The committee shall adopt rules providing that–

(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

Public disclosure

(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chair or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

Requirements to constitute a complaint

(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chair and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

Duties of chair and ranking minority member regarding properly filed complaints

(k)(1) The committee shall adopt rules providing that whenever the chair and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to–

(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of

the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(B) establish an investigative subcommittee; or

(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

(2) The committee shall adopt rules providing that if the chair and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chair or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

Duties of chair and ranking minority member regarding information not constituting a complaint

(*l*) The committee shall adopt rules providing that whenever the chair and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may–

(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

Investigative and adjudicatory subcommittees

(m) The committee shall adopt rules providing that–

(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

(C) notwithstanding any other provision of this clause, the chair and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

(2) at the time of appointment, the chair shall designate one member of a subcommittee to serve as chair and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

(3) the chair and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

Standard of proof for adoption of statement of alleged violation

(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

Subcommittee powers

(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

(3) The committee shall adopt rules to provide that–

(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

Due process rights of respondents

(p) The committee shall adopt rules to provide that–

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor the counsel of the respondent shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available

to the respondent, and it may be used in any further proceeding under the rules of the committee;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and the counsel of the respondent only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until–

(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and the counsel of the respondent to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever–

(A) the chair and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chair and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or the counsel of a respondent during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing the respondent of such vote.

Committee reporting requirements

(q) The committee shall adopt rules to provide that–

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives the

right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

House Rule XXV, clause 5(h)

(h) All the provisions of this clause [the gift rule] shall be interpreted and enforced solely by the Committee on Ethics. The Committee on Ethics is authorized to issue guidance on any matter contained in this clause.

APPENDIX II

U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

January 23, 2013

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Change to Financial Disclosure Reporting Obligations and Reminder Regarding Periodic Transaction Reporting Requirement

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Each year on May 15, Members and senior House staff[1] are required to file a statement regarding their personal financial interests (FD Statement). The Committee will issue complete information and instructions in April 2013 regarding the annual filing requirement. However, prior to that date, the Committee wants to alert FD filers to a change in policy regarding the reporting of investment funds and some investment accounts. In addition, FD filers may owe reports of their ongoing transactions beginning immediately and throughout 2013. This Memorandum provides more detail on both topics.

CHANGES TO THE REPORTING OF INVESTMENT FUNDS AND SOME INVESTMENT ACCOUNTS

The Committee's previous guidance regarding the reporting of investment funds and some investment accounts was for the filer to determine if the fund or account was **"self directed,"** *i.e.*, whether the filer, filer's spouse, or filer's dependent child has the authority or discretion, *even if not exercised*, to direct the investments in the account. If the fund or account was self directed, the filer was required to list all of the holdings and transactions. If not, the filer was permitted to state the name of the fund or account and indicate it was "not self directed" on the Statement.

For calendar year 2012 FD Statements and for Periodic Transaction Reports (PTRs), the Committee has revised its guidance regarding investment funds and accounts and is no longer using the "self-directed or not-self-directed" test and definitions. Beginning with all EIGA filings made in 2013, in order to exclude the holdings and transactions from disclosure on a FD Statement or PTR, an asset must meet the criteria for an Excepted Investment Fund (EIF) outlined in § 102(f)(8) of the Ethics in Government Act of 1978 (EIGA), which are discussed in detail below.

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[1] "Senior staff" are any House employees who were paid at an annual rate of $119,553.60 or more (or a monthly salary of $9,962.80 or more) for any two months in calendar year 2012. Any such employees who are still employed by the House on May 15, 2013, will owe an annual FD Statement covering 2013, and may owe periodic transaction reports in 2013 if they continue to be paid at that rate.

For FD Statements and PTRs filed in 2013, filers are not required to report on an FD Statement or PTR the holdings of and/or transactions in a widely held investment fund (*e.g.*, a mutual fund, an exchange traded fund (ETF), or a defined benefit pension) if:

1. The asset is a **fund**;
2. The fund has 100 or more investors;
3. The filer, filer's spouse, or filer's dependent child do not exercise control over or have the ability to exercise control the financial interests held by the fund; **and**
4. (a) The fund is publicly traded; **or**

   (b) The assets of the fund are widely diversified.

If a fund meets these criteria, it is an Excepted Investment Fund or EIF.

A fund is widely diversified if it:

1. Holds no more that 5% of the value of its portfolio in the securities of any issuer (other than the U.S. government); **and**
2. Holds no more than 20% of the value of its portfolio in any particular economic sector or geographic region.

Further explanation of certain terms used in the definition of "widely diversified" is as follows:

- **Issuer**: A legal entity that develops, registers, and sells securities for the purpose of financing its operations.
- **Economic Sector**: An area of the economy in which businesses share or offer the same or a related product or service and share common characteristics. Investors use sectors to place stocks and other investments into categories like telecommunications, technology, health care, energy, and utilities.
- **Geographic Region**: A single region of the globe, such as Europe, Asia, or Latin America, or an individual country or small group of countries. This definition only applies to geographic regions outside the United States.

In summary, for investment funds, FD filers must disclose the internal assets and related transactions of any fund unless it meets the test for an EIF outlined above. **Disclosure of the internal assets and related transactions of a fund may be required under this test even if such disclosure had not been previously required under the former "self-directed" test and definition.**

In addition, because brokerage, 401(k), 403(b), IRA, 529 accounts, and variable annuities are investment vehicles and not funds, these accounts fail to meet the criteria of an EIF. As a result, filers must provide all of the underlying holdings (*e.g.*, stocks, bonds, or mutual funds) and transactions in these accounts. It is not sufficient to disclose

the aggregate value of the portfolio or account. Note that if an internal holding is itself an EIF, then while the internally held fund would still need to reported, the further contents of that internally held fund would NOT need to be reported.

IMPORTANT: For previous filings, if the filer did not direct an investment or retirement account, the filer could state on the filing that the account was "not self directed" and then not list the holdings or transactions. With this change in guidance, the holdings and transactions must be reported for all investment and retirement accounts on future FD Statements and PTRs.

PERIODIC TRANSACTION REPORTING

Among other requirements, the Stop Trading on Congressional Knowledge Act (STOCK Act) requires Members, officers, and employees who file FD Statements pursuant to the EIGA to file Periodic Transaction Reports (PTRs) with the Clerk of the House. Filers must make periodic reports of financial transactions valued over $1,000 in stocks, bonds, and other securities owned by the filer, filer's spouse, or the filer's dependent child, including any asset jointly owned with another person. If the filer, the filer's spouse, or the filer's dependent children do not have any reportable transactions, then no PTR is required (although some transactions may still need to be reported on the filer's annual FD Statement).

The requirement to file PTRs applies to Members, officers, and senior staff. "Senior staff" for these purposes means any new employee with a starting salary paid at the senior staff rate;[2] a continuing employee paid at the senior staff rate on the first day of the new Congress (January 3, 2013); or any employee paid at the senior staff rate for any two months during the calendar year.

HOW AND WHERE TRANSACTIONS MUST BE REPORTED

The Committee's detailed guidance regarding the transaction reporting requirement, *Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended*, issued on August 17, 2012, is available on the Committee Web site, www.ethics.house.gov, under General Advisories. The form ("Ethics in Government Act Periodic Transaction Report") for use in making a PTR is also available on the Committee Web site under the "Financial Disclosure" tab, on the "Information and Forms" page.

A PTR is due within 30 days of you becoming aware of the transaction, but no later than 45 days after the transaction. No extensions of the 30- or 45-day time limits will be allowed. The reports may be hand delivered or mailed to the Legislative Resource Center, B-106 Cannon House Office Building, Washington, DC 20515. A report is timely if it is postmarked (legibly) by the due date. The Legislative Resource Center (LRC) does not accept submissions by facsimile or email.

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[2] Currently for CY 2013, the triggering rate of annual pay is $119,553.60, or a monthly salary at or above $9,962.80. Due to an Executive Order that may go into effect in 2013, this rate may change later in the year. For more information, see the Committee's January 2013 advisory memorandum "The 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees," which is available on the Committee Web site (ethics.house.gov) under the links for Reports/General Advisories.

MEMBER REQUIREMENT TO HAVE ONE EMPLOYEE WHO FILES

The EIGA requires a Member to have one employee in their personal office who files a Financial Disclosure Statement. If the Member does not have an employee paid at the senior staff rate, they will need to designate a "Principal Assistant" (PA). A PA must have worked for the Member for 60 days in the reporting year, in this case 2012, and still be employed on May 15 of the next year, in this case May 15, 2013. New Members do not need to have someone who worked for 60 days in the previous year. A Member may designate a PA with a letter to the Clerk of the House that is filed in the LRC. A PA will be required to file annual FD Statements until either they terminate or the Member sends a letter to the Clerk removing the designation as a PA.

PAs are not required to file PTRs.

GETTING ASSISTANCE

Filers are encouraged to carefully read the Committee's guidance and the instructions that accompany the FD Statement and PTR form. Any filer who has questions concerning the reporting requirements or how to fill out an FD Statement or PTR should call the Committee at (202) 225-7103. Committee staff is available to review your FD Statement or PTR before filing (pre-screen). To have your FD Statement or PTR pre-screened, please fax it to (202) 225-3713 or e-mail it to financial.disclosure@mail.house.gov. Please allow sufficient time before the filing deadline for pre-screening.

In addition, the Committee will be offering live training sessions on the STOCK Act and the PTR requirements, as follows. Additional trainings on completing the annual FD Statement will be offered later this year, before the May 15 filing deadline.

STOCK Act/PTR Training

Date	Time	Location
Friday, January 25	2-3 p.m.	HVC-215
Tuesday, January 29	2-3 p.m.	HVC-215
Thursday, February 21	1:30-2:30 p.m.	HVC-215

Attendees must pre-register for the training with the House Learning Center (HLC). You can reach the registration page for each of the training sessions by visiting the Committee Web site at ethics.house.gov/events.

Pre-registering for and attending the training will fulfill the senior staff ethics training requirement that senior staff must complete once per Congress. It does not count for the one hour of ethics training each House employee must complete annually.

U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

January 24, 2013

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: The 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

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A House employee's salary level may trigger certain public disclosure requirements and employment restrictions, including the:

1. Requirement to file financial disclosure (FD) statements, including Periodic Transaction Reports (PTRs);[1]
2. Restrictions on outside employment;
3. Disclosure of negotiations for private employment and recusal requirements; and
4. Post-employment restrictions.

Due to the federal pay freeze enacted in 2011,[2] most of the triggering salaries and limits initially will not change from those in effect during calendar year (CY) 2012. However, new pay rates may go into effect after the first quarter of CY 2013, and some of the triggering salaries may change at that time. The Committee will issue updated guidance should any of the numbers change during the year. This memorandum provides details on the current triggering salary figures for CY 2013 for each of the categories noted above, and summarizes them in a table on page 5 of this Memorandum.

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[1] For detail on the PTR requirement, see the Committee's August 17, 2012, advisory memorandum "Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended," which is available on the Committee Web site (ethics.house.gov), under the links for Reports/General Advisories. Note that the STOCK Act may require the filing of PTRs as often as once per month.

[2] *See* Continuing Appropriations Act, 2011, Pub. L. 111-242, § 147, as amended by Continuing Appropriations and Surface Transportation Extensions Act, 2011, Pub. L. 111-322, § 1(b)(1).

FINANCIAL DISCLOSURE

House officers and employees whose "rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for at least 60 days at any time during a calendar year are required to file FD statements, provided that the officer or employee "performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year."[3] The GS-15, step 1, basic pay rate for CY 2013 remains $99,628. The applicable 120% calculation for that rate for therefore remains **$119,553.60**, or a monthly salary at or above $9,962.80. This rate is referred to as the "senior staff rate."

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate ($119,553.60) for at least **60 days**[4] during **2013** must file an FD statement on or before May 15, 2014.[5] In addition, any new employee paid at the senior staff rate must file a "new employee" FD statement within 30 days of assuming employment with the House.[6] Finally, any staff who are paid at the senior staff rate on January 3, 2013 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain financial transactions. See footnote 1 of this Memorandum for more information on the PTR requirement.

Please note that the requirement to file an FD statement covering calendar year 2012 applies to officers and employees whose basic rate of pay for at least 60 days in **2012** was also **$119,553.60** or more. Annual FD statements covering CY 2012 are due on Wednesday, May 15, 2013, for those individuals who continue to be Members, officers, or employees of the House on that date.

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.[7]

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[3] Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. 4 §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are required to file FD statements. 5 U.S.C. app. 4 §§ 101(e) and (f).

[4] The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee's base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file a Financial Disclosure Statement. This is true even if the pay change affects only part of a month.

[5] 5 U.S.C. app. 4 §§ 101(c) and 109(f).

[6] *See* 5 U.S.C. app. 4 § 101(a). The only exception to this filing requirement is for new employees who assume employment with the House within 30 days of leaving a position with the federal government in which they filed a publicly-available financial disclosure statement. Individuals who are exempt from filing under these circumstances must notify the Clerk of the House in writing of that fact.

[7] *See* 5 U.S.C. app. 4 § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available financial disclosure statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of the House in writing of that fact.

THE OUTSIDE EARNED INCOME LIMIT AND OUTSIDE EMPLOYMENT RESTRICTIONS

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income[8] attributable to each calendar year.[9] As noted above, the senior staff rate for CY 2013 is **$119,553.60**, or a monthly salary of $9,962.80 or more.

The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of the year. Because any new pay rates will not go into effect later in 2013, the rate of basic pay for Executive Level II on January 1, 2013, remains $179,700. Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2013 remains **$26,955.**[10] This limit will not change, even if federal pay rates change later in the year.

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the types of outside employment.[11] Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's Web site (ethics.house.gov). The Committee's Office of Advice and Education (extension 5-7103) is available to explain these limitations further.

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS

House Members, officers, and employees paid at the senior staff rate must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment with a private entity.[12] In addition, House Members, officers, and senior staff must recuse themselves from "any matter in which there is a conflict of interest or an appearance of a conflict" with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal. As noted above, the senior staff rate for CY 2013 is **$119,553.60**, or a monthly salary of $9,962.80 or more.

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and senior staff is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both

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[8] The term "outside earned income" means any "wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered" by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include the individual's salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

[9] 5 U.S.C. app. 4 § 501(a)(1); House Rule 25, cls. 1(a)(1) and 4(a)(1).

[10] This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or $13,478. *See* 5 U.S.C. app. 4 § 501(a)(2); House Rule 25, cl. 1(b).

[11] *See* 5 U.S.C. app. 4 § 502(a); House Rule 25, cls. 1-4.

[12] House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) § 17.

memoranda, which are dated November 26, 2012, are available on the Committee's Web site (ethics.house.gov) under "Reports/General Advisories."

POST-EMPLOYMENT RESTRICTIONS

House Members and officers, as well as certain other House employees, are subject to post-employment restrictions on lobbying.[13] A former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the one-year period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. This amount is referred to as the "very senior staff rate."

The basic rate of pay for Members in 2013 will remain $174,000.[14] Therefore, the post-employment threshold for employees who depart from a job in a Member, committee, or leadership office in CY 2013 remains **$130,500**, or a monthly salary of $10,875 or more. However, the triggering salary for employees of other House or legislative branch offices (such as the CBO, GAO, GPO, Capitol Police, Library of Congress, Clerk, Parliamentarian, Office of Legal Counsel, and Chief Administrative Officer) is Executive Schedule Level IV. At present, that salary remains $155,500, or a monthly salary of $12,958.33 or more. However, it is possible that rate will rise later in the year.

Information on the post-employment restrictions applicable to Members, officers, and very senior staff is available in the two Committee advisory memoranda referenced in the previous section.

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See page 5 for a table summarizing the information contained in this memorandum.

[13] 18 U.S.C. § 207.

[14] The President issued an Executive Order on December 27, 2012, that increased pay for certain federal employees, including a cost-of-living raise for Members of Congress to $174,900, to take effect on April 7, 2013. However, subsequent passage of the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240, § 802 (Jan. 2, 2013), continued the pay freeze for Members of Congress. As a result, Member pay will remain at $174,000 for 2013.

CALENDAR YEAR 2013

Item	2013 Amount
Outside earned income & outside employment threshold - Outside employment fiduciary restrictions if paid at rate for more than 90 days	**$119,553.60** ($9,962.80/mo)
Outside earned income limit	**$26,955**
Financial Disclosure/PTR threshold - Annual FD required in May 2014 if paid at rate for 60 days or more in CY 2013 - PTRs required during CY 2013 if paid at rate on first day of House employment *or* after 60 days of employment at the rate in CY 2013	**$119,553.60** ($9,962.80/mo)
Written disclosure of job negotiations and recusals required	**$119,553.60** ($9,962.80/mo)
Post-Employment threshold for employees of Member, committee, or leadership offices	**$130,500** ($10,875/mo)
Post-Employment threshold for employees of "other legislative offices" (see p. 4)	**$155,500** ($12,958.33/mo)

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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

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March 1, 2013

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: New Travel Forms

On December 27, 2012, the Committee issued new regulations governing the acceptance of privately-funded, officially connected travel by House Members, officers, and employees. The new regulations apply to any trip beginning on or after ***April 1, 2013***. The full text of the new regulations is available on the Committee Web site, http://ethics.house.gov, under the headings for "Travel" and "Travel Forms."

As part of revising the travel process, the Committee has created new forms for use in both seeking Committee pre-approval to travel and making the required post-travel disclosure. ***These new forms must be used for any trip departing on or after April 1, 2013.*** The forms are available in fillable format on the Committee's Web site, at the location cited above. The Web site also contains detailed instructions for completing the Traveler and Primary Trip Sponsor Forms. Pre-approval forms may be submitted to the Committee by faxing to (202) 225-7392, delivering or mailing to the Committee office in 1015 Longworth House Office Building, or by ***emailing all forms to*** **travel.requests@mail.house.gov**. This new email address is for the initial submission of the request packet by the traveler only.

We also want to highlight that the regulations set up new due dates for both pre- and post-travel submissions. ***Pre-approval requests must be submitted to the Committee at least 30 days before the departure date of the trip.*** This deadline will be strictly enforced by the Committee, meaning that submissions that fail to meet the 30-day deadline will be denied. Post-travel disclosure must be submitted to the Clerk within 15 days after the traveler's return from a trip, and must now also include a post-travel disclosure completed by the primary trip sponsor in addition to the disclosure form completed by the traveler. Sponsors must submit their post-travel disclosure to each traveler within 10 days of their return from the trip. The Committee Web site contains a travel calculator, which is available at the link cited above, to help travelers identify the due dates for their pre- and post-travel submissions.

Anyone with questions regarding the new travel approval process should contact Committee staff at (202) 225-7103. Individuals or entities that would like to sponsor a trip for House Members or employees are also welcome to seek the Committee's guidance prior to arranging a trip.

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March 8, 2013

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman KMC
Linda T. Sánchez, Ranking Member LTS

SUBJECT: Ethics Guidance Related to Sequestration

With significant public discussion of government offices finding unusual ways to address pending budget cuts, the Committee wishes to remind all offices that the ethics rules, laws, and standards of conduct remain in effect and may be relevant as you consider various methods of savings. For instance, some offices may wish to use campaign funds for certain official expenses, such as constituent mail. While there are permissible uses of campaign funds to support official activities, House Rule 24 does not permit offices to use campaign funds for communications purposes, such as constituent mail or official newsletters or other frankable items, or for compensation for services, furniture, or equipment. For a more complete discussion of how campaign funds may be used to support the official duties of a Member of Congress, please see the *2008 House Ethics Manual* (*Ethics Manual*) at pages 173 to 179. The full text of the Ethics Manual is available on the Committee Web site at http://ethics.house.gov.

In addition, there are significant limitations on the use of volunteer services in place of paid services, and a prohibition on staff performing work while they are not on paid status. For further discussion, please see pages 10 to 11 of the *Member's Congressional Handbook* and the *Guidance on Automatic Sequestration* issued by the Committee on House Administration. Also, please see the discussion on interns and volunteers at pages 286 to 290 of the *Ethics Manual*.

Finally, any House staff who wishes to undertake non-congressional employment while on furlough are reminded that they remain House employees and, therefore, all rules regarding outside employment remain in effect. Such rules include the outside earned income limit for senior staff, the prohibition on performing outside work in House office space or using House resources, and the prohibition on performing work that overlaps or conflicts with one's House duties.

While questions regarding pay status and employment procedures should be addressed to the Committee on House Administration or the office of Chief Administrative Officer, as appropriate, the Committee is available to assist offices in considered the implications of the ethics rules, laws or standards of conduct on your efforts to address the financial needs of your office. Please direct any such questions to the Committee's Advice and Education staff at (202) 225-7103.

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June 12, 2013

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman KM
Linda T. Sánchez, Ranking Member LTS

SUBJECT: **REMINDER: Travel Approval Requests Must Be Submitted at least 30 Days Before the Trip**

This memorandum serves as a reminder to all House Members, officers, employees, and private sponsors of officially connected travel that requests for Ethics Committee approval of privately-funded, officially connected travel are mandatory and must be submitted in a timely manner.

As part of the changes to the Travel Regulations issued by the Committee on December 27, 2012, the Committee mandated that requests to accept privately sponsored travel must be submitted to the Committee for approval at least 30 days before the departure date of the trip, for any trip that departed on or after April 1, 2013.[1] The Committee is issuing this reminder to all House Members and staff that, **ABSENT EXTRAORDINARY CIRCUMSTANCES, TRAVEL REQUESTS SUBMITTED FEWER THAN 30 DAYS BEFORE THE START OF A TRIP WILL BE DENIED FOR THAT REASON ALONE,** even if other individuals have been approved to participate in the trip. For guidance on which funds may be used to participate in officially connected travel where permission for private reimbursement is denied, you may contact the Committee on Ethics or the Committee on House Administration.

We note that travel to participate on a radio or television news or interview program (*i.e.*, a "media appearance") or to substitute as the replacement for an originally-scheduled speaker who has canceled are not subject to this 30-day deadline. Absent these two circumstances, however, the Regulations expressly state that the failure of the trip sponsor to extend an invitation more than 30 days before the trip does not constitute an "extraordinary circumstance" justifying waiver of the 30-day deadline.

The full text of the Travel Regulations is available on the Committee Web site, ethics.house.gov, under "Travel." Any questions on this subject should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

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[1] *See* Travel Regulation § 501.1.

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July 24, 2013

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Notice With Regard to Financial Disclosure of Spouse Assets

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The Ethics in Government Act (EIGA), as amended, requires Members, candidates, officers, and certain employees to report personal financial information for the filer, filer's spouse, and filer's dependent children. All legally married filers must report the required information of their spouse to be in compliance with the EIGA. Following the June 26, 2013, U.S. Supreme Court opinion in *U.S. v. Windsor*, these requirements will also be enforced for filers who are legally married to a spouse of the same sex, for any filing obligation originating after June 26.

As always, Committee staff is available to assist filers with any questions they may have about this announcement or any other financial disclosure question at (202) 225-7103. Additional information and instructions about financial disclosures are available on the Committee's Web site at www.ethics.house.gov.

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Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico
Michael E. Capuano, Massachusetts
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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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September 30, 2013

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Reminder about the 2013 Annual Ethics Training Requirement and Upcoming Training Dates

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This Memorandum is a reminder to all offices to encourage staff to complete their 2013 ethics training requirement. Failure to satisfy the annual training requirement is a violation of House Rules[1] and may result in any of the specified disciplinary sanctions for House employees, as well as publication of noncompliant employees' names and employing offices, additional ethics training, or other actions the Committee deems appropriate. A summary of the requirement is included below.

New Employees

Each new House employee (*i.e.*, those who first began employment with the House during 2013) must complete one hour of ethics training within 60 days of commencing House employment. New employees who work in Capitol Hill offices must attend a live ethics training briefing offered by the Ethics Committee. A complete list of the remaining live trainings for 2013 can be found at the end of this notice. New employees who work in offices outside of Washington, D.C., have the option of either attending a live ethics training briefing for new employees or watching the online training for new district staff.

The online training for new district office employees is available through the HouseConnect Web site, and is described in more detail below under "Completing Training Online." New district office employees will not receive credit for watching any training sessions other than the training session specifically designated for "New District Staff." New employees in Capitol Hill offices will not receive credit for completing online, rather than live, training.

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[1] *See* House Rule 11, clause 3(a)(6)(B)(ii).

Existing House Employees

"Existing" (*i.e.*, not new) House employees must complete one hour of training before the end of the calendar year. For 2013, this means all existing House employees must complete one hour of training by **December 31, 2013**. **There are no extensions to this deadline, for any reason.** In addition, employees who are "senior staff"[2] must complete an additional hour of senior staff training during the 113th Congress (*i.e.*, by December 31, 2014). Each House employee is responsible for knowing whether he or she is considered "senior staff." Existing House employees may complete both annual and their senior staff[3] training online through HouseConnect, as outlined below.

Completing Training Online

Employees wishing to complete their training online should go to the HouseConnect Web site, https://houseconnect.house.gov, and log on using the House user ID and password they use to log on to their House computer. **Online ethics training is only accessible through computers connected to the House network.** The following are the only programs that satisfy each of the requirements.

Type of Training	Program Title
New district office employee	2012 New District Staff v.2
Any existing employee	2013 General Ethics Training
Any senior staff	Senior Staff Ethics Training

You must complete the full course to receive credit. At the end of the course, employees must click forward to view the confirmation screen in order to receive credit for completing the course. Once an employee has completed their training, they can verify their status on their account page in HouseConnect: the column entitled "Complete" next to that training will read "True." (If the session has not been completed, the column will read "False.") Anyone needing to verify that they have completed the online training can log in to HouseConnect and view their own screen, and print the screen for verification. Their name appears in the upper right corner of the screen. Any employee who completed their online training through HouseConnect (and the completed column reads "True") has already completed their annual ethics training requirement and made their required certification to the Ethics Committee of its completion.

[2] "Senior staff" for training purposes are those employees who are paid at an annual rate of $119,553.60 or more ($9,962.80 per month) for at least 60 days in 2013. These individuals must also file an annual financial disclosure statement.

[3] The Committee also generally offers several live training sessions during the year related to the filing of financial disclosure statements that satisfy the senior staff training requirement, but no such live presentations are scheduled for the remainder of 2013.

Attending Live Training

Employees who are required or who wish to complete their training by attending a live ethics training briefing must preregister online for a training session at https://registerme.house.gov/ by entering the House user ID and password they use to log on to their House computer. **Online preregistration is required for live ethics training.** Note that the RegisterMe Web site is only accessible from a computer connected to the House network. In addition to pre-registering, employees must also sign the attendance form prior to the start of the training and attend the full hour to fulfill their ethics training requirement. **Any late arrivals who miss the sign-in period will not receive credit.** After their attendance, employees will receive e-mail confirmation that they have completed their required annual ethics training. Receipt of the e-mail message also indicates that the recipient has made the certification to the Committee that the employee has attended ethics training as required by House Rule 11.

Remaining 2013 New Employee Ethics Training Presentations

Date	Time	Location
Thursday, October 10	1:30 p.m.	HVC-215
Thursday, October 31	1:30 p.m.	HVC-215
Tuesday, November 21	1:30 p.m.	HVC-215
Tuesday, December 10	10:00 a.m.	HVC-215
Tuesday, December 31	10:00 a.m.	HVC-215

Each session will last approximately one hour. The home page of the Committee Web site (ethics.house.gov) contains a calendar of all upcoming training dates, including links to RegisterMe for each scheduled training session.

* * * * *

Further guidance on ethics training can be found on the Committee's Web site at ethics.house.gov/training. If you have any questions about the training requirement, please feel free to contact the Committee at 5-7103, or stop by our office in 1015 Longworth.

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November 5, 2013

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Reminder about the Limitation on Participating in Initial Public Offerings

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Recent press stories have noted an increase in initial public offerings (IPOs) in 2013. There has also been substantial attention about upcoming IPOs, including that of Twitter, Inc., which is scheduled to occur on Thursday, November 7, 2013. The Committee takes this opportunity to remind the House community that section 12 of the Stop Trading on Congressional Knowledge Act (STOCK Act) prohibits Members, officers, and employees who file FD statements from participating in IPOs in a manner "other than is available to members of the public generally." IPO participation, however, is normally not available to the general public. The Committee recommends that any Member, officer, or employee who has questions about participating in any IPO contact the Committee ***in advance of your purchase*** to determine whether or not the purchase would be permissible under the Act.

For more information about this or other aspects of the STOCK Act, please also consult the Committee's previously-issued pink sheets, all of which are available on the Committee's Web site, at ethics.house.gov.

Congress of the United States
Washington, DC 20515

November 14, 2013

Helping the Victims of the Philippines Typhoon

Dear Colleague:

Several offices have contacted the Committee on House Administration, the Commission on Congressional Mailing Standards (the Franking Commission), and the Committee on Ethics to inquire about the extent to which official resources may be used to help those impacted by Typhoon Haiyan, which struck the Philippines on November 8, 2013. We would like to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

There are many international, federal, state, and local government agencies and departments responsible for providing or coordinating the delivery of U.S. aid and participation in the relief efforts in the Philippines. Telephone numbers and other contact information for several of the key agencies, departments, and organizations can be found at the following Web sites:

U.S. Department of State
http://www.state.gov/index.htm

U.S. Embassy in the Philippines
http://manila.usembassy.gov/

United Nations
http://www.un.org/en/

U.S. Agency for International Development (USAID)
http://www.usaid.gov/haiyan

In addition, to assist those seeking to locate individuals in the Philippines, Google has established a "Person Finder" page at http://google.org/personfinder/2013-yolanda/. If you are concerned about the welfare of an American citizen in the Philippines, you may call the Department of State's Overseas Citizens Services (OCS) toll-free hotline at (888) 407-4747 during the hours 8:00 a.m. to 8:00 p.m. (EST) Monday through Friday. As you might expect, communications to or within the Philippines remain limited at this time.

All of the above information may be communicated to your constituents via the usual and customary official communication tools, including your congressional frank, subject to applicable statutes and House rules and regulations. In addition, Members may post on their official Web sites, channels, and pages a directory of and/or links to third-party organizations that are germane to the content of the Member's official postings. However, rules of the House prohibit referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations.

PRINTED ON RECYCLED PAPER

In addition, Members have asked to what extent they may use their official resources to solicit or collect donations of goods, funds, or services on behalf of charities and other private organizations involved in such efforts. We understand the good intentions of those making such inquiries, but the rules of the House preclude Members from using official resources for any purpose other than in support of the conduct of the Member's official and representational duties on behalf of the district the Member currently represents. This rule has been interpreted to mean that charitable solicitations using official resources are not permitted.

However, it would be permissible for Members to link to official government Web sites that give details about the delivery of relief aid, including information about how Members' constituents may provide aid and assistance during a crisis. With respect to the emergency in the Philippines, it would be permissible to provide links to any of the Web sites noted above, including to the official State Department Web page regarding the typhoon (http://www.state.gov/p/eap/ci/rp/typhoon/index.htm), or to the USAID's page on the crisis (http://www.usaid.gov/haiyan). It would also be permissible to notify constituents about the existence of these Web sites, provided the franking regulations are followed.

While official resources may not be used to solicit contributions for charitable organizations 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 Team Rubicon – without first obtaining Ethics Committee approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; and official mailing lists). Other restrictions also apply. Solicitations on behalf of non-qualified entities or individuals are decided on a case-by-case basis through the submission to the Ethics Committee of a written request for permission to make such solicitations. For example, solicitations of donations directly for individuals suffering as a result of the crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Ethics Committee approval. For more information about solicitations for § 501(c)(3) or other entities, please review pages 347-49 of the *2008 House Ethics Manual* or contact the Ethics Committee at 5-7103.

We understand that Members of the House may wish to assist during this time of tragedy in the Philippines, and we hope this information proves helpful to you in informing your constituency of our nation's response, the aid and resources supporting the relief efforts, and the status of the Philippines' recovery in the aftermath of this devastating storm. If you have any questions regarding the use of your:

1. Official resources in general, please contact the Committee on House Administration at 5-8281 (majority) or 5-2061 (minority);

2. Communications resources, please contact the Franking Commission at 6-0647 (majority) or 5-9337 (minority); or

3. Personal or campaign resources, or the loan of your name and title to private solicitations or initiatives in support of the relief efforts, please contact the Ethics Committee at 5-7103.

Sincerely,

Candice Miller
Chairman
Committee on House Administration

Robert A. Brady
Ranking Member
Committee on House Administration

K. Michael Conaway
Chairman
Committee on Ethics

Linda T. Sánchez
Ranking Member
Committee on Ethics

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December 4, 2013

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Holiday Guidance on the Gift Rule

The House gift rule, codified at House Rule 25, clause 5, applies to all Members, officers, and employees (Members and staff) at all times, even during the holiday season. This memorandum is a reminder of some of the restrictions of the gift rule and some of the more common questions that arise during the holiday season. This guidance does not cover every situation. As a result, if you are unsure about a particular situation, please contact the Committee staff at (202) 225-7103. In addition to the detailed guidance provided below, in the spirit of the season, we have also added a poetic take on the gift rule at the back of this memorandum.

Overview of the Gift Rule and other Gift Statutes

Members and staff may not knowingly accept any gift, except as provided in the gift rule.[1] The rule defines the term "gift" broadly to mean "a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value."[2] The gift rule contains numerous exceptions permitting Members and staff to accept gifts. There are certain gifts that staff may accept without worry. For example, there are no restrictions on accepting gifts, including cash or cash equivalents, of any dollar value, from relatives.[3] There are also no restrictions on accepting personal holiday gifts from co-workers and supervisors.

Generally, Members and supervisors may not accept gifts from their subordinates.[4] However, the Committee has provided for a common-sense exception for voluntary gifts extended on special occasions such as holidays.[5] Accordingly, Members and supervisors may accept from their subordinates gifts that are customarily extended during the holiday season.

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[1] House Rule 23, clause 4 and House Rule 25, clause 5.

[2] House Rule 25, clause 5(a)(2)(A).

[3] The term "relative" is broadly defined, and it includes fiancés/fiancées and in-laws. *See 2008 House Ethics Manual* at 69 and 5 U.S.C. app. 4 § 109(16).

[4] 5 U.S.C. § 7351.

[5] *See 2008 House Ethics Manual* at 70.

In certain circumstances, Members and staff must seek written permission before accepting a gift. Members and senior staff[6] must also disclose the receipt and value of gifts on their annual Financial Disclosure Statements in certain circumstances, as explained more fully in the final section of this memorandum.

While the gift rule defines what Members and staff may accept, it does not authorize them to ask for any gift. There is also a statutory gift provision, which prohibits Members and staff from asking for or accepting anything of value from anyone who seeks official action from the House, does business with the House, or has interests that may be substantially affected by the performance of official duties.[7] The statutory provision also prohibits Members and staff from soliciting on behalf of other individuals or entities, other than political solicitations or solicitations for charity.

A brief description of some of the common gift rule exceptions applicable to the holiday season are listed below.

Parties and Receptions

During the holiday season, Members and staff may be invited as guests to parties or related events that are sponsored by individuals or organizations that have, or plan to have, business dealings before Congress. Provided the guidance below is followed, Members and staff may accept an invitation to the following:

- An event where the per person cost or ticket price (if sold) is **less than $50**, provided:

  1) The invitation is not from a federal lobbyist, foreign agent, or private entity that retains or employs such individuals; and

  2) The total value of gifts or other invitations you accept from the host under this exception is less than $100 for the calendar year. Any gift worth less than $10 does not count towards the annual limitation.

  Example: If a non-lobbyist invites you to a holiday dinner party and your meal is less than $50, you may accept the meal under the "less than $50 exception," provided the aggregate value of all gifts and similar invitations you accept from the host does not exceed $100 for the year.

[6] House employees paid at or above $119,553.60 for 60 days or more during calendar year 2013 are considered senior staff and must file an annual Financial Disclosure Statement.

[7] 5 U.S.C. § 7353.

- A non-business event, such as a holiday party, hosted by an individual, at the personal residence of that individual or the individual's family, unless offered by a registered lobbyist or foreign agent.

  Example: A non-lobbyist invites you to a holiday party at his personal residence to celebrate the holiday season. You may accept food and refreshments offered within the home under the **personal hospitality** exception.

- A **reception**, provided that only food and refreshments of nominal value are offered other than as a part of a meal (*i.e.*, appetizers and beverages, including alcoholic beverages). This exception **does not** include full meals or luxury food items, such as caviar.

  Example: A lobbying firm invites you to attend a holiday reception in its office, at which it will serve moderate appetizers and drinks. Provided that the food and refreshments are of "nominal value" and offered "other than as part of a meal," you may attend and accept these items.

- An event where invitations are offered to a group or class in which membership is **unrelated to House employment.**

  Example: Your college alumni association is having a holiday party for its members. You may attend as an alumnus of the college.

- An event that is **open to the public or to all federal employees**.

  Example: Your local park is having a free holiday concert that is open to the public. You may attend as a member of the public.

- An event where invitations are offered because of the **outside business or activity of the invitees or their spouses**, provided the invitation:

  1) was not offered or enhanced because of the individual's House status; and

  2) is customarily provided to others in similar circumstances.

  Example: Your spouse's company is having a holiday party and all employees may bring their spouses as guests. You may attend as your spouse's guest and receive the same food, refreshments, and entertainment that are provided to all attendees, including a full meal or luxury food items.

- A **"widely attended event,"** provided:

  1) The invitation comes from the event sponsor;

2) The sponsor has a reasonable expectation that at least 25 non-congressional invitees will be in attendance;

3) The event is open to the public, or will be attended by a diverse group of individuals interested in a given topic; and

4) The event relates to the Members' or employees' official duties.

Please note: The widely attended event exception **does not** apply to holiday parties that are purely social in nature and not related to one's official duties.

- An event paid for by a **foreign government** that is less than $350 per person, per occasion. Under the Foreign Gifts and Decorations Act (FGDA), Members and staff may receive a gift item received as a souvenir or mark of courtesy.[8] The Committee has interpreted this provision to allow Members and staff to accept meals and entertainment in the United States related to their official duties.

  Example: A foreign embassy in Washington, D.C., is having a holiday luncheon at a local D.C. restaurant to foster inter-country relations. The cost of your meal will be $100. You may accept the lunch under the FGDA.

Other Holiday Gifts

In addition to the provisions discussed above, other gift rule exceptions may permit acceptance of holiday gifts. Provided the guidance below is followed, Members and staff may accept the following:

- Gifts (other than cash or cash equivalent) valued at **less than $50**, provided:

  1) The gift is not from a federal lobbyist, foreign agent, or private entity that retains or employs such individuals; and

  2) The total value of gifts you accept from the donor under this exception is less than $100 for the year.

  Please note: Gift cards and gift certificates are considered "cash equivalent" and **may not** be accepted under this exception.

  Example 1: If a non-lobbyist gives you a $40 pen set during the holiday season, you may accept the gift under the "less than $50 exception," provided the aggregate value of all gifts you accept from the donor under this exception does not exceed $100 for the year.

[8] 5 U.S.C. § 7342.

Example 2: If an organization that does not employ a federal lobbyist sends perishable food, such as a fruit basket, to a House office for all the staff, the gift is considered a gift to the individual recipients and not to the employing Member. Therefore, each staff member may accept items from the fruit basket having a value of less than $50, provided that no recipient accepts more than $100 of gifts in the aggregate from the organization during the year.

- A **baseball hat, T-shirt,** or any **item valued at less than $10,** even if from a lobbyist. This exception does **not** include food items.

  Example: A company sends the office 10 T-shirts along with a letter stating that one is to be given to the Member and any staff member that would like to receive one. The Member and staff may each accept one of the T-shirts under this exception.

- Gifts based on **personal friendship.** Members and staff may, without seeking Committee approval, accept a gift based on personal friendship if the gift's value is less than $250.[9] The following factors must be considered before accepting a gift under this exception:

  1) The history of the recipient's relationship with the donor, including any previous exchange of gifts;

  2) Whether the donor personally paid for the gift, or whether the donor sought a tax deduction or business reimbursement for it; and

  3) Whether the donor gives the same or similar gifts to other Members or staff at the same time.

  Example: Your former roommate, who is a real estate agent, offers you a $100 ticket to a holiday play. The roommate personally paid for the ticket. You and the roommate have exchanged gifts throughout the years. The roommate does not contact you or your office on official matters. To the best of your knowledge, the roommate has not made a similar offer to other Members or staff. You may accept the ticket without seeking Committee approval.

- **Gifts from a foreign government** under the FGDA. As noted above, gifts valued at less than $350 per person, per occasion, that are offered as a souvenir or mark of courtesy.

[9] You must seek Committee written approval before accepting a gift over $250 under the personal friendship exception. Please see the section below regarding seeking written Committee approval for details on how to submit a request.

Example: A French government official sends you a $300 bottle of French champagne, on behalf of the foreign government. You may accept the champagne under the FGDA.

Handling Unacceptable Gifts

If Members or staff receive invitations to events or gifts that they may not accept under the gift rule, they may:

- Pay the donor the "market value"[10] and keep the gift;
- Return the gift to the donor; or
- For perishable items (*i.e.*, flowers or food), donate the items to charity or destroy them. You may **not** donate non-perishable items in lieu of returning or paying for them.

Please note: For tickets to events that do not have a printed cost on the ticket, the value of the ticket is the highest cost of a ticket with a face value for that particular event.

Example: You are invited to sit in the premium box for a performance of the Nutcracker Ballet. The offer does not meet one of the gift exceptions, but you would still like to attend. Your ticket does not have a price on it, but the highest ticket price for that particular ballet performance is $285. You must pay the donor $285 in order to accept the ticket.

Prior Written Committee Approval Required

Members and staff must seek written Committee approval before accepting the following:

- A gift based on personal friendship with a value over $250. The Committee will only grant written approval for a personal friendship gift exceeding $250 in value in response to a written request. The request should include: (1) the donor's identity and employment; (2) any interests the donor may have before Congress; (3) the history of the recipient's relationship with the donor; (4) the nature of the gift; and (5) whether the donor will be paying for the gift personally.
- A gift that is not otherwise acceptable, but that the Member or staffer believes the Committee should permit them to accept. The Committee has "flexibility to allow the acceptance of gifts . . . in cases where there is no potential conflict of interest or

[10] Items are valued at their retail, rather than wholesale, prices. For tickets, the fair market value is the cost printed on the ticket, regardless of whether the donor paid more or less. *See* House Rule 25, clause 5(a)(3)(A); *2008 House Ethics Manual* at 73.

appearance of impropriety."[11] Thus, House Rule 25, clause 5(a)(3)(T), authorizes the Committee to grant a waiver to permit acceptance of a gift "in an unusual case." Members and staff must submit a written request for a gift waiver from the Committee prior to accepting such a gift. Any request should include, at a minimum, a description of the gift, including its market value, the identity of the donor, and a statement of the reasons believed to justify acceptance of the gift.

Financial Disclosure Requirements

Members and senior staff must disclose certain gifts valued over $350 from a single source in a calendar year on Schedule VI of their annual Financial Disclosure Statements.[12] This disclosure must include the source of such gifts and a brief description of the gifts. Any gift with a market value of less than $140 need not be counted towards the $350 disclosure threshold.

Please note: Gifts from relatives and gifts of personal hospitality do not have to be disclosed. In addition, gifts that are received by your spouse or children, independent of your House status, do not have to be disclosed. However, all other gifts that are over $350 in value must be disclosed.

> Example: Your spouse's college roommate gives your spouse a $400 coat as a holiday present. You would not have to report this gift on your Financial Disclosure Statement if you believe that the gift was given regardless of your House status.

Members and staff seeking a waiver of the reporting requirement must send a written request to the Committee. The written request and the Committee's response will be made publicly available.

If you have any questions, please contact the Committee's Advice and Education staff at (202) 225-7103.

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[11] *See* House Bipartisan Task Force on Ethics, *Report on H.R. 3660*, 101st Cong., 1st Sess. (Comm. Print, Comm. on Rules 1989), *reprinted in* 135 Cong. Rec. H9255 (daily ed. Nov. 21, 1989).

[12] 5 U.S.C. app. 4 § 102(a)(2).

The House Gift Rule - A Rhyme for the Holidays

It's the holiday season, so be of good cheer,
For soon there'll be recess and very few here.
So let us remind you, as gifts come your way,
Please check with Ethics so you don't go astray.

Remember the statute: 18 U S C
Section seven three five three is key.
It says you can't ask for something worth money,
No matter how small, not even a bunny.

No cash and no gift cards are ever okay
As gifts from a donor, they're always "No Way!"
If the gift seeks to thank you for official deeds,
Give it back or refuse it, it's a no-go indeed.

House Rule 25, clause five (a)(2)(A)
Defines the term "gift" very broadly, we'd say.
It's a favor, a discount, a loan, or a meal,
And the meaning of "gift" requires some zeal.

Keep reading that rule, there's a list of exceptions
That don't always jive with other's perceptions.
But remember your job is a public trust,
So avoiding most gifts is clearly a must.

Each gift you are offered should trigger your brain
To look for exceptions or maybe refrain.
'Cause these rules, they apply all day and all night,
So just do it, call Ethics, to make sure you're all right.

A gift from a relative always is fine,
But that gift from your friend might cross the line.
A dinner in the home of another
Is fine in most cases, the rules it won't bother.

An outside employer or business may offer
A benefit to you or your spouse from its coffer.
Fine so long as your gift looks like the rest;
No special treatment for you is really the test.

That fundraising invite from a 527(e)
Can be attended cause it's an exception, you see.
A gift from Member to Member? Divine.
But no special event? Not fine up the line.

A government gift - state, local or fed?
You can accept it like the gift exception said.
The holiday gift from a foreign delegation?
If less than $350, cheers to international cooperation.

That invite you got says it's "widely attended,"
If over 25 non-Hill guests the rules won't be offended,
As long as attendance is part of your job,
And the sponsor invited you, go join the mob!

If there's a reception, and the sponsor sent word
That no meal's served. Go! That's a yes you heard.
A fundraising gala for a 501(c)(3)?
Attend it, no letter needed from our Committee.

If you're offered a "something" available to all,
Or to a group of others not small,
Provided your House title isn't part of the deal,
Take that "something," and no guilt should you feel.

If the office is given a gift from your state,
Accept it, but for constituents' sake.
A t-shirt, a card, or that baseball cap,
Can be accepted, no chance for mishap.

The gift's less than 50 dollars? Accept with good cheer,
If the total's less than a hundred in a calendar year.
If you pay for the gift, then it's no gift you see,
'Cause paying full price means it's not free.

But if the donor's a lobbyist in the Clerk's database,
Pick up the phone and call us post haste.
For the gift exceptions we've described up above,
May not apply though that gift you love.

Got a gift not covered by the rules we've quoted?
Please call us or write us, a waiver may be floated.
Getting married? A baby? On our Web site you'll find
A gift waiver form for your peace of mind.

You should feel free to say no any time.
If something inside you says to decline,
You should do so, no worries - a gift's not a must.
Feel free to decline it or pay, no worries, no fuss.

In parting we send you our holiday greetings,
As you travel and have those constituent meetings.
Enjoy your holiday because there's no reason
The gift rules should ruin your holiday season.

With thanks to the Office of Government Ethics as inspiration for this poem.

K. Michael Conaway, Texas
Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico
Michael E. Capuano, Massachusetts
Yvette D. Clarke, New York
Ted Deutch, Florida

ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

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December 5, 2013

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Reminder About 2013 Annual Ethics Training Requirement

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This memorandum is a reminder to all offices to encourage staff to complete their 2013 ethics training requirements. A summary of these requirements is included below.

Each House employee must complete one hour of ethics training each calendar year. "New" House employees (*i.e.*, those who first began employment with the House during 2013) must complete their ethics training within 60 days of commencing House employment. This "new employee" training satisfies the annual ethics requirement for those employees. "Existing" (*i.e.*, not new) House employees must complete their hour of training before the end of the calendar year. In addition, both new and existing employees who are "senior staff"[1] must complete an additional hour of senior staff training during the 113th Congress (*i.e.*, by December 31, 2014).

Annual ethics training for existing House employees must be completed by ***December 31, 2013. There are no extensions to this deadline, for any reason.*** Each House employee must also certify to the Ethics Committee by January 31, 2014, that they have completed their annual ethics training. However, as explained below, the proper completion of an on-line ethics training course, or attendance at a live presentation, makes that certification automatically, without the employee having to take additional action.

It is a violation of House Rules to fail to complete the annual training requirement. *See* House Rule XI, clause 3(a)(6)(B)(ii). Sanctions for failing to satisfy annual training requirements may include the publication of noncompliant employees' names, along with the identity of their employing House office, as well as other sanctions the Committee deems appropriate.

Existing House employees may complete their training on-line through HouseConnect. ***Ethics training is only accessible through computers connected to the***

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[1] "Senior staff" are those employees who are paid at an annual rate of $119,553.60 or more for at least 60 days during the calendar year. These individuals must also file an annual financial disclosure statement.

House network. Employees wishing to complete their training should go to the HouseConnect Web site, https://houseconnect.house.gov, and log on using the House user ID and password used to log on to their House computer. They should complete the training entitled "2013 General Ethics Training." NOTE: the "2013 General Ethics Training" course is the only course that satisfies the annual ethics training requirement for existing employees. Employees must click forward to view a confirmation screen, entitled "Course Completion Confirmation Page," to verify they have completed the course.

Anyone needing to verify that they have completed the on-line training can log in to HouseConnect and view their own screen, and print the screen for verification. Once an employee has completed the training, the column titled "Complete" next to that training will read "True." (If the session has not been completed, the column will read "False".) Their name appears in the upper right corner of the screen.

Any employee who completed their training on-line through HouseConnect (and the completed column reads "True") has already completed their annual ethics training requirement and made their required certification to the Ethics Committee of its completion. Attendees at a live ethics training presentation received an e-mail message from the Committee, shortly after the end of the training session, certifying to their attendance.

Further guidance on ethics training can be found on the Committee's Web site at http://ethics.house.gov/training. If you have any questions about the training requirements, please feel free to contact the Committee staff at extension 5-7103.

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January 14, 2014

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Announcement of the New Electronic Filing System for Financial Disclosure Statements and Periodic Transaction Reports

---

The Ethics in Government Act, as amended, requires Members, officers, and certain employees[1] of the U.S. House of Representatives and related offices to file Financial Disclosure Statements (FD Statement) and Periodic Transaction Reports (PTRs) with the Clerk of the House. The Stop Trading on Congressional Knowledge Act (STOCK Act) required the Clerk to develop an electronic filing system for FD Statements and PTRs. The electronic filing system is now available for House filers to make PTR and FD Statement filings. **Although use of the electronic filing system is voluntary, the Committee strongly recommends that filers use it to make all filings.**

Filers were sent an e-mail on January 2, 2014, from "FD Accounts" with the subject "New Financial Disclosure Account Created" that contained the filer's initial login information for the new electronic filing system. This login information included a temporary, system-assigned password. Filers should personally log in to the system and re-set their password to one they can more easily remember. At that time, filers are also able to designate up to three third-party preparers to assist them with their filings. Any designated third-party preparers will have access to that particular filer's information, but not that of any other individual

Filers (and designated third-party preparers) can log onto the system at https://fd.house.gov. If you need to make a filing but did not receive login information, or if you have lost your temporary password, please contact the Legislative Resource Center at (202) 226-5200 for assistance.

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[1] Employees who qualify as "senior staff" are required to file FDs and PTRs. Any employee who was paid at the senior staff rate on the first day of the 2014 pay cycle (January 3) is required to file PTRs for any reportable transaction during 2014, as is any employee paid at that rate for any two months during 2014. The senior staff rate for 2014 is $120,749 (a monthly pay rate over $10,062). Employees who were paid at the 2013 senior staff rate ($119,553.60, a monthly rate of $9,962.80) for at least 60 days in 2013 must file an FD Statement covering calendar year 2013.

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January 15, 2014

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: The 2014 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

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A House employee's salary level may trigger certain public disclosure requirements and employment restrictions, including the:

1. Requirement to file financial disclosure (FD) statements, including Periodic Transaction Reports (PTRs);[1]
2. Restrictions on outside employment;
3. Disclosure of negotiations for private employment and recusal requirements; and
4. Post-employment restrictions.

This memorandum provides details on the current triggering salary figures for CY 2014 for each of the categories noted above, and summarizes them in a table on page 5 of this Memorandum.

[1] For detail on the PTR requirement, see the Committee's August 17, 2012, advisory memorandum "Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended," which is available on the Committee Web site (ethics.house.gov), under the links for Reports/General Advisories. Note that the STOCK Act may require the filing of PTRs as often as once per month, effective January 3 for Members and any staff who are paid at the senior staff rate on January 3, 2014. Staff who rise to the senior staff rate for more than 60 days later in the year will also be subject to the requirement for the remainder of the calendar year.

FINANCIAL DISCLOSURE

House officers and employees whose "rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for at least 60 days at any time during a calendar year are required to file FD statements, provided that the officer or employee "performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year."[2] The GS-15, step 1, basic pay rate for CY 2014 is $100,624. The applicable 120% calculation for that rate is therefore **$120,749**, or a monthly salary above $10,062.[3] This rate is referred to as the "senior staff rate."

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate ($120,749) for at least **60 days**[4] during **2014** must file an FD statement on or before May 15, 2015.[5] In addition, any new employee paid at the senior staff rate must file a "new employee" FD statement within 30 days of assuming employment with the House.[6] Finally, any staff who are paid at the senior staff rate on January 3, 2014 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain financial transactions. See footnote 1 of this Memorandum for more information on the PTR requirement.

Please note that the requirement to file an FD statement covering calendar year 2013 applies to officers and employees whose basic rate of pay for at least 60 days in **2013** was **$119,553.60** or more (a monthly salary at or above $9,962.80). Annual FD statements covering CY 2013 are due on Thursday, May 15, 2014, for those individuals who continue to be Members, officers, or employees of the House on that date.

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.[7]

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[2] Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. 4 §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are required to file FD statements. 5 U.S.C. app. 4 §§ 101(e) and (f).

[3] The precise amount of the 2014 senior staff rate is $120,748.80, which equates to a monthly pay rate of $10,062.40.

[4] The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee's base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file a Financial Disclosure Statement. This is true even if the pay change affects only part of a month.

[5] 5 U.S.C. app. 4 §§ 101(c) and 109(f).

[6] *See* 5 U.S.C. app. 4 § 101(a). The only exception to this filing requirement is for new employees who assume employment with the House within 30 days of leaving a position with the federal government in which they filed a publicly-available financial disclosure statement. Individuals who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing by letter or through the new e-filing system for filing financial disclosure statements.

[7] *See* 5 U.S.C. app. 4 § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available financial disclosure statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of that fact in writing by letter or through the new e-filing system for filing financial disclosure statements.

THE OUTSIDE EARNED INCOME LIMIT AND OUTSIDE EMPLOYMENT RESTRICTIONS

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income[8] attributable to each calendar year.[9] As noted above, the senior staff rate for CY 2014 is **$120,749**, or a monthly salary above $10,062.

The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of the year. Because the new pay rates for the Executive Branch did not go into effect until January 12, 2014, the rate of basic pay for Executive Level II on January 1, 2014, remained $179,700. Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2014 remains **$26,955**.[10] This limit will not change, even though the new federal pay rates have taken effect.

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the types of outside employment.[11] Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's Web site (ethics.house.gov). The Committee's Office of Advice and Education (extension 5-7103) is available to explain these limitations further.

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS

House Members, officers, and employees paid at the senior staff rate must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment with a private entity.[12] In addition, House Members, officers, and senior staff must recuse themselves from "any matter in which there is a conflict of interest or an appearance of a conflict" with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal. As noted above, the senior staff rate for CY 2014 is **$120,749**, or a monthly salary above $10,062.

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[8] The term "outside earned income" means any "wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered" by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include the individual's salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

[9] 5 U.S.C. app. 4 § 501(a)(1); House Rule 25, cls. 1(a)(1) and 4(a)(1).

[10] This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or $13,478. *See* 5 U.S.C. app. 4 § 501(a)(2); House Rule 25, cl. 1(b).

[11] *See* 5 U.S.C. app. 4 § 502(a); House Rule 25, cls. 1-4.

[12] House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) § 17.

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and senior staff is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both memoranda, which are dated November 19, 2012, are available on the Committee's Web site (ethics.house.gov) under "Reports/General Advisories," and forms for making the notifications regarding job negotiations or recusal are available under "Forms/Post-Employment."

POST-EMPLOYMENT RESTRICTIONS

House Members and officers, as well as certain other House employees, are subject to post-employment restrictions on lobbying.[13] A former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the one-year period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. This amount is referred to as the "very senior staff rate."

The basic rate of pay for Members in 2014 will remain $174,000.[14] Therefore, the post-employment threshold for employees who depart from a job in a Member, committee, or leadership office in CY 2014 remains **$130,500**, or a monthly salary of $10,875 or more. However, the triggering salary for employees of other House or legislative branch offices (such as the CBO, GAO, GPO, Capitol Police, Library of Congress, Clerk, Parliamentarian, Office of Legal Counsel, and Chief Administrative Officer) is Executive Schedule Level IV. For 2014, that salary has increased to **$157,100**, or a monthly salary above $13,091.

Information on the post-employment restrictions applicable to Members, officers, and very senior staff is available in the two Committee advisory memoranda referenced in the previous section.

* * * * *

See page 5 for a table summarizing the information contained in this memorandum.

[13] 18 U.S.C. § 207.

[14] Section 146 of the Continuing Appropriations Act, 2014, Pub. L. No. 113-46 (Oct. 17, 2013), prohibited a scheduled cost-of-living pay raise for Members. As a result, Member pay will remain at $174,000 for 2014.

CALENDAR YEAR 2014

Item	2014 Amount
Outside earned income & outside employment threshold - Outside employment fiduciary restrictions if paid at rate for more than 90 days during 2014	**$120,749** ($10,062/mo)
Outside earned income limit	**$26,955**
Financial Disclosure/PTR threshold - Annual FD required in May 2015 if paid at rate for 60 days or more in CY 2014 - PTRs required during CY 2014 if: - Paid at rate on first day of calendar year or first day of House employment (if later); ***or*** - Paid at rate for any two pay periods during CY 2014 (*e.g.*, if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year	**$120,749** ($10,062/mo)
Written disclosure of job negotiations and recusals required	**$120,749** ($10,062/mo)
Post-Employment threshold for employees of Member, committee, or leadership offices	**$130,500** ($10,875/mo)
Post-Employment threshold for employees of "other legislative offices" (see p. 4)	**$157,100** ($13,091/mo)

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July 11, 2014

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Update to guidance on the disclosure of privately-sponsored travel

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Earlier this year, the Committee adopted several changes to its guidance regarding financial disclosure reporting. Among them was a revision to no longer require limited reporting of officially connected, privately sponsored travel on annual financial disclosure reports, provided that a much more detailed, publicly available report of the trip had already been filed. Some recent press reports regarding this change have created confusion in the House community by suggesting that Members and House staff no longer have to make any disclosure of privately sponsored travel, that the public would no longer have access to any information about privately sponsored travel, and that the rules governing what types of privately sponsored travel are acceptable have been changed. None of that is correct.

We wish to take this opportunity to explain what the Committee actually changed in its financial disclosure guidance and why the Committee's nonpartisan staff recommended the change, remind the House community about public disclosure of privately sponsored travel, and announce that the Committee will return to using its prior guidance regarding reporting of these trips on financial disclosure reports.

Nothing about the change in financial disclosure reporting of privately sponsored travel changed the other rules that apply to such trips. The Ethics Committee continues to enforce the requirement that all House Members and staff who wish to accept privately sponsored travel must continue to seek approval from the Ethics Committee at least 30 days before the trip, receive approval from the Committee prior to the trip, and file detailed paperwork about any such private trip within 15 days of the trip. Restrictions about what types of privately sponsored travel may be accepted – including limits on involvement by registered lobbyists and the length of trips offered by entities that employ or retain registered lobbyists – also remain in effect. Again, none of these requirements have been changed or diluted in any way.

The House community should be aware that the limited disclosure of some details of privately sponsored travel by Members and a minority of staff many months after a trip – if not a year or longer – does not provide the House or the public with the same level of information as the already publicly available post-travel paperwork. This return to the Committee's earlier guidance will not result in any additional substantive disclosure about privately sponsored travel or any faster disclosure, and will apply only to Members and the limited number of staff who file financial disclosure reports.

Accordingly, we encourage anyone who is looking for information about privately sponsored travel to use the searchable online database of detailed post-travel filings on the Clerk's Web site. The public, the media, and outside groups have used this valuable resource for years and we anticipate that they will continue to do so.

It is possible that some financial disclosure filers who have already filed their calendar year 2013 financial disclosure report followed the Committee's earlier public guidance on this issue, and therefore omitted privately sponsored travel from 2013 on their statement. Any such filer should provide that additional information to the Clerk by August 11, 2014. The Committee will also follow up with those filers to provide more information. Providing additional information about an already filed financial disclosure report is routine.

We are incredibly proud of the work the Committee does, and the strides the Committee's Members and its staff have taken to improve the Committee and its processes. Both the Members of the Committee and its nonpartisan, professional staff are and remain steadfastly committed to effective and efficient public disclosure, and will continue to look for opportunities to improve the public filings required of Members, officers, and employees of the House.

This information is summarized in the following Q&A.

Q. What did the Committee change?

A. The Committee adopted several changes to its guidance regarding financial disclosure reporting that were recommended by its nonpartisan, professional staff. One of those changes was a revision to no longer require limited reporting of officially connected, privately sponsored travel on annual financial disclosure reports, provided that a much more detailed, publicly available report of the trip had already been filed with the Clerk. The nonpartisan staff recommended this change because the additional reporting of privately sponsored travel on financial disclosure reports is duplicative of information the filer has already reported and that is made publicly available in the same place online as financial disclosure reports.

The nonpartisan staff did not recommend – and the Committee did not adopt – any changes to the types of private travel that may be accepted or to the more detailed and more timely public disclosures already filed with the Clerk.

All other forms of travel reportable on a financial disclosure statement continue to be reported, i.e., travel provided by 1) a private source in connection with the outside business or other activities of the filer or the filer's spouse (if the filer travels with the

spouse); 2) a non-federal political organization source for travel in connection with a campaign or fundraising event; 3) a nonprofit group in connection with filer's attendance at a charity fundraising event; and 4) a foreign government under the Mutual Educational and Cultural Exchange Act (MECEA).

Q. How did this change come about?

A. In the 113th Congress the Committee and its nonpartisan staff collaborated with the Clerk's office as that office developed the new online financial disclosure filing system made available earlier this year. As part of that process, the Committee's nonpartisan staff identified a number of changes they recommended be made to the financial disclosure forms and instructions. One of the proposed changes was with respect to privately sponsored travel.

Q. Why did the Committee only make a change to reduce what Members and senior staff have to disclose on their financial disclosure reports?

A. The change to eliminate the duplicative reporting of privately sponsored trips was just one of a number of changes the nonpartisan staff recommended and the Committee adopted. Some changes actually clarify that more – not less – reporting is required. For example, the Committee clarified that filers must report Member-to-Member, Member-to-staff, and staff-to-staff gifts that aggregate in value to more than $350. This change requires more, not less, disclosure. Other changes may seem less substantive, but were also intended to increase convenience and efficiency. For example, the Committee reordered the various schedules that comprise an annual financial disclosure report. That was done both to help filers complete the reports in a more common sense order, and to improve readability and usefulness of the reports to the public.

Q. What does any of this have to do with efficiency? It seems like requiring financial disclosure filers to report privately sponsored travel a second time isn't that big a deal.

A. The Committee reviews and certifies all annual financial disclosure statements that Members, candidates, and senior staff are required to file, as well as all periodic transaction reports that Members and senior staff file. These are time-intensive reviews, which require the dedication of substantial staff resources to complete. In addition, the Committee's financial disclosure experts speak and meet regularly with individual Members and staff to pre-screen their reports to prevent and avoid the necessity of filing amendments, or to provide assistance in completing the reports.

In 2013, the Committee's nonpartisan staff reviewed 2,651 financial disclosure statements and 1,637 periodic transaction reports. Where the Committee's review indicated that a filed financial disclosure report had a deficiency, such as a failure to include required information, the Committee requested an amendment from the filer. Such amendments are routine and, without evidence of a knowing or willful violation, the Committee will usually take no further action. However, the process of reviewing filed reports, contacting filers to request an amendment, reviewing that amendment is time consuming.

In the past, a number of filers who have already properly filed public reports of privately sponsored travel have inadvertently failed to include the less detailed summary of the trip on a subsequent financial disclosure report. Identifying and contacting those filers, as well as following up to ensure they file an amendment, and then reviewing the amendment consumed valuable staff time – all for review of less information than was already publicly available. Moreover, requiring financial disclosure filers to report privately sponsored travel on an FD effectively requires the Committee to review a private trip three times: first, before the trip, to determine if it should be approved; second, after the trip, when the Committee reviews the post-travel paperwork; and third, when the Committee reviews the financial disclosure report.

Q. How did the Committee announce the change? I heard this was done secretly, and the Committee never told anyone about the change.

A. As in prior years, the Committee made copies of the financial disclosure instructions available to all Members and staff filers, and also made the instructions publicly available on its Web site. The instructions were publicly distributed months ago. All of the revisions to the financial disclosure guidance were prominently highlighted in the instruction booklet issued earlier this year on page 2, under the header "**REPORTING CHANGES FOR 2013-2014.**" (emphasis original). The guidance noted that filers would no longer be required to "report privately-sponsored travel that has been approved by the Committee and reported to the Clerk of the House. Privately-sponsored travel will continue to be disclosed on the Clerk's Web site, www.clerk.house.gov, under the 'Public Disclosure' tab." (emphasis added). In addition, more detailed instructions for completing the travel schedule, including a restatement of this change, was provided in the section of the instructions about travel, at pages 34-36.

Q. I saw a press story that said this change would have meant that no House Members or staff would be required to make any public disclosure of privately sponsored travel. Is that true?

A. No. To be clear, absolutely nothing was changed regarding the requirement that all Members and all House staff must file detailed, publicly available reports of privately sponsored travel within 15 days of the trip. That requirement has always remained in effect, and the Committee has and will continue to enforce it.

Q. I heard that I would no longer have to get Committee approval to go on a privately sponsored trip. Is that right?

A. No. To be clear, absolutely nothing was changed regarding the requirement that all Members and all House staff must seek and receive prior Committee approval to accept a privately sponsored trip. That includes a requirement that all Members and employees file detailed paperwork about a proposed trip at least 30 days before the start of the trip. That requirement has always remained in effect, and the Committee has and will continue to enforce it.

Q. But what about the press stories that said this means that lobbyists can now pay for lavish "junkets"?

A. This is not correct. All of the criteria that apply to what types of privately sponsored travel can be accepted by a Member or House employee remain unchanged. Among those requirements are prohibitions on lobbyist participation, and a one-day limit for trips offered by private sponsors that employ or retain registered lobbyists. In addition, registered lobbyists are prohibited from personally paying for privately sponsored travel. These requirements have always remained in effect, and the Committee has and will continue to enforce them.

Q. What is the Committee doing now?

A. In light of feedback we have received from our fellow Members and after further consideration, we have determined that the Committee will return to its previous guidance regarding disclosure of privately sponsored travel on financial disclosure reports, effective immediately. This revision is consistent with the Committee's ongoing mission to enforce House ethics rules and standards in a manner that protects the integrity of the House, promote meaningful transparency and public disclosure, articulate standards for compliance that can be easily understood by the House community, and help Members and staff meet those standards.

Q. What does the return to the Committee's previous guidance mean in practical terms?

A. To illustrate what the return to the previous guidance means, any Member or House staffer who accepted a privately sponsored trip during the current district work period and ending today, July 3, 2014, will have to file an extensive report of that trip with the Clerk by July 18, 2014 – just as they would have last year. The Clerk will promptly make that disclosure – including the actual cost of the trip – publicly available in a searchable online database. Members and senior staff who file financial disclosure statements next year – but not any other House staff – will also have to list the trip on the travel schedule of their calendar year 2014 financial disclosure statement. Financial disclosure reports covering 2014 will not be due until May 2015, and the travel schedules of calendar year 2014 financial disclosure reports will not include any information that will not have already been publicly available in a searchable database for 10 months.

Q. What about the claim that the travel paperwork filed with the Clerk is hard to find and inaccessible?

A. The House community and the public should know that public reports of all privately sponsored travel have been, and remain, easily accessible by the public in a searchable online database on the Clerk's Web site. Any assertion that this information is inaccessible or more difficult to find than Members' financial reports is inaccurate. In fact, the database of privately sponsored travel is on the very same web page of the Clerk's Web site as the database of Members' financial disclosure reports.

The Clerk's easy to use database allows the public to search privately sponsored trips by Member name, travel dates, private sponsor name, destination, or any combination of

those fields. A user also has the option of downloading all private travel reports by year, going back to 2007.

The public, the media, and outside groups have used this valuable resource for years. We anticipate that they will continue to do so, and we encourage people who are looking for information about privately sponsored travel to look at the post-travel paperwork on the Clerk's Web site. For example, any news report or other publication that references a dollar total spent by private sponsors on this type of travel necessarily relies on the post-travel paperwork made publicly available by the Clerk, since a dollar value for travel has never been included in the financial disclosure reporting requirement. Similarly, any report of all privately sponsored travel offered by a particular sponsor would have to rely on the post-travel paperwork, since the vast majority of House employees do not file financial disclosure statements.

Q. I am a financial disclosure filer. What does the change back to the earlier guidance mean for me?

A. It is possible that some financial disclosure filers who have already filed their calendar year 2013 financial disclosure report followed the Committee's earlier public guidance on this issue and therefore omitted privately sponsored travel from 2013 on their statement. Any such filer should provide that additional information to the Clerk. Filers will have a specified deadline to do so, and the Committee will also follow up with those filers to provide more information. Providing additional information about an already filed financial disclosure report is routine.

Any financial disclosure filer who has properly received an extension of time to file their calendar year 2013 financial disclosure report and has not yet filed their financial disclosure report should include on the travel schedule any privately sponsored travel they accepted in 2013, in addition to any other reportable types of travel.

Q. I am a House staffer, and I am not paid at the senior staff rate. What does this mean for me?

A. For the vast majority of House staff who are not paid at the senior staff rate, and as a result do not file financial disclosure reports, nothing changed. Neither the proposal to reduce the duplicative financial disclosure reporting nor the return to the Committee's prior guidance on this topic change the rules that apply to accepting privately sponsored travel or the requirement to file detailed, publicly available reports about such trips soon after the trip.

Q. I am a financial disclosure filer, and I received an extension of time to file my FD for CY 2013. How do I know I'm filling out the form correctly?

A. Any Member or employee who is required to file a financial disclosure report is always welcome to contact the Committee's nonpartisan staff with questions about the FD filing requirements. Committee staff can also speak with a filer's spouse, accountant, or other third party who helps prepare their FD report. As always, we encourage any

Member or House employee who has questions about financial disclosure or any other ethics-related matter to contact the Committee for advice at 5-7103.

Q. I recently received an invitation to go on a privately sponsored trip during the upcoming August recess. How do I know what I need to do to see if I can go on the trip?

A. As described at greater length above, nothing about the requirements to accept privately sponsored travel has changed. Please keep in mind that all Members and House staff must submit the appropriate paperwork regarding an invitation to go on a privately sponsored trip to the Committee at least 30 days before the start of the trip. The submission deadline is rapidly approaching for any private travel during the August 2014 recess. The Committee has made a handy travel calculator available on its Web site to help you figure out when your paperwork is due. As always, we encourage any Member or House employee who has questions about privately sponsored travel or any other ethics-related matter to contact the Committee for advice at 5-7103.

K. Michael Conaway, Texas
Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico
Michael E. Capuano, Massachusetts
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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

August 15, 2014

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MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Campaign Activity Guidance

As the House has entered the August recess, we would like to take this opportunity to remind House Members, officers, and employees of the rules that apply to participating in campaign activity. A wide range of standards affect whether, how, when, and where Members, officers, and employees of the House may engage in campaign activities. They include House Rules; rules promulgated by the Committee on House Administration, the Franking Commission, and the Building Commission; federal statutes; and federal regulations. This pink sheet does not announce any new standards or interpretations of existing standards, but instead provides an overview of key issues related to campaign activity, and is a reminder to the House about commonly encountered issues.

This document is organized in two parts. The first part is a list of "Top Ten Things to Remember about Campaign Activity," which contains a concise statement of ten important reminders governing House Members, officers, and employees' participation in campaign activities. The second part is a more in-depth discussion, in question and answer format, tied to each of the ten reminders. The Committee on Ethics ("Committee") encourages congressional offices to post the "Top Ten Things to Remember about Campaign Activity" in common areas as a reminder of the rules governing campaign activity, and to disseminate this information to staff widely. Members may also wish to share this pink sheet with their campaign staff.

This pink sheet is a high-level summary of the rules about which House Members, officers, and employees ask Committee counsel most frequently. Although this document contains a great deal of information, it is not comprehensive and it does not address every situation House Members, officers, and employees face when engaging in campaign activities. As with many issues, there are permutations and exceptions, which is why *the list contains an important reminder:* **Consult with the Committee if you have questions about participation in campaign activities.**

Top Ten Things to Remember about Campaign Activity

1. You may not conduct campaign activities in official buildings, using official resources, or on House time.

2. While the general rule is complete separation between official and campaign resources, there are a **few**, **very limited**, and **very specific** exceptions that permit the use of official resources for campaign purposes.

3. Principal campaign funds **may** be used for official purposes in some circumstances.

4. Members may **not** use campaign resources for certain official purposes—communications, salary for performing official duties, office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices).

5. In many cases, House officers and employees **may** volunteer for or be paid by a political campaign.

6. House officers and staff who are paid at the "senior staff rate" by the House for their official duties may be paid for campaign work, but are subject to a limit on the amount of money they may be paid by the campaign, and must report their campaign income on their annual financial disclosure statement.

7. As a general rule, House officers and employees may not contribute to their employing Member's campaign. This includes making "outlays," or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your own travel expenses for campaign activity.

8. The official scheduler is permitted to use official resources to have limited communications with the Member's campaign in order to coordinate the Member's official and campaign activities. However, there are specific rules for how and what you coordinate for your employing Member's schedule.

9. The campaign may only use material created with official resources, if at all, after its official use has been exhausted.

10. Consult with the Committee on Ethics if you have questions about participation in campaign activities by calling (202) 225-7103.

USE OF OFFICIAL RESOURCES

1. You may not conduct campaign activities in official buildings, using official resources, or on House time.

Q. How do I determine what is "campaign activity," as opposed to official activity?

A. Members are in the best position to determine whether an activity is campaign or official in nature. In making this determination, Members may consider the purpose of the activity, who is hosting the activity (if not the Member), and the subject matter. Once an event is designated as campaign or official, only the appropriate resources may be used for that event. You may not combine funds for an activity unless you are specifically permitted to use campaign funds for an official activity (see number 4, below).

TIP: A best practice is to designate an event as either campaign or official at the beginning stages so that everyone knows what resources may be used to plan and/or staff an event.

Q. What do you mean by official buildings?

A. Official buildings (also called official office space) include not only any House office building, but also all district office space, any Senate office building, the Capitol, the Library of Congress, and any federal building.

TIP: If you need to send an email or make a phone call to the campaign on your own time using your own device or a device paid for by the campaign, you may do so from campaign headquarters, at home, at a political party office, from a Member's home, or any other non-official location (for example, the coffee shop down the street from your office).

Q. What is an official resource?

A. An official resource is anything paid for with official funds appropriated to a personal office or a Committee. Official resources include tangible things like computers, printers, letterhead, desks, and telephones. An official resource can also be services paid for with official funds, and work product created for a congressional office, like a constituent database. While on the official payroll or doing official work, officers and employees are also considered to be an official resource (see below for further guidance concerning when your time can be considered your own). Finally, unpaid interns and fellows are an official resource while they are performing official tasks for a congressional office.

TIP: Although not required, a "best practice" is to use different vendors for campaign and official services so that staff can easily determine whether a particular vendor or service is considered an official resource or a campaign resource. While the campaign may use certain official resources in some limited instances (see number 9, below), work product like a constituent database is always considered an official resource and therefore may not be used by the campaign.

Q. If my time can be considered an official House resource, do I have my own time?

A. Yes. What constitutes a staff member's "own time" is determined by the personnel policies that are in place in the employing office. Time that is available to a staff member, under those policies, to engage in personal or other outside activities may instead be used to do campaign work, if the individual so chooses. This free time may include, for example, a lunch period, time after the end of the business day, and annual leave.

TIP: If you work for the House and for a campaign, keep a log of when you participate in campaign activities on your own time (nights, weekends, annual leave). This way, if you are ever challenged about whether you did campaign work on House time, you have a document ready to show that you did not.

Q. When I am not on House time, do I have to tell my employing Member what I am doing or for which campaign I plan to work?

A. There is no specific ethics rule that requires you to inform your employing Member about what you do on your own time, campaign or otherwise. However, your employing office may have a more restrictive policy. Further, the Committee strongly recommends that you keep the lines of communication concerning your outside activities open with your employing Member. Keep in mind that your outside activities could create an actual or perceived conflict of interest for your office, so you should consult with your supervisor and the Committee before engaging in outside activity. Specific to campaign activity, it is important for your employing Member to know for whom you intend to work so he or she can anticipate potential issues.

TIP: Before you engage in any outside activity, have a discussion with your supervisor about how your outside activities might impact your official duties and the official office.

Q. Do these rules apply to my volunteering on a state or local campaign?

A. The rules for campaign activity apply to **all** campaign activity, whether for a local, state, or federal office.

TIP: Remember that while you are an employee of the House, you are subject to all House rules and legal authorities concerning your involvement in **any** political campaign.

2. While the general rule is complete separation between official and campaign resources, there are a *few*, *very limited*, and *very specific* exceptions that permit the use of official resources for campaign purposes.

Q. I am a scheduler for a very busy Member of Congress. Can I use my phone, email address, and time while on the official clock to coordinate my Member's official *and* campaign schedules?

A. Yes, as the official scheduler, you may use any House resource necessary to coordinate with the campaign. The purpose of this exception is to ensure that your employing Member is not scheduled to be in two places at once. However, there are specific rules for how and what you coordinate for your employing Member's schedule. For additional guidance, please see number 8, below, or consult with the Committee.

TIP: For those offices that have a scheduler both in Washington, D.C., and in the district, designating one person as the main point of contact for the campaign may help avoid potential miscommunications.

Q. Can press secretaries talk about campaign activities as part of an official interview?

A. The press secretary in the congressional office may answer occasional questions on political matters, and may also respond to such questions that are merely incidental to an interview focused on the Member's official activities. However, while in the congressional office, the press secretary should not give an interview that is substantially devoted to the campaign, or initiate any call that is campaign-related. A press secretary who wishes to do either of those things should do so outside of the congressional office, and on his or her own time.

Q. What do I do if people call, email, stop in, or write to the congressional office about campaign activities?

A. The congressional office may refer to the campaign office letters and other communications and inquiries that it receives concerning the campaign. Likewise, the campaign office may refer to the congressional office any officially related matters that it receives. All such referrals should be done at the expense of the campaign, including the cost of any long-distance calls. It may be desirable for the congressional office to have a supply of campaign envelopes and stamps for use in referring written materials. Those stamps and envelopes can also be used to send to the campaign any unsolicited campaign contributions that are received in the congressional office (see below).

TIP: A "best practice" is to use the least amount of official resources to get the person contacting your office for a campaign purpose where they need to go. For example, if the campaign-related communication is a phone call, you may in that phone call provide the campaign's phone number or email address. For a letter received in the official office, send the letter to the campaign using campaign-provided envelopes and postage. For emails, forward the email on to the campaign's email address. Should you get a walk-in in a district office, you may redirect him or her to the campaign office.

Q. Since we get so many campaign inquiries through the congressional office, can we just include a link to the campaign in our communications, on our Web site, on social/new media, and other official sites? What about the reverse—can the campaign post a link to official sites?

A. You may not provide campaign contact information except as discussed above. You may not include a link to the campaign in congressional communications, on official Web sites, or on official social/new media. The campaign, however, may redirect constituents who contact the campaign for an official purpose to the official sites only in specific instances, and only using approved language. For more information about when and how the campaign may redirect constituents, please review the Committee's March 12, 2012, Advisory, entitled "Changes in Rules Regarding Providing a Hyperlink from Campaign Internet Sites to Official Internet Sites," which is available on the Committee's Web site.

TIP: Ensure that campaign staff know exactly how and when the campaign may link from a campaign site to an official site by providing the Committee's advisory to campaign staff.

Q. What do I do with an unsolicited campaign contribution that someone brings to the office or to an official event?

A. You must either return the contribution to the donor or forward checks to the campaign. If you mail the contribution to the campaign, federal law requires that you send the contribution within seven days. Moreover, you may **never** accept a campaign contribution that is accompanied by a request or a "thank you" for taking official action. Finally, a federal statute prohibits Members from personally receiving even unsolicited campaign contributions in their office or at an official event.

TIP: Designate one person in the office to log all unsolicited contributions and how the office disposed of them—by sending it back to the donor or by forwarding it to the campaign. The log should include dates to ensure offices can demonstrate sending the donation to the campaign within seven days, if that is the chosen remedy.

Q. Can Members, officers, or employees solicit for campaign contributions in official buildings?

A. Generally, no. House officers and employees are absolutely barred from soliciting campaign contributions in official buildings. However, Members may solicit **other Members only** for campaign contributions, but may **never** solicit other Members on the House Floor, or in any of the rooms immediately adjacent to the House Floor.

Q. If the campaign asks, can I give them official materials like issue statements or other things that are available on our official sites?

A. Yes, you can provide **one** copy of any **public** document the campaign requests. Further, you may not use official resources to create material specifically to provide a copy to the campaign. The campaign can use the substance in these documents to create its own material. You may not provide the campaign with internal or confidential materials.

TIP: Treat the campaign as if they were a constituent. If you would not provide something to a constituent because it is confidential or internal, you may not provide that material to the campaign.

USE OF CAMPAIGN RESOURCES

3. Principal campaign funds may be used for official purposes in certain circumstances.

Q. What campaign funds may be used for official purposes?

A. Where permitted, Members may use funds from their principal campaign committee for an official purpose. This exception does not extend to the use of leadership PAC funds, however, nor does it extend to any state or local campaign funds that the Member may control.

Q. Can the campaign pay for a smartphone or tablet that I can use for both official and campaign purposes?

A. Yes. Members may use principal campaign funds for a smartphone or tablet for themselves and their staff that can be used for both official and campaign purposes. However, use of a smartphone or tablet for either purpose must be done in the appropriate place, at the appropriate time, and using the appropriate resources.

TIP: You may wish to designate a regular time outside of official time when you will not be in an official building to check campaign email and voice mail.

Q. Can a Member use principal campaign funds for a car that he or she uses for both campaign and official purposes?

A. Yes. Members may use principal campaign funds to pay for a leased car that is used for transportation to and from both campaign and official activities.

TIP: Remember that just because the car may be used for both campaign activities, the staff with the Member or driving the Member to and from an activity must be consistent with the type of activity. Campaign staff may drive the Member to a campaign event in the dual-use car, but may not drive the Member to an official event in the dual-use car. The same is true for official staff – yes to an official event, no to a campaign event (unless they are volunteering on their own time).

Q. Can a Member use principal campaign funds to pay for refreshments at his or her town hall meeting?

A. Yes. Members may use principal campaign funds to pay for expenses related to a constituent event including, but not limited to, providing refreshments. Remember, however, that there are certain categories for which use of campaign funds is expressly prohibited.

TIP: Generally, you should only use principal campaign funds for an event where at least one constituent is in attendance.

Q. Can a Member use principal campaign funds to pay for a speaker to appear at a hearing?

A. Yes. Members can use principal campaign funds to pay for a speaker to attend an event the Member or Member's committee is sponsoring.

TIP: The class of travel paid for with principal campaign funds for this purpose is not limited by House Rules. However, you should check with the Federal Election Commission (FEC) to see if they place a limitation on the type of travel a Member may provide to a speaker using his or her principal campaign funds.

Q. Can a Member use principal campaign committee funds to pay for official travel? What about for officially-connected travel?

A. Yes. Members may use principal campaign committee funds to pay for travel for themselves and their staff, so long as the travel is either official or officially-connected.

TIP: The class of travel paid for with principal campaign funds for this purpose is not limited by House Rules. However, you should check with the FEC to see if they place a limitation on the type of travel a Member may pay for when the travel is for the Member or the Member's staff.

Q. Can my employing Member purchase gifts using principal campaign funds from the House gift shop for foreign dignitaries he or she will be meeting next week?

A. Yes. Regardless of where a Member chooses to purchase such gifts, he or she may use principal campaign committee funds when those gifts are intended to be given to foreign dignitaries.

TIP: Find out what types of items your employing Member likes to give to foreign dignitaries and use a credit card provided by the campaign to purchase several of the same items for the Member's various encounters with foreign dignitaries over the year.

Q. Can a Member use principal campaign funds to pay for personal expenses?

A. No. Members may **never** use principal campaign funds for personal expenses. Personal expenses generally arise due to activities that are unrelated to a Member being a

federal candidate or officeholder, whereas official expenses often arise **solely** as a result of a Member being an officeholder.

TIP: If you are unsure whether an expense is personal in nature, consult with the Committee and the FEC for additional guidance.

4. Members may not use campaign resources for certain official purposes—communications, salary for performing official duties, office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices).

Q. Can we use campaign funds to send out an official newsletter?

A. No, you **may not** use campaign funds to pay for **any** official communication, regardless of the medium. This prohibition is very broad, and encompasses everything from a relatively straightforward communication, like a letter, to items that you might not think of as a communication, such as a coin with the Member's name and district on it. The same prohibition applies equally to traditional and social/new media. As an example, the campaign cannot use any method to promote or advertise a Member's official event.

TIP: Since "communication" is interpreted very broadly, if there are words on something paid for by the campaign, it likely may not be used for an official purpose.

Q. Can we use campaign funds to pay for an additional staff person or to pay for an intern's services in the congressional office?

A. No, you may not use campaign funds to pay for official staff salary, whether the staff would otherwise be paid or unpaid.

TIP: Ensure that anyone paid by the campaign does not perform official work while they are on "campaign time."

Q. Can we use campaign funds to pay for a satellite office or a mobile district office?

A. No, you may not use campaign funds to pay for any type of office space for an official purpose, regardless of the size or type.

TIP: Plan ahead so that you use your official funds in the most efficient manner to maximize office space.

Q. Can we use campaign funds to purchase chairs or computers for our office?

A. No, you may not use campaign funds to pay for any furniture or office equipment (except a smartphone or tablet), regardless of type (chairs, desks, printers, etc.).

TIP: Make an inventory of official furniture and office equipment at the beginning of every Congress and plan your workspaces accordingly.

Q. Can we use campaign funds to pay for official database management services?

A. No, you may not use campaign funds to pay for any services for an official purpose.

TIP: To avoid confusion, you may wish to use different vendors for official and campaign services.

CAMPAIGN OR POLITICAL ACTIVITY BY HOUSE OFFICERS AND EMPLOYEES

5. In many cases, officers and employees may volunteer for or be paid by a political campaign.

Q. I feel like I have to work on the campaign or I will lose my House job. Can I be forced to work on the campaign?

A. **Absolutely not**. If you wish to work for your employing Member's campaign, you certainly may do so as long as you do it voluntarily, without using official resources, not on official grounds, and on your own time. Work on your employing Member's campaign may not be coercive, and it may not impact or inform congressional employment decisions. **Your position in the congressional office may not be threatened or influenced by whether you choose to work on any campaign**. If you feel pressured to do campaign work to keep or improve your congressional employment, you should immediately address the matter with a supervisor or contact the Committee. The Committee takes very seriously allegations of coerced campaign work and the House has disciplined Members for such actions.

TIP: Especially if you are in a supervisory position, be certain to emphasize that whether a staff member wants to or does work on a political campaign, that activity is entirely separate from their official work. Discussions between supervisory and subordinate staff may be interpreted as directives because of the nature of the supervisor/subordinate relationship. As a result, supervisors should be clear when communicating with staff about opportunities to volunteer for the employing Member's campaign (or any other campaign) that official work and positions will not be impacted by an employee's decision about volunteering or working for a political campaign.

Q. Am I allowed to be paid by the campaign?

A. Yes, if offered, you may accept compensation for working on a political campaign. However, your pay must be commensurate with the work you are doing for the campaign and may not be over-inflated to make up for the salary your employing Member wishes he or she could give you in the congressional office. In addition, if you are paid at the senior staff rate there may be restrictions on the kind of work you can do and the amount of income you can accept from the campaign (see number 9, below).

TIP: If you are paid by the campaign, ask how much other people who have had the same position were compensated to ensure your compensation falls within a reasonable range for the work you do.

Q. I am considering running for office myself. Is that permissible?

A. Yes, you may run for state or local office. However, a staff member considering running for or serving in a state or local office should first consult his or her employing Member on the matter, and should refrain from doing so if the Member objects. Further, if your employing Member is leaving office and you decide to run for his or her seat, you must terminate your current employment before you commence campaigning for election to your employing Member's seat.

TIP: Before you decide whether you want to run for office, you should tell your employing Member, and you should consult with the Committee.

Q. I ran for state or local office and won. Can I both hold my new elected position and continue to serve as a House employee?

A. Yes. However, as with any outside activity, you should be mindful of the requirement that House employees must give a full day's work for a full day's pay. Any outside employment that would detract from the performance of, or full time and attention to, one's government job would be contrary to these standards. When the demands of a staff person's outside employment result in a reduction of the amount of time that he or she devotes to congressional duties, a commensurate reduction in the individual's congressional pay is required. Further, you remain subject to House Rules 24-hours a day, seven-days a week. This is true whether you are performing work for your employing Member or fulfilling your obligations as an elected official. Further, as a federal employee, you are subject to criminal statutes that may limit your ability to perform certain tasks as an elected official; for example, you would be prohibited from signing a grant application that goes to a federal agency. Moreover, as an elected official, if there is any overlap between your constituency and your employing Member's constituency, you may need to take precautionary steps to clarify in what role you appear at events.

TIP: If you win elective office, consult with the Committee to identify and proactively address potential overlap between your official House duties and your duties as an elected official.

6. House officers and staff who are paid at the "senior staff rate" by the House for their official duties may be paid for campaign work, but are subject to a limit on the amount of money they may be paid by the campaign, and must report their campaign income on their annual financial disclosure.

Q. I am paid at the senior staff rate. What additional restrictions apply to my being paid by the campaign?

A. House officers and employees who are paid at the senior staff rate for more than 60 days in a calendar year must file an annual financial disclosure statement. An officer or employee who is paid by a campaign and files a financial disclosure statement must report their income from the campaign on their statement. In addition, House officers and employees who are paid at the senior staff rate for more than 90 days in a calendar year are subject to a limit on the amount of outside earned income they may receive in a calendar year and the types of work for which they may be paid. For 2014, the annual outside earned income limit is $26,955. In addition, senior staff may not be paid to perform work that involves a fiduciary duty. So, for example, a House employee paid at the senior staff rate for more than 90 days in a calendar year could not be paid to act as a campaign's treasurer, although he or she could volunteer to do that work without compensation.

7. As a general rule, House officers and employees may not contribute to their employing Member's campaign. This includes making "outlays," or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your own travel expenses for campaign activity.

Q. I want to support my employing Member. Can I contribute to his or her campaign?

A. No. Federal law prohibits you from making any contribution or outlay, whether monetary or in-kind, to your employing Member. This prohibition extends to any outlay, regardless of whether or not the outlay will be reimbursed.

TIP: If an individual with whom you share an account – such as your spouse – expresses interest in making a contribution to your employing Member, ensure that he or she makes the contribution using individual funds.

Q. You said in the previous answer that I cannot make an outlay to my employing Member. What is an outlay?

A. An outlay is using your own funds to pay for something for the campaign, and the campaign reimburses you for your expenses (for example, buying pizza for the campaign office or gas for the Member's car). The prohibition on making campaign contributions to your employing Member's campaign applies to outlays as well, as they are considered contributions until reimbursed. However, you **are** permitted to make an outlay to your employing Member's campaign for your own campaign travel so long as the campaign reimburses you for your travel expenses within the appropriate timeframe, as specified by the FEC.

TIP: If you intend to work for your employing Member's campaign, ask for a campaign-issued credit card whenever you anticipate expenses to avoid even the possibility of making an outlay to your employing Member.

Q. As a House employee, can I solicit contributions to my employing Member from other people?

A. Yes. Your ability to solicit contributions to your employing Member may be limited by federal or state law. However, in general, you are permitted to solicit contributions for your employing Member from your friends and family, as examples.

Q. May the campaign solicit for donations from federal employees? What about from the Member's staff?

A. No. A federal campaign may not knowingly solicit for donations from any federal employee, including the Member's own staff.

TIP: Before the campaign sends out a solicitation, it should, at a minimum, ensure that the Member's own staff are not on the list.

8. The official scheduler is permitted to use official resources to have limited communications with the Member's campaign in order to coordinate the Member's official and campaign activities. However, there are specific rules for how and what you coordinate for your employing Member's schedule.

Q. What can the official scheduler share with the campaign?

A. The official scheduler may share information about the Member's availability for any given time. The official scheduler may not provide the campaign with details of the Member's official activities, however the campaign is permitted to access information available to the general public, *e.g.* the Member hosting a town hall event. Also, **the official scheduler may not use official resources to actually schedule campaign events**. He or she may only provide information to the campaign concerning a Member's availability and receive information about confirmed campaign events. The official scheduler may not confirm attendance at campaign events or schedule travel or other logistics for a Member's attendance at a campaign event.

TIP: Treat the campaign like any other constituent. If you would not share the details of the activity with a constituent, then you should not share that information with the campaign. Maintain one point of contact for the official schedule and one point of contact for the campaign schedule to avoid miscommunications. Forward all campaign-related scheduling requests to the campaign point of contact. Consider keeping a log of all referrals to document compliance with this requirement.

Q. If I serve as the scheduler in a Member's congressional office, can I also be the scheduler for my employing Member's campaign?

A. Yes. If you choose to work for your employing Member's campaign, whether in a voluntary or paid capacity, you may also serve as the scheduler for your employing Member's campaign. You are required to maintain the same separation of calendars as described above and are prohibited from engaging in campaign scheduling in official House office space, using official resources, or on House time.

TIP: If your employing Member has provided you a BlackBerry, iPhone, tablet, or other handheld communications device for you to use for official and campaign activity, leave the House premises to schedule campaign activities for your employing Member using that device on your own time. This will help to ensure that you are not engaging in campaign activity while you are in official House office space or on House time.

9. The campaign may only use material created with official resources, if at all, after its official use has been exhausted.

Q. When has something's official use been "exhausted?" Once something is in the public domain, is its official use exhausted?

A. Generally, an item's official use has been exhausted when the official material has been released to the media or public, **and** the congressional office is no longer using it; the standard **is not** whether something is in the public domain. Depending on the subject matter, relevance, and where the materials appear, each official product may exhaust its official use at different times. The standard applies to all type of media, including, but not limited to, documents, recordings, and social/new media posts. The key in each case is that the item in question must no longer appear anywhere on an official site or be used for an official purpose. One exception is official press releases (see Q&A, below).

TIP: Consider cataloguing the life cycle and location of all materials prepared for a congressional office so you can track when an item is internal/confidential, when it is being used for an official purpose, and when its official use has been exhausted. Keep in mind, however, that once something becomes a campaign resource because it has exhausted its official use, **it can never go back to being an official resource**. Accordingly, you should make decisions concerning exhaustion of an official resource with caution.

Q. Can the congressional office draft a document and immediately exhaust its official use so the campaign can use it?

A. No. Official resources may only be used for official purposes. Congressional staff may not create something and immediately exhaust its official use simply to provide source material for the campaign. Doing so could be interpreted as using official resources to prepare a campaign document, which is a prohibited use of official resources.

TIP: Remind staff that they may only use official resources for official purposes. The fact that the campaign needs source material is not an appropriate official purpose for which congressional offices can use official resources, including staff time to create official materials.

Q. When does an official press release exhaust its official use?

A. Generally, an official press release has exhausted its official use three days after its release. If the press release announces an event, the press release exhausts its official use after the event occurs, or three days after the press release is issued, whichever is later. Once a press release has exhausted its official use, the campaign may use it word-for-word, but must remove any official indicia (e.g., logo/letterhead) or contact information from the press release. The congressional office and campaign can simultaneously release their own press releases where appropriate, but the congressional office must use its own resources and intellectual property to create the press release. The campaign must similarly use its own resources and intellectual property to create the press release. Unlike other official materials, a press release may remain on the official Web site after it has exhausted its official use for purposes of this rule.

TIP: If the official office has a listserv or other similar distribution list that is open to the public, the campaign may sign up for that list as any other member of the public.

Q. When does an official photograph exhaust its official use?

A. An official photograph exhausts its official use when the congressional office is no longer using it for any purpose, and it comes down from any site where it may have been posted, including the official Web site and official social/new media sites.

TIP: Since an official photograph has not exhausted its official use until it comes down from all official sites, you may need to remove materials from your Web site that contain the photograph in question. For example, if you use a photograph in a newsletter, and the newsletter is on your Web site, the photograph has not yet exhausted its official use.

Q. If the campaign does not have a good picture for something and there are no photographs that have exhausted their official use, can the campaign take photographs at official events to use in campaign materials?

A. Yes, if the event is held outside of official House space and is open to other constituents, the campaign may attend just like any other constituent. However, the

campaign staff must not engage in overt campaign or political activity while at an official event.

Q. Can the campaign ever use footage of House Floor activities or committee proceedings? Does the same "exhaust its official use" standard apply?

A. No. House rules specifically prohibit the use of footage of House Floor activities and committee proceedings for any partisan political purpose. The "exhaust its official use" standard does not apply to footage of House Floor footage or committee proceedings. If such footage is embedded in a third party article or news clip, the campaign may use the article or clip if otherwise appropriate, but must first remove the prohibited footage.

TIP: Educate campaign staff about the prohibition on the use of footage of committee proceedings and House Floor activities to avoid any inadvertent impermissible use.

10. Consult with the Committee on Ethics if you have questions about participation in campaign activities.

Q. How do I contact the Ethics Committee?

A. Call (202) 225-7103 and ask to speak to an attorney. If you have a relationship with a particular attorney, you can email or call him or her directly. Advice and Education attorneys are available Monday through Friday, from 9 AM until 6 PM, Eastern time. In addition, the Committee routinely makes attorneys available to conduct in-person training sessions for individual offices.

TIP: Your conversations with Committee counsel are confidential. The benefit of asking for advice before taking an action is that you can often avoid even the appearance of an inappropriate action. Ask as many questions as you have, ask as often as you like, and always ask before acting if you have any doubt about the permissibility of your proposed campaign activity.

Q. How can I stay up to date on the latest guidance issued by the Ethics Committee?

A. From time to time the Committee issues pink sheets like this one, whether to provide reminders or updates to the House community about existing rules or to issue guidance about new standards. Those pink sheets are distributed in hard copy to Member and committee offices and posted on the Committee's Web site, http://ethics.house.gov/. You can also sign up for the Committee's listserv on its Web site, or sign up to receive e-Dear Colleagues from the Committee at http://e-dearcolleague.house.gov/.

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Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

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MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Holiday Guidance on the Gift Rule

The House gift rule, codified at House Rule 25, clause 5, applies to all Members, officers, and employees (Members and staff) at all times, even during the holiday season. This memorandum does not announce new rules or guidance, but is simply a reminder of some of the restrictions of the gift rule and some of the more common questions that arise during the holiday season. This guidance does not cover every situation. As a result, if you are unsure about a particular situation, please contact the Committee staff at (202) 225-7103. In addition to the detailed guidance provided below, in the spirit of the season, a poetic take on the gift rule is included at the back of this memorandum.

Overview of the Gift Rule and other Gift Statutes

Members and staff may not knowingly accept any gift, except as provided in the gift rule.[1] The rule defines the term "gift" broadly to mean "a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value."[2] The gift rule contains numerous exceptions permitting Members and staff to accept gifts. There are certain gifts that staff may accept without worry. For example, there are no restrictions on accepting gifts, including cash or cash equivalents, of any dollar value, from relatives.[3] There are also no restrictions on accepting personal holiday gifts from co-workers and supervisors.

Generally, Members and supervisors may not accept gifts from their subordinates.[4] However, the Committee has provided for a common-sense exception for voluntary gifts

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[1] House Rule 23, clause 4 and House Rule 25, clause 5.

[2] House Rule 25, clause 5(a)(2)(A).

[3] The term "relative" is broadly defined, and it includes fiancés/fiancées and in-laws. *See 2008 House Ethics Manual* at 69 and 5 U.S.C. app. 4 § 109(16).

[4] 5 U.S.C. § 7351.

extended on special occasions such as holidays.[5] Accordingly, Members and supervisors may accept gifts from their subordinates that are customarily extended during the holiday season.

In certain circumstances, Members and staff must seek written permission before accepting a gift. Members and senior staff[6] must also disclose the receipt and value of gifts on their annual Financial Disclosure Statements in certain circumstances, as explained more fully in the final section of this memorandum.

While the gift rule defines what Members and staff may accept, it does not authorize them to ask for any gift. There is also a statutory gift provision, which prohibits Members and staff from asking for or accepting anything of value from anyone who seeks official action from the House, does business with the House, or has interests that may be substantially affected by the performance of official duties.[7] The statutory provision also prohibits Members and staff from soliciting on behalf of other individuals or entities, other than political solicitations or solicitations for charity.

A brief description of some of the common gift rule exceptions applicable to the holiday season are listed below.

Parties and Receptions

During the holiday season, Members and staff may be invited as guests to parties or related events that are sponsored by individuals or organizations that have, or plan to have, business dealings before Congress. Provided the guidance below is followed, Members and staff may accept an invitation to the following:

- An event where the per person cost or ticket price (if sold) is **less than $50**, provided:

  1) The invitation is not from a federal lobbyist, foreign agent, or private entity that retains or employs such individuals; and

  2) The total value of gifts or other invitations you accept from the host under this exception is less than $100 for the calendar year. Any gift worth less than $10 does not count towards the annual limitation.

  Example: If a non-lobbyist invites you to a holiday dinner party and your meal is less than $50, you may accept the meal under the "less than $50 exception," provided the aggregate value of all gifts and similar invitations you accept from the host does not exceed $100 for the year.

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[5] *See 2008 House Ethics Manual* at 70.

[6] House employees paid at or above $120,749 for 60 days or more during calendar year 2014 are considered senior staff and must file an annual Financial Disclosure Statement.

[7] 5 U.S.C. § 7353.

- A non-business event, such as a holiday party, hosted by an individual, at the personal residence of that individual or the individual's family, unless offered by a registered lobbyist or foreign agent.

  Example: A non-lobbyist invites you to a holiday party at his personal residence to celebrate the holiday season. You may accept food and refreshments offered within the home under the **personal hospitality** exception.

- A **reception**, provided that only food and refreshments of nominal value are offered other than as a part of a meal (*i.e.*, appetizers and beverages, including alcoholic beverages). This exception **does not** include full meals or luxury food items, such as caviar.

  Example: A lobbying firm invites you to attend a holiday reception in its office, at which it will serve moderate appetizers and drinks. Provided that the food and refreshments are of "nominal value" and offered "other than as part of a meal," you may attend and accept these items.

- An event where invitations are offered to a group or class in which membership is **unrelated to House employment.**

  Example: Your college alumni association is having a holiday party for its members. You may attend as an alumnus of the college.

- An event that is **open to the public or to all federal employees.**

  Example: Your local park is having a free holiday concert that is open to the public. You may attend as a member of the public.

- An event where invitations are offered because of the **outside business or activity of the invitees or their spouses**, provided the invitation:

  1) was not offered or enhanced because of the individual's House status; and

  2) is customarily provided to others in similar circumstances.

  Example: Your spouse's company is having a holiday party and all employees may bring their spouses as guests. You may attend as your spouse's guest and receive the same food, refreshments, and entertainment that are provided to all attendees, including a full meal or luxury food items.

- A **"widely attended event,"** provided:

  1) The invitation comes from the event sponsor;

  2) The sponsor has a reasonable expectation that at least 25 non-congressional invitees will be in attendance;

  3) The event is open to the public, or will be attended by a diverse group of individuals interested in a given topic; and

  4) The event relates to the Members' or employees' official duties.

  Please note: The widely attended event exception **does not** apply to holiday parties that are purely social in nature and not related to one's official duties.

- An event paid for by a **foreign government** that is less than $375 per person, per occasion. Under the Foreign Gifts and Decorations Act (FGDA), Members and staff may receive a gift item received as a souvenir or mark of courtesy.[8] The Committee has interpreted this provision to allow Members and staff to accept meals and entertainment in the United States related to their official duties.

  Example: A foreign embassy in Washington, D.C., is having a holiday luncheon at a local D.C. restaurant to foster inter-country relations. The cost of your meal will be $100. You may accept the lunch under the FGDA.

Other Holiday Gifts

In addition to the provisions discussed above, other gift rule exceptions may permit acceptance of holiday gifts. Provided the guidance below is followed, Members and staff may accept the following:

- Gifts (other than cash or cash equivalent) valued at **less than $50**, provided:

  1) The gift is not from a federal lobbyist, foreign agent, or private entity that retains or employs such individuals; and

  2) The total value of gifts you accept from the donor under this exception is less than $100 for the year.

  Please note: Gift cards and gift certificates are considered "cash equivalent" and **may not** be accepted under this exception.

[8] 5 U.S.C. § 7342.

Example 1: If a non-lobbyist gives you a $40 pen set during the holiday season, you may accept the gift under the "less than $50 exception," provided the aggregate value of all gifts you accept from the donor under this exception does not exceed $100 for the year.

Example 2: If an organization that does not employ a federal lobbyist sends perishable food, such as a fruit basket, to a House office for all the staff, the gift is considered a gift to the individual recipients and not to the employing Member. Therefore, each staff member may accept items from the fruit basket having a value of less than $50, provided that no recipient accepts more than $100 of gifts in the aggregate from the organization during the year.

- A **baseball hat, T-shirt**, or any **item valued at less than $10**, even if from a lobbyist. This exception does **not** include food items.

  Example: A company sends the office 10 T-shirts along with a letter stating that one is to be given to the Member and any staff member that would like to receive one. The Member and staff may each accept one of the T-shirts under this exception.

- Gifts based on **personal friendship.** Members and staff may, without seeking Committee approval, accept a gift based on personal friendship if the gift's value is less than $250.[9] The following factors must be considered before accepting a gift under this exception:

  1) The history of the recipient's relationship with the donor, including any previous exchange of gifts;

  2) Whether the donor personally paid for the gift, or whether the donor sought a tax deduction or business reimbursement for it; and

  3) Whether the donor gives the same or similar gifts to other Members or staff at the same time.

  Example: Your former roommate, who is a real estate agent, offers you a $100 ticket to a holiday play. The roommate personally paid for the ticket. You and the roommate have exchanged gifts throughout the years. The roommate does not contact you or your office on official matters. To the best of your knowledge, the roommate has not made a similar offer to other Members or staff. You may accept the ticket without seeking Committee approval.

[9] You must seek Committee written approval before accepting a gift over $250 under the personal friendship exception. Please see the section below regarding seeking written Committee approval for details on how to submit a request.

- **Gifts from a foreign government** under the FGDA. As noted above, gifts valued at less than $375 per person, per occasion, that are offered as a souvenir or mark of courtesy.

  Example: A French government official sends you a $300 bottle of French champagne, on behalf of the foreign government. You may accept the champagne under the FGDA.

Handling Unacceptable Gifts

If Members or staff receive invitations to events or gifts that they may not accept under the gift rule, they may:

- Pay the donor the "market value"[10] and keep the gift;
- Return the gift to the donor; or
- For perishable items (*i.e.*, flowers or food), donate the items to charity or destroy them. You may **not** donate non-perishable items in lieu of returning or paying for them.

Please note: For tickets to events that do not have a printed cost on the ticket, the value of the ticket is the highest cost of a ticket with a face value for that particular event.

Example: You are invited to sit in the premium box for a performance of the Nutcracker Ballet. The offer does not meet one of the gift exceptions, but you would still like to attend. Your ticket does not have a price on it, but the highest ticket price for that particular ballet performance is $285. You must pay the donor $285 in order to accept the ticket.

Prior Written Committee Approval Required

Members and staff must seek written Committee approval before accepting the following:

- A gift based on personal friendship with a value over $250. The Committee will only grant written approval for a personal friendship gift exceeding $250 in value in response to a written request. The request should include: (1) the donor's identity and employment; (2) any interests the donor may have before Congress; (3) the history of the recipient's relationship with the donor; (4) the nature of the gift; and (5) whether the donor will be paying for the gift personally.

[10] Items are valued at their retail, rather than wholesale, prices. For tickets, the fair market value is the cost printed on the ticket, regardless of whether the donor paid more or less. *See* House Rule 25, clause 5(a)(3)(A); *2008 House Ethics Manual* at 73.

- A gift that is not otherwise acceptable, but that the Member or staffer believes the Committee should permit them to accept. The Committee has "flexibility to allow the acceptance of gifts . . . in cases where there is no potential conflict of interest or appearance of impropriety."[11] Thus, House Rule 25, clause 5(a)(3)(T), authorizes the Committee to grant a waiver to permit acceptance of a gift "in an unusual case." Members and staff must submit a written request for a gift waiver from the Committee prior to accepting such a gift. Any request should include, at a minimum, a description of the gift, including its market value, the identity of the donor, and a statement of the reasons believed to justify acceptance of the gift.

Financial Disclosure Requirements

Members and senior staff must disclose certain gifts valued over $375 from a single source in a calendar year on Schedule G (Gifts) of their annual Financial Disclosure Statements.[12] This disclosure must include the source of such gifts and a brief description of the gifts. Any gift with a market value of less than $150 need not be counted towards the $375 disclosure threshold.

Please note: Gifts from relatives and gifts of personal hospitality do not have to be disclosed. In addition, gifts that are received by your spouse or children, independent of your House status, do not have to be disclosed. However, all other gifts that are over $375 in value must be disclosed.

> Example: Your spouse's college roommate gives your spouse a $400 coat as a holiday present. You would not have to report this gift on your Financial Disclosure Statement if you believe that the gift was given regardless of your House status.

Members and staff seeking a waiver of the reporting requirement must send a written request to the Committee. The written request and the Committee's response will be made publicly available.

If you have any questions, please contact the Committee's Advice and Education staff at (202) 225-7103.

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[11] *See* House Bipartisan Task Force on Ethics, *Report on H.R. 3660*, 101st Cong., 1st Sess. (Comm. Print, Comm. on Rules 1989), *reprinted in* 135 Cong. Rec. H9255 (daily ed. Nov. 21, 1989).

[12] 5 U.S.C. app. 4 § 102(a)(2).

THE HOUSE GIFT RULE – A RHYME FOR THE HOLIDAYS

The holidays are coming, and all through the House,
Its people were stirring & beginning to grouse,
That they needed reminders if gifts came their way,
Because within Ethics rules they wanted to stay.

So the Committee has issued this pink sheet (so pretty!)
And laid down the rules, down to the nitty gritty.
The Committee dug deep, and it thought really hard,
Before issuing its guidance (with the help of its bard).

Let's start with the basics, federal statutes and such,
That apply to employees and Members as much.
Whether holiday or no, these rules always apply,
To build trust that our actions no one can buy.

There's no soliciting for gifts – it's simply not done,
You may not ask for gifts, not even in fun.
5 USC seven three five three says
That gifts can't be asked for, not even a Pez.

And now to the gift rule, it's Rule Twenty-Five
Clause five(a)(2)(A) into which we now dive.
You must think of "gifts" as a term that is broad,
As gifts could be loans, favors, or something quite odd.

An exception is required before accepting a gift,
Keep reading this poem cuz' the exceptions we'll sift.
And remember these rules they apply every day,
On vacation? At home? They don't go way.

The exceptions permit your relatives to give
Without limit – go ahead - nothing to forgive.
Gifts from friends less than $250? Perhaps.
It depends on the friendship and running the traps.

Gifts worth less than 50 dollars really aren't scary,
Unless there's a lobbyist, you can make merry.
But beware! This exception requires you to know
That the donor's permitted before pulling that bow.

Please refuse that gift card or cash sent your way,
Because gifts such as this are never okay.
So, too, thank you gifts for your official acts,
Must be refused unless nominal in fact.

A government gift has us not seeing red,
Provided it comes from a state, local, or fed.
Gifts from foreign governments are limited as thus -
To less than $375 or there could be a fuss.

Receptions are gifts but are permitted if they,
Aren't a meal, regardless if served from a tray.
The exception requires that food value be nominal,
So no caviar, no matter, whether phenomenal.

You may be invited to events - widely attended,
But your duties must be related or the invite's upended.
So too if the invitation came indirectly to you,
Or less than 25 non-Hill attendees will be there, too.

How 'bout a fundraising gala for a 501(c)(3)?
Sponsor sent the invite? Then attend with glee.
For charity fundraisers are a gift rule exception,
And you may attend and eat that party confection.

Okay, now we're cruising, let's talk IRC 527(e)
And invitations that come directly from these.
They're permitted by the gift rule and so you may go,
The answer is yes, and for this not a no!

Member to Member gifts are permitted if sent,
But staffer to Member require that special event.
For gifts up the chain can really be tricky,
So care should be taken as on this we are picky.

Home state products from your dear beloved state?
Please accept them for your constituents to take.
And gifts like a t-shirt, card, or baseball cap,
Of nominal value, $10's the cap.

Let's say that a gift is offered to all,
To the public, or group not too small.
It's widely available so as to that gift,
The Committee says yes and won't become miffed.

So too if an outside employer decides
To you or your spouse a gift to provide.
This is fine so long as you and the rest
Get the same gift - no special treatment's the test.

More exceptions are there, but for now we will stop,
As we know you're still reading but are ready to drop.
But please know we could give a waiver to you,
For your wedding, new baby, or something brand new.

And no rule requires you to accept any gift,
You may decline without causing a rift.
Or pay for that gift using fair market cost,
You'll be within the rules so you shouldn't feel lost.

In parting we know that holidays are fraught,
With whether gifts are permitted or not.
But knowing the gift rule should give you a reason
To relax and enjoy this holiday season.

So we leave you with good cheer and hope that you call
Our Committee with questions even if small.
We are here to help you, most every day
And say to you now, have a good holiday!

K. Michael Conaway, Texas
Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico
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Ted Deutch, Florida

ONE HUNDRED THIRTEENTH CONGRESS

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December 19, 2014

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Reminder About 2014 Annual Ethics Training Requirement

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This memorandum is a reminder to all offices to encourage staff to complete their 2014 ethics training requirements. It is a violation of House rules for an employee to fail to complete the annual training requirement. *See* House Rule 11, clause 3(a)(6)(B)(ii). Annual ethics training for existing House employees must be completed by ***December 31, 2014. There are no extensions to this deadline, for any reason.*** Sanctions for failing to satisfy annual training requirements may include the publication of noncompliant employees' names, along with the identity of their employing House office, as well as other sanctions the Committee deems appropriate. A summary of these requirements is included below.

New Employees

Each House employee must complete one hour of ethics training each calendar year. "New" House employees (*i.e.*, those who first began employment with the House during 2014) must complete their ethics training within 60 days of commencing House employment. This "new employee" training satisfies the annual ethics requirement for those employees. New employees in Capitol Hill offices are required to attend a live training session; they will not receive credit for completing online training. New employees who work in offices outside of Washington, D.C., have the option of either attending a live ethics training briefing for new employees or watching the online training for new district staff.

The online training for new district office employees is available through the HouseConnect Web site, and is described in more detail below under "Completing Training Online." New district office employees will not receive credit for watching any training sessions other than the training session specifically designated for "New District Staff."

Existing Employees

"Existing" (*i.e.*, not new) House employees must complete their one hour of training before the end of the calendar year. In addition, both new and existing employees who are "senior staff"[1] must complete an additional hour of senior staff training during the 113th Congress (*i.e.*, by January 3, 2015). Each House employee is responsible for knowing whether he or she is considered "senior staff." Existing House employees may complete both the annual and senior staff[2] by attending a live training session or training online through HouseConnect, as outlined below.

Annual ethics training for existing House employees must be completed by ***December 31, 2014. There are no extensions to this deadline, for any reason.*** Each House employee must also certify to the Ethics Committee by January 31, 2015, that they have completed their annual ethics training. However, as explained below, the proper completion of an online ethics training course, or attendance at a live presentation, makes that certification automatically, without the employee having to take additional action.

ONLINE REGISTRATION & CERTIFICATION PROCESS

For live ethics training

Employees who plan to attend any live training session ***must*** preregister at https://registerme.house.gov ***and*** sign in on the attendance form prior to the start of the training. Even if employees preregister, they must sign in and attend the full hour to fulfill their ethics training requirement. Attendees must arrive within five minutes of the start of the training to sign the attendance sheet. **Any late arrivals who miss the sign-in period will not receive credit**. Employees who have signed the attendance sheet and attended the full hour of training will receive e-mail certificates, which they should preserve for their own records. The e-mail certificates are confirmation for employees that they have satisfied the annual training and certification requirement. Any employee who has received this e-mail confirmation statement has made the necessary certification to the Committee that they have completed their ethics training requirement.

A complete schedule of upcoming live ethics training sessions is available on the Ethics Committee Web site, at http://ethics.house.gov/events. The next in-person general ethics training session will be held on December 29, 2014, at 2:00 p.m. in LHOB-1310.

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[1] For 2014, "senior staff" are those employees who are paid at an annual rate of $120,749 (or a monthly rate of $10,062.42) or more for at least 60 days during the calendar year. These individuals must also file an annual financial disclosure statement.

[2] The Committee also generally offers several live training sessions during the year related to the filing of financial disclosure statements and periodic transaction reports that satisfy the senior staff training requirement, but no such live presentations are scheduled for the remainder of 2014.

For online ethics training

Eligible employees who want to complete ethics training online should access the training through the HouseConnect Web site: https://houseconnect.house.gov. Employees must complete the entire online training program to receive credit. Employees must use a House computer to access the HouseConnect Web site. Employees who do not have access to a House computer or do not have a House e-mail account should contact the Ethics Committee to make alternate arrangements for completing their training. The following are the only programs that satisfy each of the requirements.

Type of Training	Program Title
New district office employee	2014 New District Employee Ethics Training
Any existing employee	2014 General Ethics Training
Any senior staff	2013/2014 Senior Ethics Training

After completing an online training program, the system will automatically log the employee as "complete." This information is automatically transmitted to the Ethics Committee. Thus, once the system labels an employee as "complete," the employee has satisfied the annual training and certification requirement. Employees may check HouseConnect at any time to verify completion of their own annual ethics training requirement. The Ethics Committee does not have access to this information prior to the end of the calendar year and therefore cannot check an employee status for you with regard to online training. A Member or supervisor who wishes to verify that other employees have completed their training requirement can ask that employee to print out the relevant page from the HouseConnect Web site or save a screenshot of that page.

To access your training record in HouseConnect, employees should log in to their own account page in the HouseConnect Web site: https://houseconnect.house.gov. On their account page, the entry in the "Complete" column next to the particular training session will read "True" if the session has been completed; if the session has not been completed, the column will read "False." Employees needing to check whether or not they have completed an online training session can view and print their own screen for verification. Their name appears in the upper right corner of the screen.

* * *

Any questions on these matters should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

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December 19, 2014

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Negotiations for Future Employment and Restrictions on Post-Employment for House Staff

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The purpose of this memorandum is to remind you about issues of concern to staff members[1] who are negotiating for future employment or departing from employment with the House of Representatives or one of the legislative branch offices.[2] The matters discussed here include negotiations for future employment, post-employment restrictions, financial disclosure requirements (Termination Reports), and outside employment and earned income restrictions. Although this memorandum will be of particular interest to departing staff, current staff and their employing Members should also familiarize themselves with these restrictions, particularly the criminal restrictions on post-employment communications.[3]

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[1] The terms "staff" and "employee" are used interchangeably throughout this memorandum to refer to persons who are employed by a Member, committee, leadership office, or other legislative offices (*see* note 2, below). Relevant distinctions among these categories of employees are noted as necessary.

[2] "[O]ther legislative offices" include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. It also includes any other House legislative branch office not covered by the other provisions, such as the Clerk, Parliamentarian, Office of Legal Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

[3] This guidance, as well as some additional requirements and restrictions, also applies to House Members and officers, and is addressed in a separate memorandum entitled "Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers." This staff memorandum will not specifically mention the requirements for Members and officers, or how they differ from those pertaining to House staff. Members and officers seeking guidance should consult the companion memorandum referenced above.

NEGOTIATING FOR FUTURE EMPLOYMENT

In the past, the Committee's general guidance on job negotiations has been that House Members and employees are free to pursue future employment while still employed by the House, subject to certain ethical constraints. This memorandum provides more detailed guidance on the issues presented by such negotiations, as well as mandatory disclosure obligations such negotiations may trigger.

The general guidance applicable to any House employee, regardless of salary level, who wishes to engage in negotiations for future employment, is as follows. First and foremost, it would be improper for a House employee to permit the prospect of future employment to influence the official actions of the employee, or the employing office of the employee.[4] Some employees may determine to use an agent (*e.g.*, a "headhunter") to solicit job offers on their behalf in order to avoid any appearance of improper activity. Regardless of whether job negotiations are undertaken personally or through an agent, the following generally-applicable principles must be observed.

The term "negotiation" is not defined in the relevant statute or House rule. In its past guidance, the Committee has given deference to court decisions interpreting a related federal criminal statute that bars Executive Branch employees from participating in matters affecting the financial interests of an entity with which the employee is "negotiating or has any arrangement" concerning future employment.[5] Those decisions found that the term "negotiation" should be construed broadly.[6] However, the Committee makes a distinction between "negotiations," which trigger the rule, and "[p]reliminary or exploratory talks," which do not.[7] The term "negotiations" connotes "a communication between two parties with a view toward reaching an agreement" and in which there is "active interest on both sides."[8] Thus, merely sending a copy of one's résumé to a private entity is not considered "negotiating" for future employment.

Other, more general, ethical rules also bear on the subject of employment negotiations. The House Code of Official Conduct prohibits House Members, officers, and employees from receiving compensation "by virtue of influence improperly exerted" from a congressional position.[9] The Code of Ethics for Government Service forbids anyone in government service from accepting "favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance" of governmental duties.[10] Federal criminal law prohibits a federal official from soliciting or accepting a "bribe"– *i.e.*, anything of value given in

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[4] *See* House Rule 23, cl. 3; Code of Ethics for Government Service ¶¶ 5, 6, *reprinted in 2008 House Ethics Manual* at 355.

[5] 18 U.S.C. § 208.

[6] *See, e.g., United States v. Schaltenbrand*, 930 F.2d 1554, 1559 (11th Cir. 1991); *United States v. Conlon*, 628 F.2d 150, 155 (D.C. Cir. 1980).

[7] *See Schaltenbrand*, 930 F.2d at 1558-59.

[8] *United States v. Hedges*, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990) (quoting jury instruction); *see also Schaltenbrand*, 930 F.2d at 1558, 1559 n.2.

[9] House Rule 23, cl. 3.

[10] Code of Ethics for Government Service ¶ 5, *reprinted in 2008 House Ethics Manual* at 355.

exchange for being influenced in an official act.[11] Although bribery necessarily entails a *quid pro quo* arrangement, the same statute also bans seeking or accepting "illegal gratuities"– *i.e.*, anything given because of, or in reward for, a future or past official act, whether or not the official action would be, or would have been, taken absent the reward.[12]

In light of these restrictions, all House employees should be particularly careful in negotiating for future employment, especially when negotiating with anyone who could be substantially affected by the performance of the employee's official duties.[13] It may be prudent for the employee to have an exchange of correspondence with any serious negotiating partner, stipulating that the prospective employer will receive no official favors in connection with the job negotiations. Those employees who will be subject to the post-employment restrictions, which are addressed later in this memorandum, may also wish to establish in correspondence with any prospective employer that the future employer understands that (1) it will receive no official favors as a result of the job negotiations, and (2) the employee is subject to post-employment restrictions, which should be briefly outlined.[14] Departing employees who are lawyers should consult their local bar associations concerning the application of rules governing their involvement in matters in which they participated personally and substantially during their time with the House.[15] In addition, as addressed in the next section of this memorandum, senior staff must disclose employment negotiations in writing to the Ethics Committee.

Provided that employees conduct themselves in accordance with the considerations discussed above, they may engage in negotiations for employment in the same manner as any other job applicant. Discussions may specifically address salary, duties, benefits, and other terms.

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSAL REQUIREMENTS

Certain House staff must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a ***private***

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[11] 18 U.S.C. § 201(b)(2)(A).

[12] *Id.* § 201(c)(1)(B).

[13] *See* Code of Ethics for Government Service ¶ 5, *reprinted in 2008 House Ethics Manual* at 355.

[14] *See* 18 U.S.C. § 207. These restrictions are explained in detail later in this memorandum. Briefly, "very senior" House employees may not contact their former employing Member or Members on official business for one year after leaving office, nor may they assist any foreign government or foreign political party in seeking to influence a decision of any federal official during that year.

[15] A former employee who joins a law firm should also be aware that a separate statutory provision, 18 U.S.C. § 203, has been interpreted to prohibit a former federal official who joins a firm from sharing in fees attributable to representational services in federally related matters where those services were provided by the firm while the individual was still employed by the government. U.S. Office of Gov't Ethics (OGE) Advisory Opinion 99 x 24 (Dec. 14, 1999) (available on the OGE Web site at www.oge.gov/DisplayTemplates/ModelSub.aspx?id=1466).

entity.[16] Staff subject to this disclosure requirement are those employees of the House who are paid at or above an annual rate of $120,749 ($10,062.42 per month) for any two months in a calendar year.[17] Please note that the aforementioned annual pay rate is subject to change in 2015, and that staff paid at this rate are referred to as "senior staff."

The term "negotiation" is not defined in the relevant statute or House rule. The Committee views negotiations using the standard discussed earlier in this memorandum, namely that there has been "a communication between two parties with a view toward reaching an agreement" and in which there is "active interest on both sides."[18] In addition, senior staff must recuse themselves from "any matter in which there is a conflict of interest or an appearance of a conflict" with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.[19]

The terms "conflict" and "appearance of conflict" also are not defined in the rule. The Committee has stated that a "conflict of interest becomes problematic when [an employee] uses his position to enhance his personal financial interests or his personal financial interests impair his judgment in conducting his public duties."[20] Employees should also avoid situations that

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[16] House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17. House Rule 27, clause 1, which imposes a similar restriction on House Members, limits the disclosure requirement for Members to negotiations with ***private*** employers. While the express language of clause 2, which covers employees, does not limit its terms to negotiations with private employers, the Committee has read the two clauses consistently as excluding from the disclosure requirement any job negotiations with government entities for both Members and employees.

[17] House Rule 27, clause 2, imposes the disclosure requirement on any "employee of the House earning in excess of 75 percent of the salary paid to a Member." In 2014, that rate is $130,500 per year for most House employees. Section 17 of the STOCK Act extended this requirement to "any individual required to file a financial disclosure report under section 101 of the Ethics in Government Act of 1978," which includes all senior staff. For more information on this change, see pages 5-6 of the April 4, 2012, Committee advisory memorandum entitled "New Ethics Requirements Resulting from the STOCK Act," which is available on the Committee Web site at http://ethics.house.gov/pink-sheets.

[18] *See Hedges*, 921 F.2d at 1403 n.2.

[19] House Rule 27, cl. 4.

[20] House Comm. on Standards of Official Conduct, *In the Matter of Representative Sam Graves*, H.R. Rep. No. 111-320, 111th Cong., 1st Sess. 16 (2009); *see also* House Bipartisan Task Force on Ethics, *Report on H.R. 3660*, 101st Cong., 1st Sess. (Comm. Print, Comm. on Rules 1989), *reprinted in* 135 Cong. Rec. H9253 at H9259 (daily ed. Nov. 21, 1989) ("A conflict of interest is generally defined as a situation in which an official's private financial interests conflict or appear to conflict with the public interest."); House Rule 23, cl. 3 ("A Member . . . may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.").

might be viewed as presenting even a risk that the individual might be improperly influenced by personal financial interests."[21]

The Committee has issued forms, available on the Committee Web site (ethics.house.gov), to be used for these notification requirements. When notifying the Committee of negotiations or agreements for future employment or compensation, senior staff should complete and sign an employment negotiation form, formally titled the "Notification of Negotiations or Agreement for Future Employment."[22] The original, completed form must be submitted to the Committee. All filers should keep a copy of their submission for their records. There is a separate form for notifying the Committee of recusal, titled the "Statement of Recusal." Senior staff who recuse themselves from official matters pursuant to House Rule 27 and/or the STOCK Act must complete and submit the original recusal form to the Committee.[23]

BENEFITS OFFERED BY PROSPECTIVE EMPLOYERS DURING JOB NEGOTIATIONS

House employees may accept "[f]ood, refreshments, lodging, transportation, and other benefits . . . customarily provided by a prospective employer in connection with bona fide employment discussions."[24] Thus, subject to the limitations set out in the rule, a House employee may accept travel expenses from an entity with which the individual is interviewing for a position and to meet prospective colleagues. Such travel is *not* subject to the requirement for prior, written approval from the Committee that applies to privately-funded travel undertaken as part of one's House duties. However, travel expenses that exceed $375 from any one source must be disclosed on Schedule H of the Termination Report required of departing senior employees.[25] In addition, any agreement for future employment also must be disclosed on Schedule F of that statement.[26]

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[21] *See Federal Conflict of Interest Legislation*, Staff Report to Subcomm. No. 5 of the Comm. on the Judiciary, 85th Cong., 2d Sess. 1 (Comm. Print 1958) ("Within reasonable limits, also, the importance of public confidence in the integrity of the Federal service justifies the requirement that the Federal employee shall avoid the appearance of evil, as well as evil itself."); Code of Ethics for Government Service ¶ 5, *reprinted in 2008 House Ethics Manual* at 355 ("Any person in government service should . . . never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties."); *see also* House Rule 23, cl. 2 ("[An] . . . employee of the House shall adhere to the spirit and letter of the Rules of the House . . . .").

[22] House Rule 27, cls. 1-3.

[23] *Id.*, cl. 4. Clause 4 does not require staff to file their notice of negotiation with the Clerk, as is required of House Members.

[24] House Rule 25, cl. 5(a)(3)(G)(ii).

[25] 5 U.S.C. app. 4 § 102(a)(2)(B). Such travel must be disclosed on the employee's Financial Disclosure Statement even if the individual ultimately remains employed by the House rather than accepting private employment.

[26] *Id.* § 102(a)(7)(A).

POST-EMPLOYMENT RESTRICTIONS

Since 1989, legislative branch officials, including certain employees, have been subject to restrictions on their post-House employment under the Ethics Reform Act.[27] These limitations are part of the federal criminal code, and they apply to Members and officers of the House, as well as to employees of House Member, committee, and leadership offices who are paid at least 75% of a Member's salary.[28] The basic rate of pay for Members in calendar year 2014 is $174,000, and thus the post-employment threshold for individuals who terminate their employment with a Member, committee, or leadership office in 2014 is ***$130,500***. The threshold rate for other years is available from the Ethics Committee. For employees of "other legislative offices,"[29] the basic rate of pay triggering the restrictions is level IV of the Executive Schedule, which for 2014 is ***$157,100***.[30] Please note that this rate of pay is subject to change in 2015.

An employee is subject to these restrictions if the employee is paid at or above the threshold rate for at least 60 days during the one-year period preceding termination of the employee's House service.[31] Accordingly, it is possible for an employee who is usually paid below the threshold rate to become subject to the post-employment restrictions by the receipt of a "bonus" or merit adjustment that is paid in two or more months. Employees who are subject to the restrictions are referred to as "covered" individuals.

For covered individuals, the law establishes a one-year "cooling-off period" that begins from the date of the individual's departure from the House payroll.[32] When an office continues an individual on the payroll for the purpose of paying for accrued leave after the individual's services to the House have ceased, the one-year cooling-off period will not begin until after the individual's final day on the House payroll. House employees whose pay is **below** the threshold are **not** subject to the post-employment restrictions set out in the statute, and no other provision of federal statutory law or the House rules establishes any comparable restrictions on post-employment activity.

Set out below is a detailed description of prohibited and permitted post-employment activity by covered former employees under the statute. This explanation is followed by a table that briefly summarizes the statutory restrictions. Please note that the statute, as part of the criminal code, is enforced by the Department of Justice (DOJ), rather than by the Ethics Committee, and Committee interpretations of the statute are not binding on DOJ.

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[27] *See* 18 U.S.C. § 207(e), (f).

[28] *Id.* § 207(e)(7).

[29] For the definition of "other legislative offices," see note 2, above.

[30] 18 U.S.C. § 207(e)(7)(B).

[31] *Id.* § 207(e)(7). With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that the post-employment restrictions apply to those whose combined House salary and annuity were at or above the threshold rate for the specified time period.

[32] *Id.* § 207(e)(3)-(7).

Prohibited Activity

Under the statute, a covered former employee may **not**, for a period of **one year** after House employment:

- Knowingly **communicate with or appear before the employee's former employing office or committee** with the intent to influence, on behalf of any other person, the official actions or decisions of a Member, officer, or employee in such office or on such committee.[33] An individual who was employed by more than one House office (*i.e.*, "shared staff") during the individual's last twelve months of employment with the House is subject to the post-employment restrictions with respect to each of the individual's employing offices if the employee's combined House salaries exceeded the triggering threshold.

  The statute excepts certain representations made on behalf of specific types of entities, as described below in the context of "permissible activity." With regard to restricted activity, the statute specifically provides that:

  - Covered former employees on the **personal staff**[34] of a Member may not seek official action, on behalf of other persons, from that Member or from any of the Member's employees.[35]

  - Covered former **committee staff**[36] may not seek official action, on behalf of other persons, from any current Member or employee of the employing committee or from any Member who was on the committee during the last 12 months the former employee worked there.[37] This restriction bars contacts with any of these individuals on any subject relating to official business, regardless of whether it pertains to matters within the committee's jurisdiction.[38]

  - Covered former employees on the **leadership staff**[39] may not seek official action, on behalf of other persons, from current Members of the leadership[40] or any current staff of those Members.[41]

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[33] *Id.*

[34] *Id.* § 207(e)(9)(E).

[35] *Id.* § 207(e)(3). The statute expressly prohibits contacting any employee of a Member whom the departed employee is prohibited from contacting. *Id.* § 207(e)(3)(B)(ii).

[36] *Id.* § 207(e)(9)(A). For the purposes of the statute, a **detailee** is deemed to be an employee of both the entity from which the detailee comes and the House committee to which the individual is detailed. *Id.* § 207(g).

[37] *Id.* § 207(e)(4).

[38] *Id.* (barring communication or appearances on "any matter" on which the former employee seeks action).

[39] *Id.* § 207(e)(9)(H).

- Covered former employees of any **other legislative office**[42] may not seek official action, on behalf of other persons, from current officers and employees of that legislative office.[43]

✕ Knowingly **represent a foreign government or foreign political party** before any federal official (including any Member of Congress) with the intent to influence a decision of such official in official duties.[44]

✕ Knowingly **aid or advise a foreign government or foreign political party** with the intent to influence a decision of any federal official (including any Member of Congress) in carrying out his or her official duties.[45]

✕ **Use confidential information obtained by means of personal and substantial participation in trade or treaty negotiations** within one year preceding the employee's departure from the House payroll, in the course of representing, aiding, or advising anyone other than the United States regarding those negotiations.[46]

As to the prohibition against making any "communication to or appearance before" anyone in the legislative branch, covered former employees should be aware of the broad manner in which DOJ has defined those terms.[47] A DOJ opinion defines "communication" as

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[40] The "leadership" of the House of Representatives consists of the Speaker; majority leader; minority leader; majority whip; minority whip; chief deputy majority whip; chief deputy minority whip; chairman of the Democratic Steering Committee; chairman and vice chairman of the Democratic Caucus; chairman, vice chairman, and secretary of the Republican Conference; chairman of the Republican Research Committee; chairman of the Republican Policy Committee; and any similar position created after the statute took effect. 18 U.S.C. § 207(e)(9)(L).

[41] *See id.* §§ 207(e)(5)(B) and (e)(9)(H).

[42] O]ther legislative offices" include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. The term also includes any other House legislative branch office not covered by the other provisions of the statute, such as the Clerk, Parliamentarian, Office of Legal Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

[43] 18 U.S.C. §§ 207(e)(6) and (e)(9)(G).

[44] Id. §§ 207(f)(1)(A) and (i)(1)(B). Section § 207 uses the same definitions of the terms "foreign government" and "foreign political party" as the Foreign Agents Registration Act (22 U.S.C. § 611(e), (f)). *See id.* § 207(f)(3). These restrictions also apply with regard to any foreign commercial corporation that "exercises the functions of a sovereign." *See* U.S. OGE, Attachment to DO-04-023: *Summary of Post-Employment Restrictions of 18 U.S.C. § 207,* at 11 (July 29, 2004) (available on the OGE Web site at www.oge.gov/DisplayTemplates/ModelSub.aspx?id=2199). Also pertinent to these provisions of the statute is a U.S. Office of Legal Counsel (OLC) opinion of June 22, 2004, which concludes that 18 U.S.C. § 207(f) covers representational contacts with Members of Congress. *See* OLC Memorandum Opinion, *Application of 18 U.S.C. § 207(f) to a Former Senior Employee* (available on the OLC Web site at www.justice.gov/olc/oge_op2_22jun04.htm).

[45] 18 U.S.C. § 207(f)(1)(B).

[46] *Id.* § 207(b).

[47] 18 U.S.C. § 207. The provisions of 18 U.S.C. § 207 should not be confused with those of the Lobbying Disclosure Act (2 U.S.C. §§ 1601 *et seq.*) (LDA). In other words, merely because a particular activity does not constitute "lobbying" for purposes of that Act does **not** mean that the activity is permissible under 18 U.S.C. § 207.

"the act of imparting or transmitting information with the intent that the information be attributed to the former official."[48] Such DOJ guidance is binding on the Ethics Committee.

Further, an advisory memorandum issued by the U.S. Office of Government Ethics (OGE) for Executive Branch employees states, "[a]n 'appearance' extends to a former employee's mere physical presence at a proceeding when the circumstances make it clear that his attendance is intended to influence the United States."[49] The provision is broad enough that it precludes a covered former employee even from, for example, requesting or scheduling, for or on behalf of any other person, a meeting with any Member, officer, or employee whom the individual is prohibited from contacting on official business.[50] While OGE guidance is merely persuasive, rather than binding, on Committee interpretations of the statute, this Committee endeavors when possible to interpret the statute in a manner consistent with OGE practice.

In addition to these one-year "cooling-off period" restrictions, departing employees should also be aware of a permanent federal statutory restriction that prohibits any U.S. citizen acting without authority of the United States from:

- ✗ Directly or indirectly **commencing or carrying on any correspondence or intercourse with any foreign government**, or any officer or agent thereof, with the intent to influence the measures or conduct of any foreign government or of any officer or agent thereof in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.[51]

Permissible Activity

Under federal statutory law, covered former employees **may, immediately** upon leaving office:

- ✓ **Contact Members, officers, and employees of the Senate, and – except for those officials specified above in the section on "Prohibited Activity" – Members,**

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[48] OLC, *"Communications" under 18 U.S.C. § 207* at 3 (Jan. 19, 2001) (available on the OLC Web site at http://www.justice.gov/sites/default/files/olc/opinions/2001/01/31/op-olc-v025-p0059_0.pdf). In that opinion, the OLC provides the following illustrative examples: "A high-ranking official who aggressively publicizes the fact that he is leaving an agency to start a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm, almost certainly intends that the report will be attributed to him. Similarly, a former official who is not introduced by name, but participates on a conference call with his former agency colleagues, almost certainly intends this his colleagues will recognize his voice." *Id.*

[49] *Summary of Post-Employment Restrictions of 18 U.S.C. § 207*, note 44 above, at 3.

[50] Committee interpretations of the statute contained in this memorandum are based on analysis of the statutory terms and purposes, and opinions and guidance, issued by DOJ and OGE. However, as noted above, 18 U.S.C. § 207 is a criminal statute, and Committee interpretations of it are not binding on the Justice Department (*but see* note 75, below).

[51] 18 U.S.C. § 953 (the Logan Act). An eighteenth century law, the Logan Act restricts private correspondence with foreign governments. This statute, which appears to have been a reaction to the attempts of one citizen to engage in private diplomacy, has never been the basis of a prosecution, and this Committee has publicly questioned its constitutionality. House Comm. on Standards of Official Conduct, *Manual of Offenses and Procedures, Korean Influence Investigation*, 95th Cong., 1st Sess. 18-19 (Comm. Print 1977). Members should be aware, however, that the law remains part of the criminal code.

officers, and employees of the House and other Legislative Branch offices, with intent to influence official action so long as not representing a foreign government or political party.

- ✓ **Aid or advise clients** (other than foreign governments or foreign political parties) **concerning how to lobby Congress**, provided the former employee makes no appearance before or communication to those officials specified above in the "Prohibited Activity" section. Such a "background role" would not pose the contemplated risk of improper influence since the current officials would not be aware of the former employee's participation.[52] However, any such participation must remain behind-the-scenes; during the one-year "cooling-off" period, former employees must not permit their name to be openly associated with such contact by other persons.[53]

- ✓ **Contact Executive Branch** officials with the intent to influence official action so long as not representing a foreign government or foreign political party.[54]

- ✓ **Contact state government officials** with the intent to influence state government actions or decisions. Former employees should comply with any state laws governing such contacts.

- ✓ **Contact one foreign government on behalf of another** foreign government.[55]

- ✓ **Contact any Members, officers, and employees of the House and Senate and other Legislative Branch officials** on official business under any of the following circumstances:

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[52] Former employees who are lawyers may have additional restrictions, as explained above in note 15 of this Memorandum.

[53] As noted above, the major restrictions set forth in 18 U.S.C. § 207(e) focus on communications and appearances. By contrast, if a covered former employee plays a background role, and does not appear in person or convey his or her name on any communications, the law does not appear to prohibit that person from advising those who seek official action from the Congress. This construction is consistent with regulations promulgated by OGE, interpreting a comparable prohibition that applies to Executive Branch personnel. *See* 5 C.F.R. § 2637.201(b)(3), (6). This matter is also addressed in the 2001 OLC opinion that is cited in note 48 above, including with regard to activities that do not constitute permissible "behind-the-scenes" activities.

[54] Covered former employees who are representing a tribal government as an employee of the tribe or as an officer or employee of the United States assigned to a tribe have an additional restriction on contacts with the Executive Branch and certain other entities. Such individuals must first notify the head of the department, agency, court, or commission being contacted of "any personal and substantial involvement" they had in the matter while a federal employee. *See* 25 U.S.C. § 450i(j); 18 U.S.C. § 207(j)(1)(B).

[55] No federal statute expressly permits such contacts, but so far as the Committee is aware, no federal statute prohibits such contacts. Thus, it appears that such contacts are permissible under federal law. Covered former employees who intend to undertake such activity, however, should carefully review the Foreign Agents Registration Act (22 U.S.C. §§ 611 *et seq.*) (FARA) to ensure compliance with its requirements. Briefly stated, FARA provides that anyone who acts within the United States under the direction or control of a foreign principal to influence official decisions, official policies, or public opinion on behalf of a foreign principal must register with the Justice Department. *See generally* 22 U.S.C. §§ 611 *et seq.*; U.S. Dep't of Justice (DOJ), "FARA FAQ" (available on the DOJ Web site, www.fara.gov).

- The former employee is carrying out official duties on behalf of the **federal government** or the District of Columbia;[56]
- The former employee is acting as an **elected official of a state or local government**;[57]
- The former employee is an **employee** (not a private consultant or other independent contractor) of a **state or local government**, or an agency or instrumentality thereof, acting on its behalf;[58]
- The former employee is an **employee** of an accredited, degree-granting **institution of higher education** and is acting on behalf of such institution;[59] or
- The former employee is an **employee** of a **charitable hospital or medical research organization** and is acting on behalf of such hospital or organization.[60]

✓ **Represent or give aid or advice to international organizations** of which the United States is a member **if** the Secretary of State certifies in advance that such activities are in the interest of the United States.[61] Otherwise, covered employees must wait one year before engaging in such activities.

✓ Make statements or communications as an **employee of a candidate, authorized campaign committee, national or state party, or political committee**, if acting on behalf of that committee or party.[62] However, if the former employee is employed by a person or entity who represents, aids, or advises only such persons or entities, the communications would be prohibited.[63]

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[56] 18 U.S.C. § 207(j)(1)(A).

[57] *Id.*

[58] *Id.* (j)(2)(A).

[59] *Id.* § 207(j)(2)(B). The statute uses the definition of "institution of higher education" contained in § 101 of the Higher Education Act of 1965 (20 U.S.C. § 1001 *et seq.*). As a general matter, the definition includes only nonprofit, degree-granting educational institutions located in the United States or its territories. *See* 20 U.S.C. § 1001(a)-(b).

[60] 18 U.S.C. § 207(j)(2)(B). For this exception to apply, the hospital or medical research organization must be exempted under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). *Id.*

[61] *Id.* § 207(j)(3).

[62] *Id.* § 207(j)(7)(A).

[63] *Id.* § 207(j)(7)(B)(ii)(II).

- ✓ **Make statements based upon the "special knowledge"** of the former employee concerning the particular area that is the subject of the statement, if **no compensation** is received in connection therewith.[64]

- ✓ **Give testimony under oath,** or make statements required to be made under penalty of perjury.[65]

- ✓ **Contact staff of the Clerk of the House** regarding the individual's compliance with the disclosure requirements under the Lobbying Disclosure Act.[66]

- ✓ **Make political contributions** to, and **sponsor or attend political fundraisers** for, current Members of Congress, *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.[67]

- ✓ **Interact socially with current Members of Congress and staff** *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.[68]

Unless stated otherwise, each of the following examples assumes that the staffer is a covered former employee because their compensation while on House payroll triggered the substantive post-employment restrictions.

> ***Example 1.*** Staff member *A* resigns from her position on Member *B*'s personal staff. She may not contact *B* or anyone on his staff for one year (except on behalf of an exempt organization), but she may contact any other Member or staff member on behalf of anyone other than a foreign government or political party as soon as she leaves the House payroll.

> ***Example 2.*** Staff member *C* resigns from his position on the Ways and Means Committee. He may not contact any current member or employee of Ways and Means, or any Member who was on that committee during *C*'s last year of congressional service, on behalf of any non-exempt person or entity, for one year. He may, however, contact any other Member or staff member on any issue, except on behalf of a foreign government.

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[64] *Id.* § 207(j)(4). "Special knowledge" is not defined in the statute. The Federal Register, which provides rules on the application of the statute to employees in the Executive Branch, states that a "former employee has special knowledge concerning a subject area if he is familiar with the subject area as a result of education, interaction with experts, or other unique or particularized experience." 5 C.F.R. § 2641.301(d)(1). In addition, in the proposed rulemaking for this provision, the OGE emphasized that it regarded its interpretation of this exception to be "relatively narrow." *See* 73 Fed. Reg. 36183 (June 25, 2008). While these definitions are not binding on the Ethics Committee, they provide guidance as to how the term should be interpreted.

[65] 18 U.S.C. § 207(j)(6).

[66] *Id.* § 207(e)(8).

[67] *See id.* § 207.

[68] *See id.*

Example 3. Staff member *D*, who is not a covered employee, resigns from her position on Member *E*'s staff to become a lobbyist. *D* may immediately lobby *E* or any other Member for any client.

Example 4. Staff member *F* resigns from Member *G*'s staff to accept a position in an Executive Branch agency. *F* may contact *G* immediately on behalf of the agency.

Example 5. Staff member *H* resigns from his congressional position to join the staff of the Governor of his state. As a state employee, *H* may contact anyone in Congress, including his former employing Member, on behalf of the state.

Example 6. Staff member *I* resigns her congressional position and moves back to her home state. *I* may contact state government officials on behalf of any clients.

Example 7. Staff member *J* resigns his position with Member *K* and begins work as a lobbyist at a lobbying firm. One of *J*'s clients is a state university. *J* may not lobby *K* on behalf of the university (or any other client) for one year following his departure from the House. However, if *J* were an employee of the university rather than an outside retained lobbyist, contact with *K* on behalf of the university would be permitted.

Example 8. Staff member *L* resigns his congressional position to become a lobbyist. For the first year after leaving the Hill, *L* lobbies only Executive Branch personnel, and *L* has no foreign clients. *L* is complying with the law.

Example 9. During his final year of House employment, staff member *M* worked for Member *N* from January to June 30, and for a committee from July 1 through December 30. December 30 was *M*'s final day on the House payroll. *M* was paid more than 75% of a Member's salary while in each position. *M* may not contact *N* or the committee on behalf of any non-exempt person or entity for one year following his termination from each employer. Thus, *M* would be barred from contacting *N* until July 1 of the following year and current and former members of the committee and current committee staff until December 31 of the following year.

Example 10. Staff member *M*, from the previous example, was paid less than the triggering rate in the Member's office, then she accepted a promotion to a committee that did pay more than the triggering rate. *M* would not be restricted from contacting the Member office once she ends her employment with the House.

Example 11. During his one-year "cooling-off" period, former staff member *O* wishes to call his former employing Member to request that she meet with representatives of one of his clients to discuss legislation of interest to the client. *O* would not be present at the meeting. *O* would violate the statute by requesting the meeting because the request would be a communication intended to influence official action.

Example 12. During his first year after leaving House employment, *P* wishes to contact a current employee of that committee to urge him to support federal funding for a non-profit organization operated by a friend of *P*. The non-profit organization is not a client of *P*, and *P* would receive no compensation for making the contact. *P* would violate the statute by doing so because the statute bars such contacts regardless of whether the former employee would be compensated for them.

Entity Contacted by Covered Former Employee

Entity Represented by Covered Former Employee	Former Congressional Office/Committee	Executive Branch	Foreign Governments	State Governments
Private Entity	Must wait 1 year before contacting former Congressional office or committee directly. May immediately advise entity behind scenes. May contact other Congressional offices immediately	May contact immediately	May contact immediately	May contact immediately
Federal, State, or Local Government	May contact all Congressional offices immediately as employee or elected official of the federal, state, or local government	May contact immediately	May contact immediately	May contact immediately
Tribal Government	Must wait 1 year before contacting former Congressional office or committee directly. May immediately advise entity behind scenes. May contact other Congressional offices immediately	May contact immediately if employed by tribe or U.S.; must inform head of agency or department of any personal and substantial involvement in matter while a House employee	May contact immediately	May contact immediately
Foreign Government	Must wait 1 year before contacting any Congressional office or committee directly or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	Must wait 1 year before contacting Executive Branch directly or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	May contact immediately	May contact immediately. Must register with Justice Department if acting as a foreign agent in the U.S.
International Org. of which U.S. is a Member	If Secretary of State classifies the subject matter as one of national interest, may immediately advise international organization and contact Congress directly; otherwise, must wait 1 year to do either	If Secretary of State classifies the subject matter as one of national interest, may immediately advise international organization and contact executive branch directly; otherwise, must wait 1 year to do either	May contact immediately	May contact immediately
Accredited U.S. College or University	May contact immediately if an employee of the college or university	May contact immediately	May contact immediately	May contact immediately
Charitable Hospital or Medical Research Org.	May contact immediately if an employee of the hospital or organization	May contact immediately	May contact immediately	May contact immediately
Candidate, Political Campaign, or Party	May make communications immediately as employee of candidate, authorized campaign committee, or federal or state party or committee, unless employed by entity that advises only such entities	May contact immediately	May contact immediately	May contact immediately

Penalties

Each violation of the post-employment restrictions set forth in the statute is a felony punishable by imprisonment up to one year (or up to five years for willful violations) and a fine of up to $50,000 for each violation or the value of the compensation received for the act which violated the restrictions, whichever is greater.[69] The statute further authorizes the Attorney General to seek an injunction prohibiting a person from engaging in conduct that violates the act.[70]

By its terms, 18 U.S.C. § 207 governs the conduct of **former** Members, officers and employees, and does not apply to the conduct of **current** Members, officers and employees. However, the post-employment restrictions have been the subject of close attention by DOJ, as reflected in the guilty pleas by former House staff and others to criminal violations of the statute.[71] Therefore, current Members and staff who receive or otherwise participate in improper contacts by a covered former employee should be aware that, depending on the circumstances, they may be subject to criminal or House disciplinary action. The examples involving § 207 violations indicate that a Member who aids and abets a covered former employee in the violation may be prosecuted for conspiracy to violate the post-employment restrictions.[72]

Furthermore, in an Ethics Committee disciplinary case that was completed in the 106th Congress, a Member admitted to engaging in several forms of conduct that violated House rules requiring that each Member and staff person "conduct himself at all times in a manner that shall reflect creditably on the House."[73] One of those violations was his engaging in a pattern and practice of knowingly allowing his former chief of staff to appear before and communicate with him in his official capacity during the one-year period following her resignation, "in a manner that created the appearance that his official decisions might have been improperly affected."[74]

An employee (or former employee) who has any concerns about the applicability of the post-employment restrictions to his or her proposed conduct should write to the Ethics Committee to request a written advisory opinion. While, as noted above, Ethics Committee interpretations of 18 U.S.C. § 207 are not binding on DOJ, those interpretations are based on the

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[69] 18 U.S.C. § 216.

[70] *Id.* § 216(c).

[71] *See, e.g., United States v. Jack A. Abramoff*, Docket No. 06-CR-001 (D.D.C.) ("*Abramoff* action"). Similarly, in September 2006, former Representative Robert W. Ney pleaded guilty to conspiracy to violate, among other statutes, the post-employment restrictions for former covered employees ("*Ney* action"). Also note, in September 2012, former Senate staffer, Doug Hampton, was sentenced to one year probation for violating the post-employment restriction ("*Hampton* action").

[72] *See, e.g., Abramoff* and *Ney* actions, note 71 above.

[73] House Rule 23, cl. 1; *see also* House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong., 2d Sess. vol. I (July 19, 2002) ("Shuster Report").

[74] House Comm. on Standards of Official Conduct, *Summary of Activities, One Hundred Sixth Congress*, H. Rep. 106-1044, 106th Cong., 2d Sess. at 10, 13, 16 (2000); *see also* Shuster Report, *supra* note 73 above, vol. I.

Committee's analysis of the terms and purposes of the statute, as well as any applicable opinions or guidance of DOJ or OGE of which the Committee is aware.[75]

FINANCIAL DISCLOSURE REQUIREMENTS FOLLOWING DEPARTURE FROM HOUSE EMPLOYMENT

A departing staff member who was required to file a Financial Disclosure statement because of the employee's rate of pay must file a final Financial Disclosure Statement, called a Termination Report, within 30 days of leaving the House payroll.[76] However, an employee in a Member's office who has filed only because the employee was designated as a "Principal Assistant" does not have to file a Termination Report unless the individual was designated as principal assistant to a Member leaving the House.[77] Extensions of up to 90 days are available upon written request to the Committee when made prior to the original due date.[78] Please note that the salary threshold for filing disclosure statements is lower than that which triggers the post-employment restrictions discussed above. For 2014, the financial disclosure filing threshold is an annual salary rate of $120,749 (or a monthly salary of $10,062.42) for 60 days or more.[79]

The Termination Report, filed on the same form as the annual report, covers all financial activity through the filer's last day on the House payroll.[80] Schedule F of the report requires disclosure of any agreement entered into by the filer, oral or written, with respect to future employment.[81] Thus, if a covered employee accepts a future position while still on the House payroll, the employee will have to disclose the agreement on the individual's Termination Report. The date of the agreement, the future employer, the position or title and the starting date must be disclosed, but the amount of the compensation need not be reported.[82] The employee will also have to disclose, on Schedule H of the report, any travel reimbursements exceeding $375 received from any source in connection with job-search activity.[83]

However, a departing employee who, prior to thirty days after leaving office, has accepted another federal position requiring the filing of a *public* financial disclosure statement

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[75] It should be noted that one court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was undertaken in good faith reliance upon erroneous legal advice received from the official's supervising ethics office. *Hedges*, 912 F.2d at 1404-06.

[76] 5 U.S.C. app. 4 § 101(e).

[77] *See* Comm. on Ethics, *2014 Instruction Guide for Completing Financial Disclosure Statements and Periodic Transaction Reports (2014 FD and PTR Instructions)* at 5.

[78] 5 U.S.C. app. 4 § 101(g)(1); *see also 2014 FD and PTR Instructions at 7.*

[79] *See* 5 U.S.C. app. 4 § 109(13)(B)(i). The 60 days do not have to be consecutive; being paid at the senior staff rate for any two months of the calendar year triggers the requirement to file a Termination Report.

[80] *Id.* § 101(e).

[81] *Id.* § 102(a)(7).

[82] *See id.; see also 2014 FD and PTR Instructions at 32.*

[83] 5 U.S.C. app. 4 § 102(a)(2)(B).

need not file a Termination Report.[84] Any departing employee who is not required to file a Termination Report for this reason must notify the Clerk *in writing* of that fact.[85]

OUTSIDE EMPLOYMENT AND EARNED INCOME RESTRICTIONS

Departing staff remain subject to all House rules, including the gift rule and the limitations on outside employment and earned income,[86] as long as they remain on the House payroll. These rules are particularly important to bear in mind when an employee's prospective employer suggests that the individual begin work early, including, for example, while still drawing pay for accrued annual leave.[87] In calendar year 2014, a covered employee may not receive outside earned income (including, for example, a signing bonus) in excess of $26,955, and **no** earned income may be received for: (1) providing professional services involving a fiduciary relationship, including the practice of law, or any consulting or advising; (2) being employed by an entity that provides such services; or (3) serving as a board member or officer of any organization.[88] Regardless of whether compensation is received, a covered employee may not allow his or her name to be used by an organization that provides fiduciary services. In addition, a covered employee may not receive any honoraria (*i.e.*, a payment for a speech, article, or appearance),[89] although he or she may receive compensation for teaching, if the employee first secures specific prior permission from this Committee.[90]

> ***Example 12.*** Staff member *Q*, who earns more than 75% of a Member's salary, plans to join a law firm when he leaves his official position. Since this is a firm providing professional services of a fiduciary nature, *Q* may not commence his new employment until he is off the congressional payroll.

ACCEPTANCE OF OFFICIALLY CONNECTED TRAVEL FUNDED BY A PRIVATE SOURCE

After the adjournment *sine die* of Congress, it is questionable whether any employee of a departing Member may participate in any privately-funded travel that is fact-finding in nature. The gift rule requires that such travel be related to official duties,[91] but as of that time, the

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[84] *Id.* § 101(e).

[85] *See 2014 FD and PTR Instructions at 5.*

[86] House Rule 25, cls. 1-5. The outside employment and earned income limitations are also codified at 5 U.S.C. app. 4 §§ 501-502.

[87] Staff members contemplating future employment with the U.S. Senate, the Architect of the Capitol or any other department or agency of the U.S. government should bear in mind that federal law prohibits "dual compensation" in excess of an annually-adjusted dollar limit for simultaneous employment by the House and any of those entities. 5 U.S.C. § 5533(c)(1). For 2014, the limit is $33,033. Pursuant to the statute, a departing House employee may not commence employment with any of the above-named governmental entities while receiving from the House payments for accrued annual leave if the employee's aggregated gross annual salaries from the two positions would exceed the statutory limit. *Id.*

[88] House Rule 25, cls. 1-4; *see also* 5 U.S.C. app. 4 §§ 501-502.

[89] House Rule 23, cl. 5; House Rule 25, cl. 1(a)(2).

[90] House Rule 25, cl. 2(e).

[91] *Id.*, cl. 5(b)(1)(A).

official responsibilities that may justify participation in such a trip will practically have come to an end. However, this consideration does not limit the ability of an employee of a departing Member to accept travel from a private source for the purpose of enabling the individual to participate substantially in an officially related event, such as to give a speech.

* * *

Any questions on these matters should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

K. Michael Conaway, Texas
Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

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December 19, 2014

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
K. Michael Conaway, Chairman
Linda T. Sánchez, Ranking Member

SUBJECT: Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers

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The purpose of this memorandum is to remind you about issues of concern to House Members[1] and officers[2] who are negotiating for future employment or departing from employment with the House of Representatives.[3] The matters discussed here include negotiations for future employment, post-employment restrictions, financial disclosure requirements (Termination Reports), and outside employment and earned income restrictions.[4] Although this memorandum will be of particular interest to departing Members, current Members should also familiarize themselves with these restrictions, particularly the criminal restrictions on post-employment communications.

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[1] This Memorandum uses the term "Member" to refer to House Members, Delegates, and the Resident Commissioner.

[2] The elected officers of the House are the Clerk, Sergeant-at-Arms, Chaplain, and Chief Administrative Officer. *See* House Rule 2, cl. 1.

[3] The restrictions discussed herein apply uniformly to House Members, Delegates, the Resident Commissioner, and officers, except where noted with regard to the elected House officers.

[4] The Committee has issued a separate memorandum addressing a similar range of issues for departing employees of the House and certain other legislative offices. Employees who are seeking future employment or departing House employment should consult that memorandum, titled "Negotiations for Future Employment and Restrictions on Post-Employment for House Staff," rather than this memorandum, for guidance.

NEGOTIATING FOR FUTURE EMPLOYMENT

In the past, the Committee's general guidance on job negotiations has been that House Members and employees are free to pursue future employment while still employed by the House, subject to certain ethical constraints. This memorandum provides more detailed guidance on the issues presented by such negotiations, as well as mandatory disclosure obligations such negotiations may trigger.

The general guidance applicable to any Member who wishes to engage in negotiations for future employment is as follows. First and foremost, it would be improper for a Member to permit the prospect of future employment to influence the official actions of the Member.[5] Some Members may determine to use an agent (*e.g.*, a "headhunter") to solicit job offers on their behalf in order to avoid any appearance of improper activity. Regardless of whether job negotiations are undertaken personally or through an agent, the following generally-applicable principles must be observed.

The term "negotiation" is not defined in the relevant statute or House rule. In its past guidance, the Committee has given deference to court decisions interpreting a related federal criminal statute that bars Executive Branch employees from participating in matters affecting the financial interests of an entity with which the employee is "negotiating or has any arrangement" concerning future employment.[6] Those decisions found that the term "negotiation" should be construed broadly.[7] However, the Committee makes a distinction between "negotiations," which trigger the rule, and "[p]reliminary or exploratory talks," which do not.[8] The term "negotiations" connotes "a communication between two parties with a view toward reaching an agreement" and in which there is "active interest on both sides."[9] Thus, merely sending a copy of one's résumé to a private entity is not considered "negotiating" for future employment.

Other, more general, ethical rules also bear on the subject of employment negotiations. The House Code of Official Conduct prohibits House Members, officers, and employees from receiving compensation "by virtue of influence improperly exerted" from a congressional position.[10] The Code of Ethics for Government Service forbids anyone in government service from accepting "favors or benefits under circumstances which might be construed by reasonable

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[5] *See* House Rule 23, cl. 3; Code of Ethics for Government Service ¶¶ 5, 6, *reprinted in 2008 House Ethics Manual* at 355.

[6] 18 U.S.C. § 208.

[7] *See, e.g., United States v. Schaltenbrand*, 930 F.2d 1554, 1559 (11th Cir. 1991); *United States v. Conlon*, 628 F.2d 150, 155 (D.C. Cir. 1980).

[8] *Schaltenbrand*, 930 F.2d at 1558-59.

[9] *United States v. Hedges*, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990) (quoting jury instruction); *see also Schaltenbrand*, 930 F.2d at 1558, 1559 n.2.

[10] House Rule 23, cl. 3.

persons as influencing the performance" of governmental duties.[11] Federal criminal law prohibits a federal official from soliciting or accepting a "bribe"– *i.e.*, anything of value given in exchange for being influenced in an official act.[12] Although bribery necessarily entails a *quid pro quo* arrangement, the same statute also bans seeking or accepting "illegal gratuities"–*i.e.*, anything given because of, or in reward for, a future or past official act, whether or not the official action would be, or would have been, taken absent the reward.[13]

In light of these restrictions, Members should be particularly careful in negotiating for future employment, especially when negotiating with anyone who could be substantially affected by the Member's performance of official duties.[14] It may be prudent for the Member to have an exchange of correspondence with any serious negotiating partner, stipulating that the prospective employer will receive no official favors in connection with the job negotiations. Because Members will be subject to the post-employment restrictions, which are addressed later in this memorandum, they may also wish to establish in correspondence with any prospective employer that the future employer understands that (1) it will receive no official favors as a result of the job negotiations, and (2) the Member is subject to post-employment restrictions, which should be briefly outlined.[15] Departing Members who are lawyers should consult their local bar associations concerning the application of rules governing their involvement in matters in which they participated personally and substantially during their time with the House.[16] In addition, as addressed in the next section of this memorandum, Members must disclose employment negotiations in writing to the Ethics Committee.

Provided that Members conduct themselves in accordance with the considerations discussed above, they may engage in negotiations for employment in the same manner as any other job applicant. Discussions may specifically address salary, duties, benefits, and other terms.

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[11] Code of Ethics for Government Service ¶ 5, *reprinted in 2008 House Ethics Manual* at 355.

[12] 18 U.S.C. § 201(b)(2)(A).

[13] *Id.* § 201(c)(1)(B).

[14] *See* Code of Ethics for Government Service ¶ 5, *reprinted in 2008 House Ethics Manual* at 355.

[15] *See* 18 U.S.C. § 207. These restrictions are explained in detail later in this memorandum. Briefly, House Members may not contact any Member, officer, or employee of the House or Senate on official business for one year after leaving office, nor may they assist any foreign government or foreign political party in seeking to influence a decision of any federal official during that year. House officers may neither contact the individual's former congressional office on official business for one year after leaving House employment, nor assist any foreign government or foreign political party in seeking to influence a decision of any federal official during that year.

[16] A former Member who joins a law firm should also be aware that a separate statutory provision, 18 U.S.C. § 203, has been interpreted to prohibit a former federal official who joins a firm from sharing in fees attributable to representational services in federally related matters when those services were provided by the firm while the individual was still employed by the government. U.S. Office of Gov't Ethics (OGE) Advisory Opinion 99 x 24 (Dec. 14, 1999) (available on the OGE Web site at www.oge.gov/DisplayTemplates/ModelSub.aspx?id=1466).

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSAL REQUIREMENTS

Members must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a ***private*** entity.[17] As stated above, the term "negotiation" is not defined in the relevant statute or House rule. Thus, the Committee views negotiations using the standard discussed earlier in this memorandum, namely that there has been "a communication between two parties with a view toward reaching an agreement" and in which there is "active interest on both sides."[18]

In addition, Members must recuse themselves from "any matter in which there is a conflict of interest or an appearance of a conflict" with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.[19] Members who recuse themselves also must, at that time, file their negotiation notification with the Clerk in the Legislative Resource Center (B-135 Cannon House Office Building) for public disclosure.[20]

The Committee has issued forms, available on the Committee Web site (ethics.house.gov), to be used for these notification requirements. When notifying the Committee of negotiations or agreements for future employment or compensation, Members and officers should complete and sign an employment negotiation form, formally titled the "Notification of Negotiations or Agreement for Future Employment." The original, completed form must be submitted to the Committee, but all filers should keep a copy of their submission, as explained below.

There is a separate form for notifying the Committee of recusal, titled the "Statement of Recusal." All Members and officers who recuse themselves from official matters pursuant to House Rule 27 must complete and submit the original recusal form to the Committee. At that time, Members must *also* submit to the Clerk a copy of the completed employment negotiation form regarding that private entity, which they had previously submitted to the Committee. The Clerk will make that form available for public disclosure. As noted above, the requirement to make a simultaneous filing with the Clerk of the corresponding job negotiation form applies only to Members and not to House officers or employees.

The terms "conflict" and "appearance of conflict" are not defined in the rule. The Committee has stated that a "conflict of interest becomes problematic when a Member uses his position to enhance his personal financial interests or his personal financial interests impair his

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[17] House Rule 27, cl. 1; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17.

[18] *See Hedges*, 912 F.2d at 1403 n.2.

[19] House Rule 27, cl. 4.

[20] *Id.* House Rule 27 does not require House employees to file their notice of negotiation with the Clerk.

judgment in conducting his public duties."[21] Members should also avoid situations that might be viewed as presenting even a risk that the Member might be improperly influenced by personal financial interests.[22]

Among the "official matters" covered by the recusal provision discussed above is abstention from voting, or affirmatively taking official actions, on matters that would affect an outside party with whom the Member is negotiating, or from whom the Member has accepted employment. This inquiry has traditionally been governed solely by House Rule 3, which states that abstention from voting on the House floor is not warranted unless the Member has "a direct personal or pecuniary interest in" the matter.[23] Longstanding House precedent interpreted this rule to mean that Members may vote on any matter that affects them merely as part of a large class of individuals or entities rather than with particularity.[24] Thus, for example, Members who were veterans were permitted to vote on military pay and pensions, which affected them only as members of class of thousands of individuals who held or had held similar positions.[25] Historical practice has established that, with regard to House Rule 3, there is no authority to force a House Member to abstain from voting, and the decision on whether abstention from voting was necessary has been left for individual Members to determine for themselves under the circumstances.[26]

However, as described above, a House rule now also imposes a requirement that Members who are negotiating for future employment "shall recuse" themselves "from any matter

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[21] House Comm. on Standards of Official Conduct, *In the Matter of Representative Sam Graves*, H.R. Rep. No. 111-320, 111th Cong., 1st Sess. 16 (2009); *see also* House Bipartisan Task Force on Ethics, *Report on H.R. 3660*, 101st Cong., 1st Sess. (Comm. Print, Comm. on Rules 1989), *reprinted in* 135 Cong. Rec. H9253 at H9259 (daily ed. Nov. 21, 1989) ("A conflict of interest is generally defined as a situation in which an official's private financial interests conflict or appear to conflict with the public interest."); House Rule 23, cl. 3 ("A Member . . . may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.").

[22] *See Federal Conflict of Interest Legislation*, Staff Report to Subcomm. No. 5 of the Comm. on the Judiciary, 85th Cong., 2d Sess. 1 (Comm. Print 1958) ("Within reasonable limits, also, the importance of public confidence in the integrity of the Federal service justifies the requirement that the Federal employee shall avoid the appearance of evil, as well as evil itself."); Code of Ethics for Government Service ¶ 5, *reprinted in 2008 House Ethics Manual* at 355 ("Any person in government service should . . . never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties."); *see also* House Rule 23, cl. 2 ("A Member . . . shall adhere to the spirit and letter of the Rules of the House . . . .").

[23] House Rule 3, cl. 1.

[24] *See* 5 Asher C. Hinds, *Hinds' Precedents of the House of Representatives* § 5952 at 503-04 (1907) (hereinafter *Hinds' Precedents*); *see also* Thomas J. Wickham, Jr., Parliamentarian, *Constitution, Jefferson's Manual, and Rules of the House of Representatives, One Hundred Thirteenth Congress*, H. Doc. 111-157, 113th Cong., 2d Sess. (2013), § 673 (hereinafter *House Rules and Manual*).

[25] *See Hinds' Precedents* § 5952, at 503-04; *see also 2008 House Ethics Manual* at 234-35.

[26] *See Hinds' Precedents* §§ 5950, 5952 at 502-04; *see also House Rules and Manual* § 672.

in which there is a conflict of interest or an appearance of a conflict for that Member."[27] At a minimum, Members faced with a vote on a matter that directly impacts a private entity with which they are negotiating would have difficulty balancing the duty they owe to their constituents with the recusal provisions of House Rule 27. Members are strongly encouraged to abstain from voting on legislation that provides a benefit targeted to any entity with which the Member is negotiating or from which the Member has accepted future employment. Members likewise are discouraged from sponsoring legislation or earmarks for such an entity. In addition, House Rule 23, clause 17 requires that Members who request an earmark certify to the chairman and ranking member of the committee of jurisdiction that the Member and the Member's spouse have "no financial interest" in the earmark.[28] Any earmark benefitting an entity with which a Member is negotiating or has accepted future employment could be deemed to provide a financial interest to the Member under this provision.

BENEFITS OFFERED BY PROSPECTIVE EMPLOYERS DURING JOB NEGOTIATIONS

Members may accept "[f]ood, refreshments, lodging, transportation, and other benefits . . . customarily provided by a prospective employer in connection with bona fide employment discussions."[29] Thus, subject to the limitations set out in the rule, a Member may accept travel expenses from an entity with which the Member is interviewing for a position and to meet prospective colleagues. Such travel is *not* subject to the requirement for prior, written approval from the Committee that applies to privately-funded travel undertaken as part of one's House duties. However, travel expenses that exceed $375 from any one source must be disclosed on Schedule H of the termination financial disclosure statement required of departing Members.[30] In addition, any agreement for future employment also must be disclosed on Schedule F of that statement.[31]

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[27] House Rule 27, cl. 4.

[28] House Rule 23, cl. 17.

[29] House Rule 25, cl. 5(a)(3)(G)(ii).

[30] 5 U.S.C. app. 4 § 102(a)(2)(B).

[31] *Id.* § 109(a)(7)(A).

POST-EMPLOYMENT RESTRICTIONS

Since 1989, legislative branch officials, including certain employees, have been subject to restrictions on their post-House employment under the Ethics Reform Act.[32] These limitations are part of the federal criminal code, and they apply to Members and officers of the House,[33] as well as to employees of House Member, committee, and leadership offices who are paid at least 75% of a Member's salary.[34] For these covered individuals, the law establishes a one-year "cooling-off period" measured from the date of the individual's departure from the House payroll.[35] For Members who are not re-elected to the House, this date will be January 3 of the year following the election (not the date of adjournment *sine die*),[36] unless the Member resigns prior to that date.

Set out below is a detailed description of prohibited and permitted post-employment activities of former Members under the statute. This explanation is followed by a table that briefly summarizes the statutory restrictions. Please note that the statute, as part of the criminal code, is enforced by the Department of Justice (DOJ), rather than by the Ethics Committee, and Committee interpretations of the statute are not binding on DOJ.

Prohibited Activity

Under the statute, former Members may **not**, for a period of **one year** after leaving office:

- ✕ Knowingly **communicate with or appear before any Member, officer, or employee of the House or the Senate,**[37] or current employees of any other legislative office,[38] with the intent to influence, on behalf of any other person, the official actions or decisions of such Member, officer, or employee.[39] The statute excepts certain

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[32] 18 U.S.C. § 207 (e), (f).

[33] *Id.* § 207(e)(1).

[34] *Id.* § 207(e)(7).

[35] *Id.* § 207(e).

[36] *See* U.S. Const. amend. XX, § 2 (establishing the start of the congressional session at noon on January 3).

[37] Unlike former Members, former elected officers of the House are unrestricted in their post-employment interactions with all Senate personnel and may similarly interact with employees of "other legislative offices." *See* 18 U.S.C. § 207(e)(1)(B)(iii). Put another way, during the statutory "cooling-off" period, a former House officer is restricted from contacting only Members, officers, and employees *of the House*.

[38] "[O]ther legislative offices" include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. The term also includes any other House legislative branch office not covered by the other provisions of the statute, such as the Clerk, Parliamentarian, Office of Legal Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

[39] 18 U.S.C. § 207(e)(1).

representations made on behalf of specific types of entities. These exceptions are described below in the context of "permissible activity."

- ✕ Knowingly **represent a foreign government or foreign political party** before any federal official (including any Member of Congress) with the intent to influence a decision of such official in carrying out his or her official duties.[40]

- ✕ Knowingly **aid or advise a foreign government or foreign political party** with the intent to influence a decision of any federal official (including any Member of Congress) in carrying out his or her official duties.[41]

- ✕ **Use confidential information obtained by means of personal and substantial participation in trade or treaty negotiations** within one year preceding their departure from office, in the course of representing, aiding, or advising anyone other than the United States regarding those negotiations.[42]

As to the prohibition against making any "communication to or appearance before" anyone in the legislative branch, former Members should be aware of the broad manner in which the DOJ has defined those terms.[43] A DOJ opinion defines "communication" as "the act of imparting or transmitting information with the intent that the information be attributed to the former official."[44] Such DOJ guidance is binding on the Ethics Committee.

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[40] *Id.* §§ 207(f)(1)(A) and (i)(1)(B). Section § 207 uses the same definitions of the terms "foreign government" and "foreign political party" as the Foreign Agents Registration Act (22 U.S.C. § 611(e), (f)). *See id.* § 207(f)(3). These restrictions also apply with regard to any foreign commercial corporation that "exercises the functions of a sovereign." *See* U.S. OGE, Attachment to DO-04-023: *Summary of Post-Employment Restrictions of 18 U.S.C. § 207* at 11 (July 29, 2004) (available on the OGE Web site at www.oge.gov/DisplayTemplates/ModelSub.aspx?id=2199). Also pertinent to these provisions of the statute is a U.S. Office of Legal Counsel (OLC) opinion of June 22, 2004, which concludes that 18 U.S.C. § 207(f) covers representational contacts with Members of Congress. *See* OLC Memorandum Opinion, *Application of 18 U.S.C. § 207(f) to a Former Senior Employee* (available on the OLC Web site at ww.justice.gov/sites/default/files/olc/opinions/2004/06/31/op-olc-v028-p0097_0.pdf).

[41] 18 U.S.C. § 207(f)(1)(B).

[42] *Id.* § 207(b).

[43] 18 U.S.C. § 207. The provisions of 18 U.S.C. § 207 should not be confused with those of the Lobbying Disclosure Act (2 U.S.C. §§ 1601 *et seq.*) (LDA). In other words, merely because a particular activity does not constitute "lobbying" for purposes of that Act does **not** mean that the activity is permissible under 18 U.S.C. § 207.

[44] OLC, *"Communications" under 18 U.S.C. § 207* at 3 (Jan. 19, 2001) (available on the OLC Web site at http://www.justice.gov/sites/default/files/olc/opinions/2001/01/31/op-olc-v025-p0059_0.pdf). In that opinion, the OLC provides the following illustrative examples: "A high-ranking official who aggressively publicizes the fact that he is leaving an agency to start a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm, almost certainly intends that the report will be attributed to him. Similarly, a former official who is not introduced by name, but participates on a conference call with his former agency colleagues, almost certainly intends this his colleagues will recognize his voice." *Id.*

Further, an advisory memorandum issued by the U.S. Office of Government Ethics (OGE) for Executive Branch employees states, "[a]n 'appearance' extends to a former employee's mere physical presence at a proceeding when the circumstances make it clear that his attendance is intended to influence the United States."[45] The provision is broad enough that it precludes a former Member even from, for example, requesting or scheduling, for or on behalf of any other person, a meeting with any current Member, officer, or employee on official business.[46] While OGE guidance is merely persuasive, rather than binding, on Committee interpretations of the statute, this Committee endeavors when possible to interpret the statute in a manner consistent with OGE practice.

In addition to the one-year "cooling-off period" restrictions set out above, Members should further be aware of a permanent federal statutory restriction that prohibits any U.S. citizen acting without authority of the United States from:

✕ Directly or indirectly **commencing or carrying on any correspondence or intercourse with any foreign government**, or any officer or agent thereof, with the intent to influence the measures or conduct of any foreign government or of any officer or agent thereof in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.[47]

Permissible Activity

Under federal statutory law, former Members **may, immediately** upon leaving office:

✓ **Aid or advise clients** (other than foreign governments or foreign political parties) **concerning how to lobby Congress**, provided the former Member makes no appearance before or communication to Members or employees of Congress. Such a "background role" would not pose the contemplated risk of improper influence since the current officials would not be aware of the former official's participation.[48] However, any such participation must remain behind-the-scenes; during the one-year

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[45] *Summary of Post-Employment Restrictions of 18 U.S.C. § 207*, note 40 above, at 3.

[46] Committee interpretations of the statute contained in this memorandum are based on analysis of the statutory terms and purposes, and opinions and guidance, issued by DOJ and OGE. However, as noted above, 18 U.S.C. § 207 is a criminal statute, and Committee interpretations of it are not binding on DOJ (*but see* note 71, below).

[47] 18 U.S.C. § 953 (the Logan Act). An eighteenth century law, the Logan Act restricts private correspondence with foreign governments. This statute, which appears to have been a reaction to the attempts of one citizen to engage in private diplomacy, has never been the basis of a prosecution, and this Committee has publicly questioned its constitutionality. House Comm. on Standards of Official Conduct, *Manual of Offenses and Procedures, Korean Influence Investigation*, 95th Cong., 1st Sess. 18-19 (Comm. Print 1977). Members should be aware, however, that the law remains part of the criminal code.

[48] Former Members who are lawyers may have additional restrictions, as explained above in note 16.

"cooling-off" period, former Members must not permit their name to be openly associated with contacts made by other persons.[49]

- ✓ **Contact Executive Branch** officials with the intent to influence official action so long as not representing a foreign government or foreign political party.[50]

- ✓ **Contact state government officials** with the intent to influence state government actions or decisions. Former Members should comply with any state laws governing such contacts.

- ✓ **Contact one foreign government on behalf of another** foreign government.[51]

- ✓ **Contact Members, officers and employees of the House and Senate and other Legislative Branch officials** under any of the following circumstances:

  - The former Member is carrying out official duties on behalf of the **federal government** or the District of Columbia;[52]

  - The former Member is acting as an **elected official of a state or local government;** [53]

  - The former Member is an **employee** (not a private consultant or other independent contractor) of a **state or local government**, or an agency or instrumentality thereof, acting on its behalf;[54]

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[49] As noted above, the major restrictions set forth in 18 U.S.C. § 207(e) focus on communications and appearances. By contrast, if a former Member plays a background role, and does not appear in person or convey his or her name on any communications, the law does not appear to prohibit that person from advising those who seek official action from the Congress. This construction is consistent with regulations promulgated by OGE, interpreting a comparable prohibition that applies to Executive Branch personnel. *See* 5 C.F.R. § 2637.201(b)(3), (6). This matter is also addressed in the 2001 OLC opinion that is cited in note 44 above, including with regard to activities that do not constitute permissible "behind-the-scenes" activities.

[50] Former Members who are representing a tribal government as an employee of the tribe or as an officer or employee of the United States assigned to a tribe have an additional restriction on contacts with the Executive Branch and certain other entities. Such individuals must first notify the head of the department, agency, court, or commission being contacted of "any personal and substantial involvement" they had in the matter while a Member. *See* 25 U.S.C. § 450i(j); 18 U.S.C. § 207(j)(1)(B).

[51] No federal statute expressly permits such contacts, but so far as the Committee is aware, no federal statute prohibits such contacts. Thus, it appears that such contacts are permissible under federal law. Members who intend to undertake such activity, however, should carefully review the Foreign Agents Registration Act (22 U.S.C. §§ 611 *et seq.*) (FARA) to ensure compliance with its requirements. Briefly stated, FARA provides that anyone who acts within the United States under the direction or control of a foreign principal to influence official decisions, official policies, or public opinion on behalf of a foreign principal must register with DOJ. *See generally* 22 U.S.C. §§ 611 *et seq.*; U.S. Dep't of Justice (DOJ), "FARA FAQ" (available on the DOJ Web site, www.fara.gov).

[52] 18 U.S.C. § 207(j)(1)(A).

[53] *Id.*

- The former Member is an **employee** of an accredited, degree-granting **institution of higher education** and is acting on behalf of such institution;[55] or

- The former Member is an **employee** of a **charitable hospital or medical research organization** and is acting on behalf of such hospital or organization.[56]

✓ **Represent or give aid or advice to international organizations** of which the United States is a member **if** the Secretary of State certifies in advance that such activities are in the interest of the United States.[57] Otherwise, former Members must wait one year before engaging in such activities.

✓ Make statements or communications as an **employee of a candidate, authorized campaign committee, national or state party, or political committee**, if acting on behalf of that committee or party.[58] However, if the former Member is employed by a person or entity who represents, aids, or advises only such persons or entities, the communications would prohibited.[59]

✓ **Make statements based upon the "special knowledge"** of the former Member concerning the particular area that is the subject of the statement, if no compensation is received in connection therewith.[60]

✓ **Give testimony under oath**, or make statements required to be made under penalty of perjury.[61]

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[54] *Id.* § 207(j)(2)(A).

[55] *Id.* § 207(j)(2)(B). The statute uses the definition of "institution of higher education" contained in § 101 of the Higher Education Act of 1965 (20 U.S.C. §§ 1001 *et seq.*). As a general matter, the definition includes only nonprofit, degree-granting educational institutions located in the United States or its territories. *See* 20 U.S.C. § 1001(a)-(b).

[56] 18 U.S.C. § 207(j)(2)(B). For this exception to apply, the hospital or medical research organization must be exempted under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). *Id.*

[57] *Id.* § 207(j)(3).

[58] *Id.* § 207(j)(7)(A).

[59] *Id.* § 207(j)(7)(B)(ii)(II).

[60] *Id.* § 207(j)(4). "Special knowledge" is not defined in the statute. The Federal Register, which provides rules on the application of the statute to employees in the Executive Branch, states that a "former employee has special knowledge concerning a subject area if he is familiar with the subject area as a result of education, interaction with experts, or other unique or particularized experience." 5 C.F.R. § 2641.301(d)(1). In addition, in the proposed rulemaking for this provision, the OGE emphasized that it regarded its interpretation of this exception as being "relatively narrow." *See* 73 Fed. Reg. 36183 (June 25, 2008). While these definitions are not binding on the Ethics Committee, they provide guidance as to how the term should be interpreted.

[61] 18 U.S.C. § 207(j)(6).

- ✓ **Contact staff of the Clerk of the House** regarding the Member's compliance with the disclosure requirements under the Lobbying Disclosure Act.[62]

- ✓ **Make political contributions** to, and **sponsor or attend political fundraisers** for, current Members of Congress, *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.[63]

- ✓ **Interact socially with current Members of Congress and staff** *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.[64]

Example 1. Member *A* retires to accept an appointed position in an Executive Branch agency. *A* may immediately contact Congress on behalf of the agency.

Example 2. Member *B* retires to become governor of his state. *B* may immediately contact Congress on behalf of his state.

Example 3. Member *C* retires to become the president of a private university. *C* may immediately contact Congress on behalf of the school.

Example 4. Member *D* retires and moves back to her home state. *D* may immediately contact state government officials on behalf of any clients.

Example 5. Member *E* retires to become a lobbyist. During her first year out of office, *E* lobbies only Executive Branch personnel, *E* never contacts Members or employees of Congress on behalf of clients, and *E* has no foreign clients. *E* is complying with the law.

Example 6. During his one-year "cooling-off" period, former Member *F* wishes to call a current Member to request that she meet with representatives of one of his clients to discuss legislation of interest to the client. *F* would not be present at the meeting. *F* would violate the statute by requesting the meeting, in that the request would be a communication intended to influence official action.

Example 7. During his first year out of office, former Member *G* wishes to contact a current Member to urge him to support federal funding for a non-profit organization operated by a friend of *G*. The non-profit organization is not a client of *G*, and *G* would receive no compensation for making the contact. *G* would violate the statute by doing so, in that the statute bars such contacts regardless of whether the former official would be compensated for them.

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[62] *Id.* § 207(e)(8).

[63] *See id.* § 207.

[64] *See id.*

Example 8. During her one-year "cooling-off" period, former Member *H*, who has become a lobbyist, is asked by a current Member about the views of one of her clients on a pending piece of legislation. *H* would violate the statute if she were to state her client's views to the current Member, in that there is no exception in the statute for covered communications that are solicited by a current Member or staff person. However, it may be permissible for *H* to refer the Member to one of her colleagues who is not subject to post-employment restrictions.

Entity Contacted by Former Member

Entity Represented by Former Member	Congress	Executive Branch	Foreign Governments	State Governments
Private Entity	Must wait 1 year before contacting Congress directly. May advise entity behind scenes immediately	May contact immediately	May contact immediately	May contact immediately
Federal, State, or Local Government	May contact Congress immediately if elected official or employee of the federal, state, or local government	May contact immediately	May contact immediately	May contact immediately
Tribal Government	Must wait 1 year before contacting Congress directly. May advise entity behind scenes immediately	May contact immediately if employed by tribe or U.S.; must inform head of agency or department of any personal and substantial involvement in matter while a Member	May contact immediately	May contact immediately
Foreign Government	Must wait 1 year before contacting Congress or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	Must wait 1 year before contacting Executive Branch or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	May contact immediately	May contact immediately. Must register with the Justice Department if acting as a foreign agent in the U.S.
International Org. of which U.S. is a Member	If Secretary of State classifies the subject matter as one of national interest, former Member may immediately advise international organization and contact Congress directly; otherwise, must wait 1 year to do either	If Secretary of State classifies the subject matter as one of national interest, former Member may immediately advise international organization and contact executive branch directly; otherwise, must wait 1 year to do either	May contact immediately	May contact immediately
Accredited U.S. College or University	May contact immediately if an employee of the college or university	May contact immediately	May contact immediately	May contact immediately
Charitable Hospital or Medical Research Organization	May contact immediately if an employee of the hospital or organization	May contact immediately	May contact immediately	May contact immediately
Candidate, Political Campaign, or Party	May make communications immediately as employee of candidate, authorized campaign committee, or federal or state party or committee, unless employed by entity that advises only such entities	May contact immediately	May contact immediately	May contact immediately

Penalties

Each violation of the post-employment restrictions set forth in the statute is a felony punishable by imprisonment up to one year (or up to five years for willful violations) and a fine of up to $50,000 for each violation or the value of the compensation received for the act that violated the restrictions, whichever is greater.[65] The statute further authorizes the Attorney General to seek an injunction prohibiting a person from engaging in conduct that violates the act.[66]

By its terms, 18 U.S.C. § 207 governs the conduct of **former** Members, officers, and employees, and does not apply to the conduct of **current** Members, officers, and employees. However, the post-employment restrictions have been the subject of close attention by DOJ, as reflected in the guilty pleas by former House staff and others to criminal violations of the statute.[67] Therefore, current Members and staff who receive or otherwise participate in improper contacts by a covered former employee should be aware that, depending on the circumstances, they may be subject to criminal or House disciplinary action. The examples involving § 207 violations indicate that a Member who aids and abets a covered former employee in the violation may be prosecuted for conspiracy to violate the post-employment restrictions.[68]

Furthermore, in an Ethics Committee disciplinary case that was completed in the 106th Congress, a Member admitted to engaging in several forms of conduct that violated House rules requiring that each Member and staff person "conduct himself at all times in a manner that shall reflect creditably on the House."[69] One of those violations was his engaging in a pattern and practice of knowingly allowing his former chief of staff to appear before and communicate with him in his official capacity during the one-year period following her resignation, "in a manner that created the appearance that his official decisions might have been improperly affected."[70]

A Member (or former Member) who has any concerns about the applicability of the post-employment restrictions to his or her proposed conduct should write to the Ethics Committee to request a written advisory opinion. While, as noted above, Ethics Committee interpretations of 18 U.S.C. § 207 are not binding on DOJ, those interpretations are based on the Committee's

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[65] 18 U.S.C. § 216.

[66] *Id.* § 216(c).

[67] *See, e.g., United States v. Jack A. Abramoff*, Docket No. 06-CR-001 (D.D.C.) ("*Abramoff* action"). In addition, in September 2006, former Representative Robert W. Ney pleaded guilty to conspiracy to violate, among other statutes, the post-employment restrictions for former covered employees ("*Ney* action"). Also note, in September 2012, former Senate staffer, Doug Hampton, was sentenced to one year probation for violating the post-employment restriction ("Hampton action").

[68] *See, e.g., Abramoff* and *Ney* actions, note 67 above.

[69] House Rule 23, cl. 1; *see also* House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong., 2d Sess. vol. I (July 19, 2002) ("Shuster Report").

[70] House Comm. on Standards of Official Conduct, *Summary of Activities, One Hundred Sixth Congress*, H. Rep. 106-1044, 106th Cong., 2d Sess. at 10, 13, 16 (2000); *see also* Shuster Report, note 69 above, vol. I.

analysis of the terms and purposes of the statute, the Committee endeavors when possible to interpret the statute in a manner consistent with OGE practices.[71]

FLOOR PRIVILEGES OF A FORMER MEMBER

The type of work that a Member does after leaving office may limit the Member's future floor privileges. While former Members generally are entitled to admission to the Hall of the House, this privilege is not extended to those who: (1) are registered lobbyists or agents of a foreign principal; (2) have any direct personal or pecuniary interest in any pending legislation; ***or*** (3) work for or represent anyone "for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal."[72] In short, a Member may not take advantage of his or her status as a former Member to lobby current Members on the House floor (that is, those areas restricted to the public). Unlike the post-employment restrictions, this rule has no time limit.[73]

In addition, a resolution adopted at the start of the 113th Congress provides that former Member and officers, as well as their spouses, who are registered federal lobbyists or agents of a foreign principal are also prohibited from access "to any exercise facility which is made available exclusively to Members and former Members, officers and former officers" during the 113th Congress.[74]

FINANCIAL DISCLOSURE REQUIREMENTS FOLLOWING DEPARTURE FROM HOUSE EMPLOYMENT

A departing Member of Congress must file a final Financial Disclosure Statement, called a "Termination Report," within 30 days of leaving office.[75] Extensions of up to 90 days are available upon written request to the Committee when made prior to the original due date.[76]

The Termination Report, filed on the same form as the annual report, covers all financial activity through the end of the Member's term.[77] Schedule F of the report requires disclosure of

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[71] It should be noted that one court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was undertaken in good faith reliance upon erroneous legal advice received from the official's supervising ethics office. *Hedges*, 912 F.2d at 1404-06.

[72] House Rule 4, cl. 4(a).

[73] Departing Members may also wish to review a memorandum issued by the Congressional Research Service, *Selected Privileges and Courtesies Extended to Former Members of Congress,* Report No. R41121 (Dec. 5, 2014).

[74] H. Res. 5 § 3(*l*) (adopted Jan. 3, 2013). Although this restriction applies only during the 113th Congress, departing Members should note that similar language has been adopted in previous Congresses.

[75] 5 U.S.C. app. 4 § 101(e).

[76] *Id.* § 101(g); Comm. on Ethics, *2014 Instruction Guide for Completing Financial Disclosure Statements and Periodic Transaction Reports (2014 FD and PTR Instructions)* at 7.

[77] *Id.* § 101(e). For Members who serve out their full term, this date will be January 3; Members who retire earlier than the end of the term will have different end date.

any agreement entered into by the filer, oral or written, with respect to future employment.[78] Thus, if a Member accepts a future position while still on the House payroll, the Member will have to disclose the agreement on the Member's public termination filing. The date of the agreement, the future employer, the position or title and the starting date must be disclosed, but the amount of the compensation need not be reported.[79] The Member will also have to disclose, on Schedule H of the Termination Report, any travel reimbursements exceeding $375 received from any source in connection with job-search activity.[80]

However, a departing Member who, prior to thirty days after leaving office, has accepted another federal position requiring the filing of a *public* financial disclosure statement need not file a Termination Report.[81] Any departing Member who is not required to file a Termination Report for this reason must notify the Clerk *in writing* of that fact.[82]

USE OF EXCESS CAMPAIGN FUNDS

Members are prohibited by House rules from converting campaign funds to personal use.[83] Federal election law, as implemented by a set of regulations issued by the Federal Election Commission (FEC), bans the use of excess campaign funds for personal purposes by anyone, incumbents and non-incumbents alike.[84] All campaign resources (including equipment, furniture, and vehicles) are subject to the same restrictions.[85] A Member may not keep campaign property upon retirement from Congress unless he or she pays the campaign fair market value.[86] In valuing the property, the Member may take into account the fact that it has been used.[87]

> ***Example 9.*** Member *J* would like to keep the car owned by his campaign when he retires. If he pays the campaign the car's fair market value, *J* may do so.

As to excess campaign funds, among the permissible uses under statutory law are donation to charities described in § 170(c) of the Internal Revenue Code,[88] and contribution to any national, state, or local committee of a political party.[89] A former Member may use campaign funds to defray the costs of winding down his or her congressional office for a period

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[78] *Id.* § 102(a)(7).

[79] *See id.*; *see also 2014 FD and PTR Instructions* at 32.

[80] 5 U.S.C. app. 4 § 102(a)(2)(B). Such travel must be disclosed on the Member's Financial Disclosure Statement even if the Member ultimately remains in Congress rather than accepting private employment.

[81] *Id.* § 101(e).

[82] *See 2014 FD and PTR Instructions* at 5.

[83] House Rule 23, cl. 8.

[84] 52 U.S.C. § 30114(b)(1); 11 C.F.R. § 113.2(e).

[85] *See generally* 52 U.S.C. § 30114(b)(1); 11 C.F.R. § 113.1.

[86] 11 C.F.R. §§ 113.1(g)(3) and 113.2(e).

[87] 11 C.F.R. § 113.1(g)(3).

[88] 52 U.S.C. § 30114(a)(3); 11 C.F.R. § 113.2(b); *see also* 11 C.F.R. § 113.1(g)(2).

[89] 52 U.S.C. § 30114(a)(4); 11 C.F.R. § 113.2(c).

of up to six months after leaving office.[90] In addition, both the FEC and the Ethics Committee have ruled that a retiring Member may use campaign funds to pay the expenses of moving both congressional office furnishings and personal household furnishings and effects back to the Member's home state.[91] A retiring Member should consult with FEC staff on the specifics of statutory law and FEC rules on the use or disposition of excess campaign funds, including with regard to maintaining those funds for use in a future campaign, or making donations to other candidates.

OUTSIDE EMPLOYMENT AND EARNED INCOME RESTRICTIONS

All departing Members remain subject to all House rules, including the gift rule and the limitations on outside employment and earned income,[92] even after adjournment *sine die*, until the end of their term, unless they elect to resign earlier. These rules are particularly important to bear in mind for a departing Member whose prospective employer suggests that the Member start work prior to leaving office. In calendar year 2014, a Member may not receive outside earned income (including, for example, a signing bonus) in excess of $26,955, and **no** earned income may be received for: (1) providing professional services involving a fiduciary relationship, including the practice of law, or any consulting or advising; (2) being employed by an entity that provides such services; or (3) serving as a board member or officer of any organization.[93] Regardless of whether compensation is received, a Member may not allow his or her name to be used by an organization that provides fiduciary services. In addition, a Member may not receive any honoraria (*i.e.*, a payment for a speech, article or appearance),[94] although he or she may receive compensation for teaching, if the Member first secures specific prior permission from this Committee.[95]

> ***Example 10.*** Member *K* plans to join a law firm when she leaves office. Since this is a firm providing professional services of a fiduciary nature, *K* may not commence employment with the firm until the new Congress is sworn in, unless she resigns early.

ACCEPTANCE OF OFFICIALLY CONNECTED TRAVEL FUNDED BY A PRIVATE SOURCE

Several rules may affect a departing Member's travel decisions. House rules prohibit the use of committee funds and local currencies owned by the United States to pay for travel by a Member: (1) after the date of a general election in which he or she was not elected to the

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[90] 11 C.F.R. § 113.2(a)(2).

[91] FEC Advisory Opinion 1996-14 (available on the FEC Web site, www.fec.gov); *2008 House Ethics Manual* at 162.

[92] House Rule 25, cls. 1-5. The outside employment and earned income limitations are also codified at 5 U.S.C. app. 4 §§ 501-502.

[93] House Rule 25, cls. 1-4; *see also* 5 U.S.C. app. 4 §§ 501-502.

[94] House Rule 23, cl. 5; House Rule 25, cl. 1(a)(2).

[95] House Rule 25, cl. 2(e).

succeeding Congress; or (2) in the case of a Member who is not a candidate in a general election, after the **earlier** of the date of the general election or adjournment *sine die* of Congress.[96]

With regard to privately funded travel that is fact-finding in nature, because the gift rule requires that such travel be related to official duties,[97] it is questionable whether a Member may accept an invitation for a such travel that would take place after the adjournment *sine die* of the House. As of that time, the official responsibilities that may justify acceptance of travel expenses for such a purpose will practically have come to an end. However, this consideration does not limit the ability of a departing Member to accept travel expenses from a private source for the purpose of enabling the Member to participate substantially in an officially-related event, such as to give a speech.

* * *

Any questions on these matters should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

[96] House Rule 24, cl. 10.

[97] House Rule 25, cl. 5(b)(1)(A); *see also* House Rule 25, cl. 5(b)(3)(G).

APPENDIX III

RULES

COMMITTEE ON ETHICS

Adopted February 5, 2013
113th Congress

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

COMMITTEE ON ETHICS

UNITED STATES HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

K. MICHAEL CONAWAY, Texas, *Chairman*
CHARLES W. DENT, Pennsylvania
PATRICK MEEHAN, Pennsylvania
TREY GOWDY, South Carolina
SUSAN W. BROOKS, Indiana

LINDA T. SÁNCHEZ, California, *Ranking Member*
PEDRO R. PIERLUISI, Puerto Rico
MICHAEL E. CAPUANO, Massachusetts
YVETTE D. CLARKE, New York
TED DEUTCH, Florida

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FOREWORD

The Committee on Ethics is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 113th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

Rule 2. Definitions

(a) "Committee" means the Committee on Ethics.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigate," "Investigating," and/or "Investigation" mean review of the conduct of a Member, officer or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) "Board" means the Board of the Office of Congressional Ethics.

(f) "Referral" means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer or employee, including any accompanying findings or other supporting documentation.

(g) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct

applicable to the performance of official duties or the discharge of official responsibilities.

(i) "Adjudicatory Subcommittee" means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(l) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) "Member" means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee's travel regulations; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information required by the Committee's

travel regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file a Traveler Form or Private Sponsor Certification Form may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. § 1001.

(g) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(h) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(i) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(m), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(j) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to

that individual in response. The Committee shall not release any internal Committee staff work product, communications or notes in response to such a request, except as authorized by the Committee.

(k) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(l) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(n) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(o) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file reports required to be filed under Title I of the Ethics in Government Act and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) Any reports required to be filed under Title I of the Ethics in Government Act filed by Members of the Board of the Office of Congressional Ethics that are forwarded to the Committee by the Clerk shall not be subject to paragraphs (d) through (q) of this Rule. The Office of Congressional Ethics retains jurisdiction over review of the timeliness and completeness of filings by Members of the Board as the Board's supervising ethics office.

(d) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(e) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(f) Any individual who files a report required to be filed under Title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(g) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(h) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(i) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(j) The Committee shall designate staff counsel who shall review reports required to be filed under Title I of the Ethics in Government Act and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(k) Each report required to be filed under Title I of the Ethics in Government Act shall be reviewed within 60 days after the date of filing.

(l) If the reviewing counsel believes that additional information is required because (1) the report required to be filed under Title I of the Ethics in Government Act appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(m) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who concurs with the Committee's notification that the report required to be filed under Title I of the Ethics in Government Act is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised report required to be filed under Title I of the Ethics in Government Act or an explanatory letter addressed to the Clerk of the House of Representatives.

(n) Any amendment shall be placed on the public record in the same manner as other reports required to be filed under Title I of the Ethics in Government Act. The

individual designated by the Committee to review the original report required to be filed under Title I of the Ethics in Government Act shall review any amendment thereto.

(o) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who does not agree with the Committee that the report required to be filed under Title I of the Ethics in Government Act is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(p) The Committee shall be the final arbiter of whether any report required to be filed under Title I of the Ethics in Government Act requires clarification or amendment.

(q) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a report required to be filed under Title I of the Ethics in Government Act or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the

employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

Rule 7. Confidentiality

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Ethics, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints;

(ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House. This rule shall not prohibit the Chair or Ranking Minority Member from disclosing to the Board of the Office of Congressional Ethics the existence of a Committee investigation, the name of the Member, officer or employee of the House who is the subject of that investigation, and a brief statement of the scope of that investigation in a written request for referral pursuant to Rule 17A(k). Such disclosures will only be made subject to written confirmation from the Board that the information provided by Chair or Ranking Minority Member will be kept confidential by the Board.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) Except as provided in Rule 17A, the Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on

the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

Rule 8. Subcommittees—General Policy and Structure

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other

matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for the Committee or an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is the respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the

Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adopting or amending of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adopting a recommendation to the House of Representatives that a sanction be imposed.

(7) Adopting a report relating to the conduct of a Member, officer, or employee.

(8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Committee Records

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 12. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(c) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(d) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 13. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in

conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 14. Committee Authority to Investigate—General Policy

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, undertakes an investigation;

(4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(6) a referral from the Board is transmitted to the Committee.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

Rule 15. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, "Signed and sworn to (or affirmed) before me on (date) by (the name of the person)" setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 16. Duties of Committee Chair and Ranking Minority Member

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules

for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to –

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period

either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 17. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within 5 days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information relevant to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

Rule 17A. Referrals from the Board of the Office of Congressional Ethics

(a) The Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct pursuant to clause 1(g) of House Rule X. Receipt of referrals from the Board under this rule does not limit the Committee's discretion to address referrals in any way through the appropriate procedures authorized by Committee Rules. The Committee shall review the report and findings transmitted by the Board without prejudice or presumptions as to the merit of the allegations.

(b)(1) Whenever the Committee receives either (A) a referral containing a written report and any findings and supporting documentation from the Board; or (B) a referral from the Board pursuant to a request under Rule 17A(k), the Chair shall have 45 calendar days or 5 legislative days after the date the referral is received, whichever is later, to make public the report and findings of the Board unless the Chair and Ranking Minority Member jointly decide, or the Committee votes, to withhold such information for not more than one additional 45-day period.

(2) At least one calendar day before the Committee makes public any report and findings of the Board the Chair shall notify in writing the Board and the Member, officer, or employee who is the subject of the referral of the impending public release of these documents. At the same time, the Chair shall transmit a copy of any public statement on the Committee's disposition of the matter and any accompanying Committee report to the individual who is the subject of the referral.

(3) All public statements and reports and findings of the Board that are required to be made public under this Rule shall be posted on the Committee's website.

(c) If the OCE report and findings are withheld for an additional 45-day period pursuant to paragraph (b)(1), the Chair shall—

(1) make a public statement on the day of such decision or vote that the matter referred from the Board has been extended; and

(2) make public the written report and findings pursuant to paragraph (b) upon the termination of such additional period.

(d) If the Board transmits a report with a recommendation to dismiss or noting a matter as unresolved due to a tie vote, and the matter is extended for an additional period as provided in paragraph (b), the Committee is not required to make a public statement that the matter has been extended pursuant to paragraph (b)(1).

(e) If the Committee votes to dismiss a matter referred from the Board, the Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c) unless the Committee's vote is inconsistent with the recommendation of the Board. A vote by the Committee to dismiss a matter is not considered inconsistent with a report from the Board that the matter is unresolved by the Board due to a tie vote.

(f) Except as provided by paragraph (g):

(1) If the Committee establishes an investigative subcommittee respecting any matter referred by the Board, then the report and findings of the Board shall not be made public until the conclusion of the investigative subcommittee process. The Committee shall issue a public statement noting the establishment of an investigative subcommittee,

which shall include the name of the Member, officer, or employee who is the subject of the inquiry, and shall set forth the alleged violation.

(2) If any such investigative subcommittee does not conclude its review within one year after the Board's referral, then the Committee shall make public the report of the Board no later than one year after the referral. If the investigative subcommittee does not conclude its review before the end of the Congress in which the report of the Board is made public, the Committee shall make public any findings of the Board on the last day of that Congress.

(g) If the vote of the Committee is a tie or the Committee fails to act by the close of any applicable period(s) under this rule, the report and the findings of the Board shall be made public by the Committee, along with a public statement by the Chair explaining the status of the matter.

(h)(1) If the Committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on a matter referred by the Board under paragraph (b) –

(A) The Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c), except that if the recommendation of the Board is that the matter requires further review, the Committee shall make public the written report of the Board but not the findings; and

(B) The Committee shall make a public statement that it is deferring taking action on the matter at the request of such law enforcement or regulatory authority within one day (excluding weekends and public holidays) of the day that the Committee agrees to the request.

(2) If the Committee has not acted on the matter within one year of the date the public statement described in paragraph (h)(1)(B) is released, the Committee shall make a public statement that it continues to defer taking action on the matter. The Committee shall make a new statement upon the expiration of each succeeding one-year period during which the Committee has not acted on the matter.

(i) The Committee shall not accept, and shall return to the Board, any referral from the Board within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate.

(j) The Committee may postpone any reporting requirement under this rule that falls within that 60-day period until after the date of the election in which the subject of the referral is a candidate. For purposes of calculating any applicable period under this Rule, any days within the 60-day period before such an election shall not be counted.

(k)(1) At any time after the Committee receives written notification from the Board of the Office of Congressional Ethics that the Board is undertaking a review of alleged conduct of any Member, officer, or employee of the House at a time when the Committee is investigating, or has completed an investigation of the same matter, the Committee may so notify the Board in writing and request that the Board cease its review and refer the matter to the Committee for its consideration immediately. The Committee shall also notify the Board in writing if the Committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities by the end of any applicable time period specified in Rule 17A (including any permissible extension).

(2) The Committee may not request a second referral of the matter from the Board if the Committee has notified the Board that it is unable to resolve the matter previously

requested pursuant to this section. The Board may subsequently send a referral regarding a matter previously requested and returned by the Committee after the conclusion of the Board's review process.

Rule 18. Committee-Initiated Inquiry or Investigation

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established. The Chair and Ranking Minority Member may also jointly take appropriate action consistent with Committee Rules to resolve the matter.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an investigation into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e)(1) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

(2) Not later than 30 days after a Member of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

Rule 19. Investigative Subcommittee

(a)(1) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking

Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(2) The respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The members of the Committee shall engage in a collegial discussion regarding such objection. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from participating in the inquiry pursuant to Rule 9(e).

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chair of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or subcommittee member designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a

member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its inquiry.

(e) Upon completion of the inquiry, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct

or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

Rule 20. Amendments to Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 21. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 22. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the

Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

Rule 23. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The members of the Committee shall engage in a collegial discussion regarding such objection. The member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from serving on the subcommittee pursuant to Rule 9(e).

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) The subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. A subpoena for

documents may specify terms of return other than at a meeting or hearing of the subcommittee. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g)(1)-(4), (6)-(7) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that committee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses committee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) No later than two weeks or 5 legislative days after the Chair of the Committee designates members to serve on an adjudicatory subcommittee, whichever is later, the Chair of the adjudicatory subcommittee shall establish a schedule and procedure for the hearing and for prehearing matters. The procedures may be changed either by the Chair of the adjudicatory subcommittee or a by a majority vote of the members of the subcommittee. If the Chair makes prehearing rulings upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, the Chair shall make available those rulings to all subcommittee members at the time of the ruling.

(j) The procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or

relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(k) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair and Ranking Minority Member of the subcommittee shall open the hearing with equal time and during which time, the Chair shall state the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other relevant evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(l) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(m) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the relevant provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(n) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or

affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(o) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated. Committee counsel or respondent's counsel may move the adjudicatory subcommittee to make a finding that there is no material fact at issue. If the adjudicatory subcommittee finds that there is no material fact at issue, the burden of proof will be deemed satisfied.

(p) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(q) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 24. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 25. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 26. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt,

including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until–

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to

so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever-

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(i) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing the respondent of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to

maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 27. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

Rule 28. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

APPENDIX IV

U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt **February 6, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE BILL OWENS

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on February 6, 2013, to release the following statement:

On August 30, 2012, the Committee on Ethics of the 112th Congress received a referral from the Office of Congressional Ethics (OCE) regarding Representative Bill Owens. Pursuant to House Rule XI, clause 3(b)(8) and Committee Rule 17A, the then-Chairman and Ranking Member jointly decided on December 13, 2012, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee on Ethics Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee on Ethics hereby publishes OCE's Report and Findings relating to allegations against Representative Bill Owens and Representative Owens' submission to the Committee.

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U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt **February 6, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE AARON SCHOCK

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on February 6, 2013, to release the following statement:

On August 30, 2012, the Committee on Ethics of the 112th Congress received a referral from the Office of Congressional Ethics (OCE) regarding Representative Aaron Schock. Pursuant to House Rule XI, clause 3(b)(8) and Committee Rule 17A, the then-Chairman and Ranking Member jointly decided on December 13, 2012, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee on Ethics Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee on Ethics hereby publishes OCE's Report and Findings relating to allegations against Representative Aaron Schock and Representative Schock's submission to the Committee.

###

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FOR RELEASE: Upon Receipt **March 19, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE DON YOUNG

In accordance with House Rule XI, clause 3 and Committee Rules 10(a)(2) and 18, the Committee on Ethics (Committee) unanimously voted on February 26, 2013, to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative Don Young violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to allegations that he, or persons acting on his behalf, improperly obtained, received, or accepted gifts, improperly used official resources or campaign funds for personal purposes, failed to report certain gifts on his annual Financial Disclosure Statements, and made false statements to federal officials.

The Committee has determined to take this action based upon a discretionary review of the allegations, as well as evidence obtained pursuant to Committee Rule 18(a), authorized by the Chairman and Ranking Member of the Committee during the 111th and 112th Congresses. During the course of the Committee's investigation, a portion of which was initially requested by Representative Young, the Committee received a referral from the Department of Justice regarding Representative Young's expenses and travel costs for certain trips which were the subject of the Committee's ongoing review. The Committee has reviewed the referral without prejudice or presumptions as to the merit of the allegations.

The Committee notes that the mere fact of establishing an Investigative Subcommittee does not itself indicate that any violation has occurred.

The Honorable Patrick Meehan will serve as the Chair of the Investigative Subcommittee, and the Honorable Michael E. Capuano will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable William M. "Mac" Thornberry and the Honorable William Keating. No other public comment will be made on this matter except in accordance with Committee rules.

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FOR RELEASE: Upon Receipt **March 19, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE ROBERT ANDREWS

In accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 18, the Committee on Ethics (Committee) unanimously voted on February 26, 2013, to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative Robert Andrews violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to allegations that he improperly used funds from his principal campaign committee and leadership PAC for personal purposes, used official resources for nonofficial and personal purposes, and made false statements to federal officials.

The Committee has determined to take this action based upon a discretionary review of the allegations, as well as evidence obtained pursuant to Committee Rule 18(a), authorized by the Chairman and Ranking Member of the Committee for the 112th Congress. During the course of the Committee's independent investigation, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Andrews' use of funds from his principal campaign committee and leadership PAC. As provided by House Rule X, clause 1(g) and Committee Rule 17A(a), the Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct. Consistent with the Committee's rules, it reviews OCE's Report and Findings without prejudice or presumptions as to the merit of the allegations.

The Committee notes that the mere fact of establishing an Investigative Subcommittee does not itself indicate that any violation has occurred.

The Honorable Trey Gowdy will serve as the Chair of the Investigative Subcommittee, and the Honorable Pedro Pierluisi will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable Tom Latham and the Honorable Jackie Speier. No other public comment will be made on this matter except in accordance with Committee rules.

###

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FOR RELEASE: Upon Receipt **May 23, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING THE ESTABLISHMENT OF A WORKING GROUP

The Committee on Ethics has appointed a bipartisan working group to study matters related to the disclosure of and handling of personal financial interests in the House of Representatives. The working group will consist of Committee Members Representative Susan W. Brooks and Representative Ted Deutch.

The working group will study and make recommendations with respect to the Committee's financial disclosure guidance regarding modern complex investment vehicles. As noted by a recent report of the National Academy of Public Administration, complex financial instruments can pose challenges for financial disclosure under the Ethics in Government Act. The Committee encourages Members, officers, and employees who may have questions about complex investment vehicles to call the Committee for further guidance.

In addition, the working group will review the Committee's guidance on the various requirements of conflicts of interest rules for Members, officers, and employees of the House of Representatives and make recommendations for clarification.

The Committee may seek input from Members, officers, and staff, as well as the public, during the working group's review process.

###

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FOR RELEASE: Upon Receipt **July 26, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE JOHN TIERNEY

Pursuant to House Rule XI, Clause 3(b)(8)(A) and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative John Tierney, which was transmitted to the Committee by the Office of Congressional Ethics on June 13, 2013.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Wednesday, September 11, 2013.

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FOR RELEASE: Upon Receipt **July 26, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE PETER ROSKAM

Pursuant to House Rule XI, Clause 3(b)(8)(A) and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Peter Roskam, which was transmitted to the Committee by the Office of Congressional Ethics on June 13, 2013.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Wednesday, September 11, 2013.

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FOR RELEASE: Upon Receipt **July 26, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE TIM BISHOP

Pursuant to House Rule XI, Clause 3(b)(8)(A) and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Tim Bishop, which was transmitted to the Committee by the Office of Congressional Ethics on June 13, 2013.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Wednesday, September 11, 2013.

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FOR RELEASE: Upon Receipt **July 26, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MICHELE BACHMANN

Pursuant to House Rule XI, Clause 3(b)(8)(A) and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Michele Bachmann, which was transmitted to the Committee by the Office of Congressional Ethics on June 13, 2013.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Wednesday, September 11, 2013.

###

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FOR RELEASE: Upon Receipt **July 26, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING ALLEGATIONS ABOUT PRIVATELY-SPONSORED TRAVEL PAID FOR BY THE TURKISH COALITION OF AMERICA

Pursuant to Committee Rule 7(g), the Committee on Ethics (Committee) determined on July 26, 2013, to release the following statement:

Beginning in the last Congress, the Committee undertook a review of a multi-day, privately-sponsored trip to Turkey in August 2008 that was paid for, in part, by the Turkish Coalition of America (TCA). Five House employees sought and received Committee approval to participate in the trip. However, the Committee later learned that at the time of the travel, TCA employed or retained a federally-registered lobbyist, making it ineligible to sponsor a multi-day trip under the House's privately-sponsored travel rules.

The Committee's review found that the employees who traveled acted in good faith, relied on the Committee's review and approval of the trip, and had no knowledge that TCA employed or retained a lobbyist. Further, the Committee found that there were no prohibitions on this trip outside of the Committee's waiver authority, such as impermissible expenses paid by foreign governments. The Committee therefore determined that no investigation or further action was necessary.

After concluding its review, the Committee received three referrals from the Office of Congressional Ethics (OCE) regarding the same matter on June 13, 2013. The two other House employees who participated in the travel left House employment before OCE initiated its review. One of the three remaining employees left House employment after OCE voted to refer the matter to the Committee, but before OCE transmitted the referral. In its referrals, OCE also determined that the remaining employees acted in good faith, were not aware that TCA employed a lobbyist, and thus did not knowingly accept an impermissible gift.

Accordingly, after careful consideration, the Committee has unanimously voted to dismiss the matters referred by OCE, determined that no further action is required, and agreed to end its review of this matter with the publication of the attached Committee Report, which includes materials referred to the Committee by the OCE relating to current employees of the House.

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FOR RELEASE: Upon Receipt **September 11, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MICHELE BACHMANN

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on September 11, 2013, to release the following statement:

On June 13, 2013, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Michele Bachmann. Pursuant to House Rule XI, clause 3(b)(8) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on July 26, 2013, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee on Ethics Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee on Ethics hereby publishes OCE's Report and Findings relating to allegations against Representative Michele Bachmann and Representative Bachmann's submission to the Committee.

###

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FOR RELEASE: Upon Receipt **September 11, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE TIM BISHOP

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on September 11, 2013, to release the following statement:

On June 13, 2013, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Tim Bishop. Pursuant to House Rule XI, clause 3(b)(8) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on July 26, 2013, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee on Ethics Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee on Ethics hereby publishes OCE's Report and Findings relating to allegations against Representative Tim Bishop and Representative Bishop's submission to the Committee.

###

K. Michael Conaway, Texas
Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico
Michael E. Capuano, Massachusetts
Yvette D. Clarke, New York
Ted Deutch, Florida

ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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FOR RELEASE: Upon Receipt **September 11, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE PETER ROSKAM

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on September 11, 2013, to release the following statement:

On June 13, 2013, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Peter Roskam. Pursuant to House Rule XI, clause 3(b)(8) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on July 26, 2013 to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee on Ethics Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee on Ethics hereby publishes OCE's Report and Findings relating to allegations against Representative Peter Roskam and Representative Roskam's submission to the Committee.

###

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FOR RELEASE: Upon Receipt **September 11, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING ALLEGATIONS RELATED TO REPRESENTATIVE JOHN TIERNEY

Pursuant to Committee Rule 7(g), the Committee on Ethics (Committee) determined on September 11, 2013, to release the following statement:

On June 13, 2013, the Office of Congressional Ethics (OCE) sent a referral to the Committee in which it recommended further review of the allegations that certain payments Representative John Tierney's wife received from her brother and their mother were income that should have been reported as such to the Internal Revenue Service (IRS) and disclosed on Representative Tierney's annual Financial Disclosure Statements. Representative Tierney and his wife treated the payments as gifts among family members and therefore did not report the payments to the IRS or disclose them on Representative Tierney's Financial Disclosure Statements. The legal determination of whether a transfer is treated as income or a gift is a highly fact-specific inquiry. In particular, courts put heavy emphasis on the donor's intent. This inquiry is further complicated in matters involving transfers between family members.

The Committee reviewed the allegations, conducted additional investigation as necessary, and unanimously concluded that the presently-available evidence was inconclusive as to whether the payments to Mrs. Tierney were income or gifts and does not warrant a finding that Representative Tierney intentionally mischaracterized the nature of the payments for financial disclosure or tax purposes. Therefore, after careful consideration, the Committee has unanimously voted to close the matter referred by the OCE, determined that no further action is required at this time, and agreed to end its review of this matter with the publication of this Report, which includes the materials referred to the Committee by the OCE.

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FOR RELEASE: Upon Receipt **October 31, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING THE ARRESTS OF MEMBERS OF THE HOUSE DURING A PROTEST OUTSIDE THE UNITED STATES CAPITOL ON OCTOBER 8, 2013

On October 30, 2013, the Committee transmitted the attached Report to the House regarding the arrests of Members of the House during a protest outside the United States Capitol on October 8, 2013.

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FOR RELEASE: Upon Receipt **November 15, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING ALLEGATIONS RELATING TO TRAVEL TO TAIWAN BY REPRESENTATIVES WILLIAM OWENS AND PETER ROSKAM IN 2011

On November 15, 2013, the Committee transmitted the attached Report to the House regarding allegations relating to travel to Taiwan by Representatives William Owens and Peter Roskam in 2011.

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FOR RELEASE: Upon Receipt **November 26, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MICHAEL GRIMM

Pursuant to House Rule XI, clause 3(b)(8)(C)(ii) and Committee Rule 17A(h)(2), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on November 26, 2013, to release the following statement:

On June 29, 2012, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding whether Representative Michael Grimm may have violated federal campaign finance laws by soliciting and accepting prohibited campaign contributions, caused false information to be included in campaign finance reports, and improperly sought assistance from a foreign national in soliciting campaign contributions in exchange for offering to use his official position to assist that individual in obtaining a green card. In response to a request from the Department of Justice, the Committee unanimously voted to defer consideration of this matter, and announced that deferral in a public statement dated November 26, 2012.

The Department of Justice has asked the Committee to continue to defer consideration of this matter and the Committee, following precedent, agreed to continue to defer consideration of this matter at this time. At least annually, the Committee will make a public statement if it continues to defer taking action on the matter. The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

###

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FOR RELEASE: Upon Receipt **December 16, 2013**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE HENRY J. "TREY" RADEL III

In accordance with House Rule XI, clause 3, H. Res. 451, and Committee Rules 10(a)(2) and 18(e)(2), the Committee on Ethics (Committee) unanimously voted on December 12, 2013, to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative Henry J. "Trey" Radel III violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to conduct forming the basis for criminal charges of possession of cocaine in the District of Columbia, to which Representative Radel pled guilty on November 20, 2013.

The Honorable Charles W. Dent will serve as the Chair of the Investigative Subcommittee, and the Honorable Yvette D. Clarke will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable Marsha Blackburn and the Honorable Janice Hahn. No other public comment will be made on this matter except in accordance with Committee rules.

###

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FOR RELEASE: Upon Receipt **January 29, 2014**

STATEMENT REGARDING THE INVESTIGATIVE SUBCOMMITTEE IN THE MATTER OF REPRESENTATIVE HENRY J. "TREY" RADEL III

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on January 29, 2014, to release the following statement on behalf of the Chairman and Ranking Member of the Investigative Subcommittee in the Matter of Representative Henry J. "Trey" Radel III:

On December 12, 2013, the Committee established this Investigative Subcommittee to determine whether Representative Henry J. "Trey" Radel III violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to conduct forming the basis for criminal charges of possession of cocaine in the District of Columbia, to which Representative Radel pled guilty on November 20, 2013. The Investigative Subcommittee began its investigation, but was unable to complete its work before Representative Radel resigned from the House on January 27, 2014. As a consequence, the Investigative Subcommittee no longer has jurisdiction over him.

This statement constitutes the Investigative Subcommittee's final action regarding this matter.

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FOR RELEASE: Upon Receipt **February 6, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE CATHY McMORRIS RODGERS

Pursuant to House Rule XI, Clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Cathy McMorris Rodgers, which was transmitted to the Committee by the Office of Congressional Ethics on December 23, 2013.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, March 24, 2014.

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FOR RELEASE: Upon Receipt **February 6, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MARKWAYNE MULLIN

Pursuant to House Rule XI, Clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Markwayne Mullin, which was transmitted to the Committee by the Office of Congressional Ethics on December 23, 2013.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, March 24, 2014.

U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: UPON RECEIPT **March 13, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER ON SELECTION OF ETHICS STAFF DIRECTOR

Chairman K. Michael Conaway and Ranking Member Linda T. Sánchez are pleased to announce the selection of Thomas A. Rust as Staff Director and Chief Counsel of the Committee on Ethics. The Committee unanimously agreed to the appointment of Mr. Rust, who is already employed by the Committee, effective today.

"Tom's experience on both the Committee's advice and education and investigation teams makes him uniquely qualified to lead the Committee," Chairman Conaway said. "I couldn't be more pleased with Tom's leadership and work ethic thus far and he will continue to ensure that the Committee serves the House community with integrity and fairness."

"I have been impressed by Tom's work since I joined the Committee," Ranking Member Sánchez said. "His counsel and judgment have earned him the trust and respect of the Members of the Committee and his coworkers alike, and he is a highly valued member of our team."

"I am humbled by the trust the Committee has placed in me," said Rust. "It is a true honor to work for Chairman Conaway and Ranking Member Sánchez, who are public servants of the highest order. Under their leadership, the Committee has approached every issue that has come before them in a serious, thoughtful, and nonpartisan manner, and I look forward to continuing the critical work of the Committee in improving the public's trust in their elected officials."

The Committee has sole jurisdiction over the interpretation of the Code of Official Conduct, which governs the actions of Members and staff. The Committee is the only standing House committee with equal numbers of Democratic and Republican Members. The Committee's staff is required by rule to be, and is, professional and nonpartisan. The Committee manages five critical responsibilities: training, advice and education, review of privately sponsored travel, financial disclosure, and investigations.

The Chairman and Ranking Member noted that the Committee has received numerous resumes to lead the Committee's staff, and chose Mr. Rust from many qualified candidates. Mr. Rust has worked as a nonpartisan staff attorney on the Committee on Ethics since 2009. He has served the Committee in a number of roles, including most recently as Interim Staff Director and Chief Counsel. Prior to that assignment, he held senior positions in the Committee's investigations and advice and education units.

Before he joined the Committee, Mr. Rust worked in private practice for eight years at two prestigious firms, where his work included representing companies and individuals in government investigations, counseling clients on ethics and compliance issues, and litigation. He is a graduate of the University of Virginia School of Law and the University of Virginia College of Arts and Sciences.

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FOR RELEASE: Upon Receipt **March 20, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE LUIS V. GUTIÉRREZ

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member of the Committee on Ethics (Committee) have jointly decided to extend the matter regarding Representative Luis V. Gutiérrez, which was transmitted to the Committee by the Office of Congressional Ethics on December 4, 2013.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, May 5, 2014.

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FOR RELEASE: Upon Receipt **March 24, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE CATHY MCMORRIS RODGERS

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on March 24, 2014, to release the following statement:

On December 23, 2013, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Cathy McMorris Rodgers. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on February 6, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative McMorris Rodgers and Representative McMorris Rodgers' submission to the Committee.

###

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FOR RELEASE: Upon Receipt **March 24, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MARKWAYNE MULLIN

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on March 24, 2014, to release the following statement:

On December 23, 2013, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Markwayne Mullin. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on February 6, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Mullin and Representative Mullin's submission to the Committee.

###

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FOR RELEASE: Upon Receipt **April 28, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE STEVE STOCKMAN

Pursuant to House Rule XI, Clause 3(b)(8)(A) and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Steve Stockman, which was transmitted to the Committee by the Office of Congressional Ethics on March 13, 2014.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Wednesday, June 11, 2014.

###

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FOR RELEASE: Upon Receipt **May 5, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE LUIS V. GUTIÉRREZ

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on May 5, 2014, to release the following statement:

On December 4, 2013, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Luis V. Gutiérrez. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on March 20, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Gutiérrez.

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U.S. House of Representatives

COMMITTEE ON ETHICS

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FOR RELEASE: Upon Receipt **May 23, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MICHAEL GRIMM

In accordance with House Rule XI, clause 3, H. Res. 451, and Committee Rules 10(a)(2) and 18(e)(2), the Committee on Ethics (Committee) unanimously voted on May 8, 2014, to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative Michael Grimm violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to allegations forming the basis for criminal charges of obstructing the tax law, conspiracy to defraud the United States, aiding and abetting tax evasion, health care fraud, wire fraud, mail fraud, unlawful employment of aliens, obstruction of an official proceeding, and perjury, as filed against him in the United States District Court for the Eastern District of New York on April 25, 2014.

The Honorable K. Michael Conaway will serve as the Chair of the Investigative Subcommittee, and the Honorable Linda T. Sánchez will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable Charles W. Dent and the Honorable Ted Deutch.

The Department of Justice has asked the Committee to defer consideration of the matters in the Investigative Subcommittee's jurisdiction. The Committee, following precedent, unanimously voted to recommend to the Investigative Subcommittee that it defer action on its investigation at this time. No other public comment will be made on this matter except in accordance with Committee rules.

###

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FOR RELEASE: Upon Receipt **June 11, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE STEVE STOCKMAN

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on June 11, 2014, to release the following statement:

On March 13, 2014, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Steve Stockman. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on April 27, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Stockman and Representative Stockman's submission to the Committee.

###

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FOR RELEASE: Upon Receipt **June 20, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING ALLEGATIONS RELATING TO REPRESENTATIVE DON YOUNG

On June 20, 2014, the Committee transmitted the attached Report to the House regarding allegations relating to Representative Don Young.

###

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FOR RELEASE: Upon Receipt **June 25, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MICHAEL GRIMM

Pursuant to Committee Rule 7(g) and 17A(j), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on June 25, 2014, to release the following statement:

On April 9, 2014, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding whether Representative Michael Grimm may have violated House Rules or law by threatening a reporter following the 2014 State of the Union address.

The Department of Justice has asked the Committee to defer consideration of this matter and the Committee, following precedent, unanimously voted on June 18, 2014, to defer consideration of this matter at this time. Pursuant to Committee Rule 17A(h)(1), the Committee is making the OCE's Report in this matter public. At least annually, the Committee will make a public statement if it continues to defer taking action on the matter. The Committee notes that the mere fact of its decision to defer action on this matter, and any mandatory disclosure of that decision and the OCE's Report, does not itself indicate that any violation has occurred.

###

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FOR RELEASE: Upon Receipt **July 3, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER ON ETHICS REGARDING DISCLOSURE OF PRIVATELY SPONSORED TRAVEL

Earlier this year, the Committee adopted several changes to its guidance regarding financial disclosure reporting. Among them was a revision to no longer require limited reporting of officially connected, privately sponsored travel on annual financial disclosure reports, provided that a much more detailed, publicly available report of the trip had already been filed. Some recent press reports regarding this change have created confusion in the House community by suggesting that Members and House staff no longer have to make any disclosure of privately sponsored travel, that the public would no longer have access to any information about privately sponsored travel, and that the rules governing what types of privately sponsored travel are acceptable have been changed. None of that is correct.

We wish to take this opportunity to explain what the Committee actually changed in its financial disclosure guidance and why the Committee's nonpartisan staff recommended the change, remind the House community about public disclosure of privately sponsored travel, and announce that the Committee will return to using its prior guidance regarding reporting of these trips on financial disclosure reports.

Nothing about the change in financial disclosure reporting of privately sponsored travel changed the other rules that apply to such trips. The Ethics Committee continues to enforce the requirement that all House Members and staff who wish to accept privately sponsored travel must continue to seek approval from the Ethics Committee at least 30 days before the trip, receive approval from the Committee prior to the trip, and file detailed paperwork about any such private trip within 15 days of the trip. Restrictions about what types of privately sponsored travel may be accepted – including limits on involvement by registered lobbyists and the length of trips offered by entities that employ or retain registered lobbyists – also remain in effect. Again, none of these requirements have been changed or diluted in any way.

The House community and the public should be aware that the limited disclosure of some details of privately sponsored travel by Members and a minority of staff many months after a trip – if not a year or longer – does not provide the House or the public with the same level of information as the already publicly available post-travel paperwork. This return to the Committee's earlier guidance will not result in any additional substantive disclosure about privately sponsored travel or any faster disclosure, and will apply only to Members and the limited number of staff who file financial disclosure reports.

Accordingly, we encourage anyone who is looking for information about privately sponsored travel to use the searchable online database of detailed post-travel filings on the Clerk's Web site. The public, the media, and outside groups have used this valuable resource for years and we anticipate that they will continue to do so.

It is possible that some financial disclosure filers who have already filed their calendar year 2013 financial disclosure report followed the Committee's earlier public guidance on this issue, and therefore omitted privately sponsored travel from 2013 on their statement. Any such filer should provide that additional information to the Clerk. Filers will have a specified deadline to do so, and the Committee will also follow up with those filers to provide more information. Providing additional information about an already filed financial disclosure report is routine.

We are incredibly proud of the work the Committee does, and the strides the Committee's Members and its staff have taken to improve the Committee and its processes. Both the Members of the Committee and its nonpartisan, professional staff are and remain steadfastly committed to effective and efficient public disclosure, and will continue to look for opportunities to improve the public filings required of Members, officers, and employees of the House.

This information is summarized in an attached Q&A format, and will also be provided to House Members and staff next week in the form of one of the Committee's regular memoranda on ethics matters, known in the House as "pink sheets."

###

Q&A Regarding Privately Sponsored Travel and Public Disclosure

Q. What did the Committee change?

A. The Committee adopted several changes to its guidance regarding financial disclosure reporting that were recommended by its nonpartisan, professional staff. One of those changes was a revision to no longer require limited reporting of officially connected, privately sponsored travel on annual financial disclosure reports, provided that a much more detailed, publicly available report of the trip had already been filed with the Clerk. The nonpartisan staff recommended this change because the additional reporting of privately sponsored travel on financial disclosure reports is duplicative of information the filer has already reported and that is made publicly available in the same place online as financial disclosure reports.

The nonpartisan staff did not recommend – and the Committee did not adopt – any changes to the types of private travel that may be accepted or to the more detailed and more timely public disclosures already filed with the Clerk.

All other forms of travel reportable on a financial disclosure statement continue to be reported, i.e., travel provided by 1) a private source in connection with the outside business or other activities of the filer or the filer's spouse (if the filer travels with the spouse); 2) a non-federal political organization source for travel in connection with a campaign or fundraising event; 3) a nonprofit group in connection with filer's attendance at a charity fundraising event; and 4) a foreign government under the Mutual Educational and Cultural Exchange Act (MECEA).

Q. How did this change come about?

A. In the 113th Congress the Committee and its nonpartisan staff collaborated with the Clerk's office as that office developed the new online financial disclosure filing system made available earlier this year. As part of that process, the Committee's nonpartisan staff identified a number of changes they recommended be made to the financial disclosure forms and instructions. One of the proposed changes was with respect to privately sponsored travel.

Q. Why did the Committee only make a change to reduce what Members and senior staff have to disclose on their financial disclosure reports?

A. The change to eliminate the duplicative reporting of privately sponsored trips was just one of a number of changes the nonpartisan staff recommended and the Committee adopted. Some changes actually clarify that more – not less – reporting is required. For example, the Committee clarified that filers must report Member-to-Member, Member-to-staff, and staff-to-staff gifts that aggregate in value to more than $350. This change requires more, not less, disclosure. Other changes may seem less substantive, but were also intended to increase convenience and efficiency. For example, the Committee

reordered the various schedules that comprise an annual financial disclosure report. That was done both to help filers complete the reports in a more common sense order, and to improve readability and usefulness of the reports to the public.

Q. What does any of this have to do with efficiency? It seems like requiring financial disclosure filers to report privately sponsored travel a second time isn't that big a deal.

A. The Committee reviews and certifies all annual financial disclosure statements that Members, candidates, and senior staff are required to file, as well as all periodic transaction reports that Members and senior staff file. These are time-intensive reviews, which require the dedication of substantial staff resources to complete. In addition, the Committee's financial disclosure experts speak and meet regularly with individual Members and staff to pre-screen their reports to prevent and avoid the necessity of filing amendments, or to provide assistance in completing the reports.

In 2013, the Committee's nonpartisan staff reviewed 2,651 financial disclosure statements and 1,637 periodic transaction reports. Where the Committee's review indicated that a filed financial disclosure report had a deficiency, such as a failure to include required information, the Committee requested an amendment from the filer. Such amendments are routine and, without evidence of a knowing or willful violation, the Committee will usually take no further action. However, the process of reviewing filed reports, contacting filers to request an amendment, reviewing that amendment is time consuming.

In the past, a number of filers who have already properly filed public reports of privately sponsored travel have inadvertently failed to include the less detailed summary of the trip on a subsequent financial disclosure report. Identifying and contacting those filers, as well as following up to ensure they file an amendment, and then reviewing the amendment consumed valuable staff time – all for review of less information than was already publicly available. Moreover, requiring financial disclosure filers to report privately sponsored travel on an FD effectively requires the Committee to review a private trip three times: first, before the trip, to determine if it should be approved; second, after the trip, when the Committee reviews the post-travel paperwork; and third, when the Committee reviews the financial disclosure report.

Q. How did the Committee announce the change? I heard this was done secretly, and the Committee never told anyone about the change.

A. As in prior years, the Committee made copies of the financial disclosure instructions available to all Members and staff filers, and also made the instructions publicly available on its Web site. The instructions were publicly distributed months ago. All of the revisions to the financial disclosure guidance were prominently highlighted in the instruction booklet issued earlier this year on page 2, under the header "**REPORTING CHANGES FOR 2013-2014.**" (emphasis original). The guidance noted that filers would no longer be required to "report privately-sponsored travel that has been approved by the Committee <u>and reported to the Clerk of the House</u>. Privately-sponsored travel will

continue to be disclosed on the Clerk's Web site, www.clerk.house.gov, under the 'Public Disclosure' tab." (emphasis added). In addition, more detailed instructions for completing the travel schedule, including a restatement of this change, was provided in the section of the instructions about travel, at pages 34-36.

Q. I saw a press story that said this change would have meant that no House Members or staff would be required to make any public disclosure of privately sponsored travel. Is that true?

A. No. To be clear, absolutely nothing was changed regarding the requirement that all Members and all House staff must file detailed, publicly available reports of privately sponsored travel within 15 days of the trip. That requirement has always remained in effect, and the Committee has and will continue to enforce it.

Q. I heard that I would no longer have to get Committee approval to go on a privately sponsored trip. Is that right?

A. No. To be clear, absolutely nothing was changed regarding the requirement that all Members and all House staff must seek and receive prior Committee approval to accept a privately sponsored trip. That includes a requirement that all Members and employees file detailed paperwork about a proposed trip at least 30 days before the start of the trip. That requirement has always remained in effect, and the Committee has and will continue to enforce it.

Q. But what about the press stories that said this means that lobbyists can now pay for lavish "junkets"?

A. This is not correct. All of the criteria that apply to what types of privately sponsored travel can be accepted by a Member or House employee remain unchanged. Among those requirements are prohibitions on lobbyist participation, and a one-day limit for trips offered by private sponsors that employ or retain registered lobbyists. In addition, registered lobbyists are prohibited from personally paying for privately sponsored travel. These requirements have always remained in effect, and the Committee has and will continue to enforce them.

Q. What is the Committee doing now?

A. In light of feedback we have received from our fellow Members and after further consideration, we have determined that the Committee will return to its previous guidance regarding disclosure of privately sponsored travel on financial disclosure reports, effective immediately. This revision is consistent with the Committee's ongoing mission to enforce House ethics rules and standards in a manner that protects the integrity of the House, promote meaningful transparency and public disclosure, articulate standards for compliance that can be easily understood by the House community, and help Members and staff meet those standards.

Q. What does the return to the Committee's previous guidance mean in practical terms?

A. To illustrate what the return to the previous guidance means, any Member or House staffer who accepted a privately sponsored trip during the current district work period and ending today, July 3, 2014, will have to file an extensive report of that trip with the Clerk by July 18, 2014 – just as they would have last year. The Clerk will promptly make that disclosure – including the actual cost of the trip – publicly available in a searchable online database. Members and senior staff who file financial disclosure statements next year – but not any other House staff – will also have to list the trip on the travel schedule of their calendar year 2014 financial disclosure statement. Financial disclosure reports covering 2014 will not be due until May 2015, and the travel schedules of calendar year 2014 financial disclosure reports will not include any information that will not have already been publicly available in a searchable database for 10 months.

Q. What about the claim that the travel paperwork filed with the Clerk is hard to find and inaccessible?

A. The House community and the public should know that public reports of all privately sponsored travel have been, and remain, easily accessible by the public in a searchable online database on the Clerk's Web site. Any assertion that this information is inaccessible or more difficult to find than Members' financial reports is inaccurate. In fact, the database of privately sponsored travel is on the very same web page of the Clerk's Web site as the database of Members' financial disclosure reports.

The Clerk's easy to use database allows the public to search privately sponsored trips by Member name, travel dates, private sponsor name, destination, or any combination of those fields. A user also has the option of downloading all private travel reports by year, going back to 2007.

The public, the media, and outside groups have used this valuable resource for years. We anticipate that they will continue to do so, and we encourage people who are looking for information about privately sponsored travel to look at the post-travel paperwork on the Clerk's Web site. For example, any news report or other publication that references a dollar total spent by private sponsors on this type of travel necessarily relies on the post-travel paperwork made publicly available by the Clerk, since a dollar value for travel has never been included in the financial disclosure reporting requirement. Similarly, any report of all privately sponsored travel offered by a particular sponsor would have to rely on the post-travel paperwork, since the vast majority of House employees do not file financial disclosure statements.

Q. I am a financial disclosure filer. What does the change back to the earlier guidance mean for me?

A. It is possible that some financial disclosure filers who have already filed their calendar year 2013 financial disclosure report followed the Committee's earlier public guidance on this issue and therefore omitted privately sponsored travel from 2013 on

their statement. Any such filer should provide that additional information to the Clerk. Filers will have a specified deadline to do so, and the Committee will also follow up with those filers to provide more information. Providing additional information about an already filed financial disclosure report is routine.

Any financial disclosure filer who has properly received an extension of time to file their calendar year 2013 financial disclosure report and has not yet filed their financial disclosure report should include on the travel schedule any privately sponsored travel they accepted in 2013, in addition to any other reportable types of travel.

Q. I am a House staffer, and I am not paid at the senior staff rate. What does this mean for me?

A. For the vast majority of House staff who are not paid at the senior staff rate, and as a result do not file financial disclosure reports, nothing changed. Neither the proposal to reduce the duplicative financial disclosure reporting nor the return to the Committee's prior guidance on this topic change the rules that apply to accepting privately sponsored travel or the requirement to file detailed, publicly available reports about such trips soon after the trip.

Q. I am a financial disclosure filer, and I received an extension of time to file my FD for CY 2013. How do I know I'm filling out the form correctly?

A. Any Member or employee who is required to file a financial disclosure report is always welcome to contact the Committee's nonpartisan staff with questions about the FD filing requirements. Committee staff can also speak with a filer's spouse, accountant, or other third party who helps prepare their FD report. As always, we encourage any Member or House employee who has questions about financial disclosure or any other ethics-related matter to contact the Committee for advice at 5-7103.

Q. I recently received an invitation to go on a privately sponsored trip during the upcoming August recess. How do I know what I need to do to see if I can go on the trip?

A. As described at greater length above, nothing about the requirements to accept privately sponsored travel has changed. Please keep in mind that all Members and House staff must submit the appropriate paperwork regarding an invitation to go on a privately sponsored trip to the Committee at least 30 days before the start of the trip. The submission deadline is rapidly approaching for any private travel during the August 2014 recess. The Committee has made a handy travel calculator available on its Web site to help you figure out when your paperwork is due. As always, we encourage any Member or House employee who has questions about privately sponsored travel or any other ethics-related matter to contact the Committee for advice at 5-7103.

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FOR RELEASE: Upon Receipt **July 25, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE BOBBY L. RUSH

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Bobby L. Rush, which was transmitted to the Committee by the Office of Congressional Ethics on June 10, 2014.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, November 10, 2014.

###

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FOR RELEASE: Upon Receipt **July 25, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE ED WHITFIELD

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Ed Whitfield, which was transmitted to the Committee by the Office of Congressional Ethics on June 10, 2014.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, November 10, 2014.

###

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FOR RELEASE: Upon Receipt **August 18, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE TOM PETRI

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Tom Petri, which was transmitted to the Committee by the Office of Congressional Ethics on July 2, 2014.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Tuesday, September 30, 2014.

###

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FOR RELEASE: Upon Receipt **September 11, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING ALLEGATIONS RELATING TO REPRESENTATIVE GWEN MOORE

On September 11, 2014, the Committee transmitted the attached Report to the House regarding the arrest of Representative Gwen Moore during a protest in West Milwaukee, Wisconsin, on September 4, 2014.

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FOR RELEASE: Upon Receipt **September 15, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE PAUL BROUN

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Paul Broun, which was transmitted to the Committee by the Office of Congressional Ethics on July 31, 2014.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Wednesday, October 29, 2014.

###

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FOR RELEASE: Upon Receipt **September 30, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE TOM PETRI

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on September 30, 2014, to release the following statement:

On July 2, 2014, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Tom Petri. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on August 18, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Petri and Representative Petri's submission to the Committee.

###

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Ranking Member

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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

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FOR RELEASE: Upon Receipt **October 29, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE PAUL BROUN

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on October 29, 2014, to release the following statement:

On July 31, 2014, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Paul Broun. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on September 15, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Broun.

###

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FOR RELEASE: Upon Receipt **November 10, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE BOBBY L. RUSH

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on November 10, 2014, to release the following statement:

On June 10, 2014, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Bobby L. Rush. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on July 25, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Rush and Representative Rush's submission to the Committee.

###

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FOR RELEASE: Upon Receipt **November 10, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE ED WHITFIELD

Pursuant to Committee Rule 7(g), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on November 10, 2014, to release the following statement:

On June 10, 2014, the Committee on Ethics received a referral from the Office of Congressional Ethics (OCE) regarding Representative Ed Whitfield. Pursuant to House Rule XI, clause 3(b)(8)(A) and Committee Rule 17A, the Chairman and Ranking Member jointly decided on July 25, 2014, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Whitfield and Representative Whitfield's submission to the Committee.

###

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FOR RELEASE: Upon Receipt **November 26, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MICHAEL GRIMM

Pursuant to House Rule XI, clause 3(b)(8)(C)(ii) and Committee Rule 17A(h)(2), the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on November 26, 2014, to release the following statement:

On June 29, 2012, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding whether Representative Michael Grimm may have violated federal campaign finance laws by soliciting and accepting prohibited campaign contributions, caused false information to be included in campaign finance reports, and improperly sought assistance from a foreign national in soliciting campaign contributions in exchange for offering to use his official position to assist that individual in obtaining a green card. In response to a request from the Department of Justice, the Committee unanimously voted to defer consideration of this matter, and announced that deferral in a public statement dated November 26, 2012.

The Department of Justice has asked the Committee to continue to defer consideration of this matter and the Committee, following precedent, agreed to continue to defer consideration of this matter at this time. At least annually, the Committee will make a public statement if it continues to defer taking action on the matter. The Committee previously made a similar statement on November 26, 2013. The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

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FOR RELEASE: Upon Receipt **December 11, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE JUDY CHU

On December 11, 2014, the Committee transmitted the attached Report to the House regarding allegations relating to Representative Judy Chu.

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FOR RELEASE: Upon Receipt **December 11, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE PHIL GINGREY

On December 11, 2014, the Committee transmitted the attached Report to the House regarding allegations relating to Representative Phil Gingrey.

###

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FOR RELEASE: Upon Receipt **December 11, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE ALCEE L. HASTINGS

On December 11, 2014, the Committee transmitted the attached Report to the House regarding allegations relating to Representative Alcee L. Hastings.

###

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FOR RELEASE: Upon Receipt **December 11, 2014**

STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE TOM PETRI

On December 11, 2014, the Committee transmitted the attached Report to the House regarding allegations relating to Representative Tom Petri.

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